

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 12 July 2007

**Ward:** Hull Road  
**Parish:** Hull Road Planning Panel

**Reference:** 07/01175/FUL  
**Application at:** 95 Lawrence Street York YO10 3DZ  
**For:** Conversion of 95 and 97 Lawrence Street to form 4no. flats and 1no. dwelling to the rear of 95 and 97 Lawrence Street with frontage on Nicholas Street  
**By:** Gary McManaman And Karen Long  
**Application Type:** Full Application  
**Target Date:** 24 July 2007

### 1.0 PROPOSAL

1.1 Conversion of two, large, Victorian semi-detached houses to provide two 3-bedroom flats, two 1-bedroom flats and one 3-bedroom house. The new flats would be provided in the main part of the building, which fronts onto Lawrence Street. The new house would be located within the existing, 2-storey, rear projection alongside Nicholas Street. A single-storey, lean-to rear extension would be added.

1.2 Two previous applications for residential development on the site were withdrawn (07/00044/FUL and 07/00404/FUL). Officers considered that both applications were unacceptable due to overdevelopment.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYH8  
Conversion to flats/HMO/student accom

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1  
Open spaces in new residential devts

CYGP9  
Landscaping

CYT4  
Cycle parking standards

CYGP4A  
Sustainability

### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No objections. Adequate cycle storage should be provided for all the units. No vehicular access onto the site should be provided from Nicholas Street.

Environmental Protection Unit - No objections subject to sound insulation being provided between dwellings.

Lifelong Learning & Leisure - Any open space payments would be used on the following sites: Amenity Space - St Nicolas Fields, Hull Road Park or Walmgate Stray; Play space - St Nicolas Fields or Hull Road Park; Sports pitches - East or South Zones of the Sports and Active Leisure Strategy.

#### **3.2 External.**

Hull Road Planning Panel - No objections but concern about lack of rear amenity space, overcrowding and emergency escape.

Public Consultation - The consultation period expires on 3 July 2007. To date one objection has been received raising the following planning issues: Increased traffic in the area, neighbour amenity, and no need for more flats. Any further representations will be reported at the meeting.

### **4.0 APPRAISAL**

#### **4.1 Key Issues:-**

- Housing provision;
- Visual appearance;
- Occupier amenity;
- Neighbour amenity;
- Access and parking;
- Open space provision.

#### **4.2 The Application Site**

Pair of imposing, predominantly 2.5-storey, semi-detached, single dwellinghouses with a 2-storey rear projection. The site has a gravelled area that, whilst not being used by the occupiers of the houses, lies within the curtilage. The houses are occupied by a total of 11 students. The site has two off-street parking spaces accessed from Lawrence Street.

The site lies at a road junction and faces a main road out of the city. The area is mixed but predominantly residential. To the side is a single-storey car sales/repair business.

#### 4.3 Housing Provision

The site is brownfield and within the development limits, close to public transport and local services. The site is therefore in a sustainable location and, in principle, suitable for housing development.

#### 4.4 Visual Appearance.

The main alterations to the external appearance would be (1) the erection of a single-storey, lean-to rear extension (2) bin/cycle enclosures and (3) improved boundary treatment. The scale and general appearance of the rear extension are in keeping with the character of the existing building and the area. Revised plans are awaited showing acceptable cycle/bin enclosures and boundary treatment. In the interim officers recommend that they are made the subject of conditions. If adequate details are received before committee the relevant conditions can be removed from the recommendations.

#### 4.5 Occupier Amenity

The standard of accommodation is acceptable subject to adequate soundproofing being provided between the units. The proposed dwelling at the rear of the building would have sole use of the rear amenity space. However the quality of the space is poor due to its shaded position on the north side of the imposing building. The loss of some of the space to the lean-to extension is acceptable.

The occupiers of the proposed flats would have no formal amenity space. Nevertheless there would be some open space along the two road frontages to provide some separation from the public highway. The provision of any meaningful open space for the flats is limited due to the site's location fronting onto a major road and next to a car repair business..

#### 4.6 Neighbour Amenity

The proposals are unlikely to cause any material impact on neighbouring occupiers. The objections regarding disturbance during construction works and in relation to additional traffic could not it is considered be sustained given that the application relates to a conversion and only one new build, and given the small number of units proposed together with lack of objection from Highway Network Management. A condition restricting permitted development rights is proposed to limit any future impact that could otherwise occur.

#### 4.7 Access and Parking

The two existing parking spaces on the Lawrence Street frontage would remain. The council's highway officer has no fundamental objections to the application subject to there being no vehicular access from Nicholas Street. This can be ensured by

condition. Details of adequate cycle storage are expected. This should also be conditioned.

#### 4.8 Open Space Contribution

A developer contribution of £1,479 would be required for the provision of public open space in accordance with policy L1 of the local plan. This has been accepted by the applicant.

#### 4.9 Other Matters

The site would not easily be able to accommodate further development. Officer therefore recommend that, if planning permission is granted, permitted development rights are removed.

### 5.0 CONCLUSION

5.1 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 principle of housing development, housing density, visual appearance, neighbour amenity, parking and provision of public open space. As such the proposal complies with policies GP1, and H7 of the City of York Local Plan Deposit Draft. A developer contribution of £1,479 would be required for the provision of public open space.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIME2

2 The development hereby permitted shall not be carried otherwise than in complete accordance with the approved plans and other submitted details or as may otherwise be agreed in writing by the Local Planning Authority.

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

3 The materials to be used externally, including bin and cycle enclosures, shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 The floors and walls between each of the proposed flats and the adjacent dwellings shall be so adapted as to achieve a reasonable resistance to airborne / impact sound. Insulation shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works. Details of the floor and ceiling construction and proposed sound insulation measures, together with a composite sound reduction index for the new floor/ceiling will be required. The

development shall be undertaken in accordance with the agreed submitted scheme.

Reason: To ensure a satisfactory standard of residential amenity for future occupiers.

- 5 No vehicular access onto the site shall be taken from Nicholas Street at any time.

Reason: In the interests of highway safety

- 6 No development shall take place until details of refuse/recycling enclosures for the existing and proposed dwellings on the site have been submitted to and approved in writing by the local planning authority. The enclosures shall be provided in accordance with the approved details before the dwellings hereby approved are occupied, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

- 7 HWAY18

- 8 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 G 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.

- 9 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 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 £1,479.

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.

- 10 No development shall take place until details of boundary treatment along the boundaries with the public highway have been submitted to and approved in writing by the local planning authority. The proposals shall be provided in accordance with the approved details before the premises hereby approved are occupied and shall thereafter be retained and shall not be removed without the written consent of the local planning authority.

Reason: In the interests of visual amenity.

## **7.0 INFORMATIVES: Notes to Applicant**

1. 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 principle of housing development, housing density, visual appearance, sustainability, neighbour amenity, access, parking, cycle storage and open space. As such the proposal complies with policies GP1, H4a, H5a, H8, GP4a, GP9, T4 and L1 of the City of York Local Plan Deposit Draft. of the City of York Local Plan Deposit Draft.

2. 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.

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.

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