



## Notice of meeting of

### **West & City Centre Area Planning Sub-Committee**

**To:** Councillors B Watson (Chair), Sue Galloway (Vice-Chair), Horton, Galvin, Reid, Gillies, Gunnell, Jamieson-Ball and Sunderland

**Date:** Tuesday, 27 November 2007

**Time:** 12.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00 am on Tuesday 27<sup>th</sup> November 2007.**

#### **1. Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

#### **2. Minutes (Pages 5 - 12)**

To approve and sign the minutes of the meetings of the West & City Centre Area Planning Sub-Committee held on 18<sup>th</sup> October 2007 and 31<sup>st</sup> October 2007.

#### **3. Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

#### **4. Plans List**

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

**a) 26 Aldborough Way (07/02354/FUL) (Pages 13 - 20)**

Single storey pitched roof extension [*Holgate Ward*]

**b) St Barnabas school (07/02229/REMM) (Pages 21 - 32)**

Reserved matters application for the erection of 2 and 3 storey building to form 14 apartments with associated parking after demolition of existing building (following outline permission ref: 05/01689/OUT granted on appeal 18/09/06) [*Holgate Ward*]

#### **5. Any other business which the Chair considers urgent under the Local Government Act 1972**

#### Democracy Officer

Name: Tracy Wallis

Contact Details:

- Telephone (01904) 552062
- Email – [tracy.wallis@york.gov.uk](mailto:tracy.wallis@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE****SITE VISITS****Tuesday 27 November 2007****There will be no bus for this visit**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>11.00</b>	<b>26 Aldborough Way</b>	<b>a</b>

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### Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
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**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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## City of York Council

## Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 OCTOBER 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, REID, GILLIES, SUNDERLAND AND BOWGETT (SUBSTITUTE)
APOLOGIES	COUNCILLORS HORTON, GUNNELL AND JAMIESON-BALL

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**41. INSPECTION OF SITES**

The following sites were inspected before the meeting:

Site	Attended by	Reason for Visit
218 Salisbury Terrace	Councillors B Watson & Gillies	As objections had been received and the application was recommended for approval.

**42. DECLARATIONS OF INTEREST**

At this point Members were asked to declare any personal or prejudicial interests they may have in the business on the agenda. None were declared.

**43. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the Press and Public be excluded from the meeting during consideration of the annexes to agenda item 6 (Enforcement Cases Update) on the grounds that they contain information classed as exempt under paragraph 6 of Schedule 12A to Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006. This information, if disclosed to the public would reveal that the authority proposes to give, under any enactment, a notice under or by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment.

**44. MINUTES**

RESOLVED: That the minutes of the meeting held on 20<sup>th</sup> September 2007 be approved and signed by the Chair as a correct record.

**45. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

**46. PLANS LIST**

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and Officers.

**46a 218 Salisbury Terrace, York (07/02105/FUL)**

Members considered a full application submitted by the Reverend Karen Burnett-Hall for the conversion of the existing church hall to 3 one-bedroom apartments and external alterations (resubmission).

The Officer updated that Highway Network Management were still awaiting details of cycle storage. One additional representation had been received that highlighted the following:

- Conditioning the alterations to the church to take place within a 3 month period so that the current facility users are not without a base.
- Flooding -
- Allocation of Section 106 monies so that £1080 for outdoor amenity is spent on Back Park.

Members felt that any Section 106 monies should be used on leisure facilities for the area but no specific project or amenity should be conditioned.

Representations were received from the Applicant's Agent who stressed the importance of improving the quality and quantity of community facilities.

RESOLVED: That the application be approved subject to the conditions outlined in the report.

REASON: That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity, residential amenity, provision of community facilities, flood risk and highway safety. As such the proposal complies with Policies GP1, GP4a,

GP15, H4, C3 and L1c of the City of York Local Plan Deposit Draft.

**46b The Blue Fly Cafe Bar (07/02146/FUL)**

Members considered a full application submitted by Mr James Doughty for the variation of condition 3 of planning permission 06/01336/FUL for 10 New Street and variation of condition 4 of planning permission 06/00339/FUL for 10A New Street to alter opening hours of existing Café bar to 0900-0430 Monday to Sunday.

Officers updated that paragraph 3.1 of the report was incorrect and because the original pavement café licence had been issued before the introduction of the new guidelines regarding operating hours of pavement cafés then the Blue Fly Café could already operate until 0330am. An additional representation in objection to the application had been received regarding customers not remaining within the barrier of the premises, thus spilling onto and blocking the highway. The letter also referred to the fact that pavement café licences allocated by Highway Network Management can only operate until 8pm.

Representations were received at the meeting from the agent to the applicant who said that the additional letter was based upon a false premise as it had already been acknowledged in the Officer update that the pavement café licence had been issued before the new guidelines came into operation. He stated that the café bar was policed properly and security staff were employed.

**RESOLVED:** That the application be approved subject to the conditions outlined in the report.

**REASON:** That the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the function of the area, the character and appearance of the Conservation Area, the setting and historic interest of the listed building, the amenities of nearby occupants and highway safety. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan and Policies HE3, HE4 and S6 of the City of York Development Control Local Plan Deposit Draft, incorporating the 4<sup>th</sup> set of changes.

**47. ENFORCEMENT CASES UPDATE**

Members considered a report, which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

**RESOLVED:** That the reports be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

COUNCILLOR B WATSON

CHAIR

The meeting started at 3.05 pm and finished at 4.15 pm.

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	31 OCTOBER 2007
PRESENT	COUNCILLORS B WATSON (CHAIR), SUE GALLOWAY (VICE-CHAIR), GALVIN, REID, GILLIES, GUNNELL AND SUNDERLAND
APOLOGIES	COUNCILLORS HORTON AND JAMIESON-BALL

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**48. INSPECTION OF SITES**

The following site was inspected before the meeting:

Site	Attended by	Reason for visit
Woodhouse Farm, Grange Lane, Rufforth	Councillors B Watson, S Galloway, Galvin, Gillies, Gunnell, Reid and Sunderland.	The application had been recommended for approval and objections had been received.

**49. DECLARATIONS OF INTEREST**

Members were invited to declare any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

**50. MINUTES**

RESOLVED: That the minutes of the meeting of the Sub-Committee held on 2 October 2007 be approved and signed by the Chair as a correct record.

**51. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

**52. PLANS LIST**

Members considered a report of the Assistant Director, Planning & Sustainable Development, relating to the following planning application, outlining the proposals and relevant considerations and setting out the views and advice of consultees and Officers.

**52a Woodhouse Farm Rufforth (07/01687/FULM)**

Members considered a full application submitted by Mr E Swiers and Mrs R Grainger for a change of use of agricultural buildings to a tyre shredding facility (Class B2), including the siting of a caravan for use as an office / amenity facility.

Officers provided an update at the meeting, recommending an amendment to Condition 4 at paragraph 6 of the report and the addition of a further condition that the proposed caravan be used only as an office and not for residential purposes.

Representations were received from the Chair of Rufforth and Knapton Parish Council, objecting to the application on the grounds that it would damage the local environment and, as an industrial rather than agricultural use, should not be permitted within the green belt. Representations were also received from the applicant in support of the application.

In order to address concerns raised by the Parish Council, Members sought a reduction to the hours of delivery and operation set out in Conditions 7 and 8 in the report, additional conditions to limit the use of the site to a tyre shredding facility only and to ensure the clearance of any tyres deposited unlawfully in the vicinity of the premises, and an informative to encourage access to the site via the Ring Road rather than through the village.

**RESOLVED:** That the application be approved, subject to the conditions outlined in the report and the following amended and additional conditions and Informative:

Amended Condition 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, B and C of Schedule 2, Part 6 of that Order shall not be carried out on the land forming the Woodhouse Farm agricultural holding without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of the amenities of the adjoining residents and the amenity of the green belt, the Local Planning Authority considers that it should exercise control over any future development 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.

Amended Condition 5: Notwithstanding the submitted plans there shall be no tyres or other materials stacked or stored outside any building on the site.

**Reason:** In the interests of visual amenity in this prominent open countryside and Green Belt location.

Amended Condition 7: All deliveries to and from the site shall be confined to the following hours:

Monday to Friday:	08:00 – 17:00
Saturday:	08:00 – 12:00
Sunday, Bank and Public Holidays:	Not at all

Reason: To protect the amenity of the local residents from noise.

Amended Condition 8: The hours of operation permitted shall be confined to the following hours:

Monday to Friday:	08:00 – 18:00
Saturday:	08:00 – 12:00
Sunday, Bank and Public Holidays:	Not at all

Reason: To protect the amenity of the local residents from noise.

Additional Condition 11: The proposed caravan shall only be used as an office and shall at no time be used for residential purposes.

Reason: Residential use of the caravan would be inappropriate use in the green belt, contrary to Policy GB1 of the City of York Council Development Control Local Plan.

Additional Condition 12: Notwithstanding the provisions of the Use Class Order the buildings shall be used for a tyre shredding facility only and no other use, including any other use within use class B2 (general industry)

Reason: To protect the special interests of the green belt, which could be affected by potential future uses of the site.

Additional Condition 13: At the end of each working day, any fly-tipped material on the application site shall be removed and disposed of.

Reason: The proposed use may encourage the tipping of materials on and near this site; the conditioned removal of the materials would limit the impact on the wider green belt.

Informative: Any advertising materials produced should encourage the routing of vehicles from the City of York Ring Road (A1237) and any regular delivery drivers shall be instructed to use that route and avoid Rufforth village.

COUNCILLOR B WATSON

CHAIR

The meeting started at 12.00 pm and finished at 12.45 pm.

**COMMITTEE REPORT**

**Committee:** West/Centre Area      **Ward:** Holgate  
**Date:** 27 November 2007      **Parish:** No Parish

**Reference:** 07/02354/FUL  
**Application at:** 26 Aldborough Way York YO26 4UX  
**For:** Single storey pitched roof rear extension  
**By:** Mr And Mrs D Fotheringham  
**Application Type:** Full Application  
**Target Date:** 28 November 2007

**1.0 PROPOSAL**

1.1 The application is for a single storey pitched roof rear extension.

1.2 The semi detached dwelling is part of a recently built housing estate close to the main east coast rail line.

1.3 The application has been called before committee at the request of Cllr. Denise Bowgett as the neighbour has objected. As objections to the proposal have been received a site visit is required.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

2.2 Policies:

CYH7  
Residential extensions

CYGP1  
Design

**3.0 CONSULTATIONS**

3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 15/11/2007

Site Notice - N/A

Press Advert - N/A

Internal/External Consultations - N/A

8 WEEK TARGET DATE 28/11/2007

### 3.2 INTERNAL CONSULTATIONS

None received

### 3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

#### 4 LETTERS OF OBJECTIONS FROM ONE NEIGHBOUR

- Would be built up to the boundary, would not be able to maintain the side elevation
- Height and the proximity would cause a loss of light to kitchen and dining room windows
- Design is unacceptable
- Concern about impact of foundations and sewers

## 4.0 APPRAISAL

### 4.1 RELEVANT SITE HISTORY

None

### 4.2 ADDITIONAL PLANNING POLICY

CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001

### 4.3 KEY ISSUES

1. Visual impact on the dwelling and the area
2. Impact on neighbouring property

### 4.4 ASSESSMENT

#### PLANNING POLICY

4.4.1 Policy GP1 'Design' of the City of York Council Development Control Local Plan 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.

4.4.2 Policy H7 'Residential Extensions' of the City of York Council Development Control Local Plan sets out a list of design criteria against which proposals for house extensions are considered. The list includes the need to ensure that the design and scale are appropriate in relation to the main building; that proposals respect the character of area and spaces between dwellings; and that there should be no adverse effect on the amenity that neighbouring residents could reasonably expect to enjoy.

4.4.3 The City of York Council's supplementary planning guidance - Guide to extensions and alterations to private dwelling houses states that the basic shape and size of the extension should be sympathetic to the design of the original dwelling. The scale of the new extension should not dominate the original building. An extension in the style of the existing dwelling is likely to be the most acceptable. The direction a property faces will have an effect on the impact of a proposed extension in terms of loss of light and overshadowing. Generally roofs that reflect the pitch and style of the existing roof are encouraged. The pitch of the main roof of the dwelling should be continued on the extended roof.

#### VISUAL IMPACT ON THE DWELLING AND THE AREA

4.4.4. The proposed single storey rear extension is of a modest design and fits in with simple design and character of the dwelling and whilst the pitch of the roof is different to the original dwelling it is not considered to have a harmful visual impact. The proposed extension would be barely visible from the street and is not considered to have an undue impact on the streetscape or the area.

#### IMPACT ON NEIGHBOURING PROPERTY

4.4.5 The proposed extension would protrude from the rear extension by 3 metres and would be built up to the side boundary with 24 Aldborough Way. The maximum height of the proposed extension would be 3.2 metres, and 2.6 metres to the eaves; the height is modest and not considered to create an overbearing impact to the occupants of 24 Aldborough Way. The ground floor of 24 Aldborough Way to the rear has a kitchen dining room; there is a small kitchen window close to the boundary with 26 Aldborough Way, and French doors to the dining room element. The proposed side extension by virtue of its height, orientation, and its proximity to the boundary with 24 Aldborough Way would cause some overshadowing to the kitchen window (ground floor window just set off the side boundary) of 24 Aldborough Way. However as the main window to this room (and the one that provides much of the light) are the French window/doors, on balance it is considered that the proposal would not cause sufficient loss of light or overshadowing to significantly affect the light reaching this room. There would be a slight loss in the early morning sunshine as the rear elevations face south and the proposed extension would be to the east but again it is not considered to be significant enough to warrant refusal.

4.4.6 It is not considered to impact on the amenity of the occupants of the other neighbouring dwellings by virtue of orientation and distance.

4.4.7 Any impact to foundations or sewage would be dealt with under the building regulations and the Party Wall Act (1996). Access to the side elevation for maintenance would be a private matter.

## **5.0 CONCLUSION**

5.1 The proposed single storey rear extension is of a modest design and whilst it would impact on the secondary window to the kitchen dining room of 24 Aldborough Way it is not considered to cause sufficient harm to the residential amenity of the occupants of 24 Aldborough Way to warrant refusal. Approval is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Approve

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

Drawing Number FAW/04 received 2 September 2007  
Drawing Number FAW/05/A received 29 October 2007;

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.

2 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Reason: To achieve a visually acceptable form of development.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) no additional windows other than those shown on the approved plans shall be constructed.

Reason: As the insertion of additional windows could have a serious impact on the privacy of neighbours and should therefore be controlled.

## **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 the residential amenity of the neighbours, and the visual amenity of the dwelling and the locality. As such, the proposal complies with Policies H7 and GP1 of the City of York Development Control Local Plan (2005); national planning guidance contained in Planning Policy Statement 1 "Delivering Sustainable Development"; and supplementary design guidance contained in the City of York's "A guide to extensions and alterations to private dwelling houses".

#### **2. Party Wall Act, 1996**

You are advised that the development may involve building work covered by the Party Wall etc Act 1996 that is separate from planning or building regulations control. Do not commence work on the development until you comply with the provisions of this Act. An explanatory booklet may be obtained from the City of York's Department of City Strategy, or alternatively it is available on the Department of Communities and Local Government, [www.communities.gov.uk](http://www.communities.gov.uk).

#### **Contact details:**

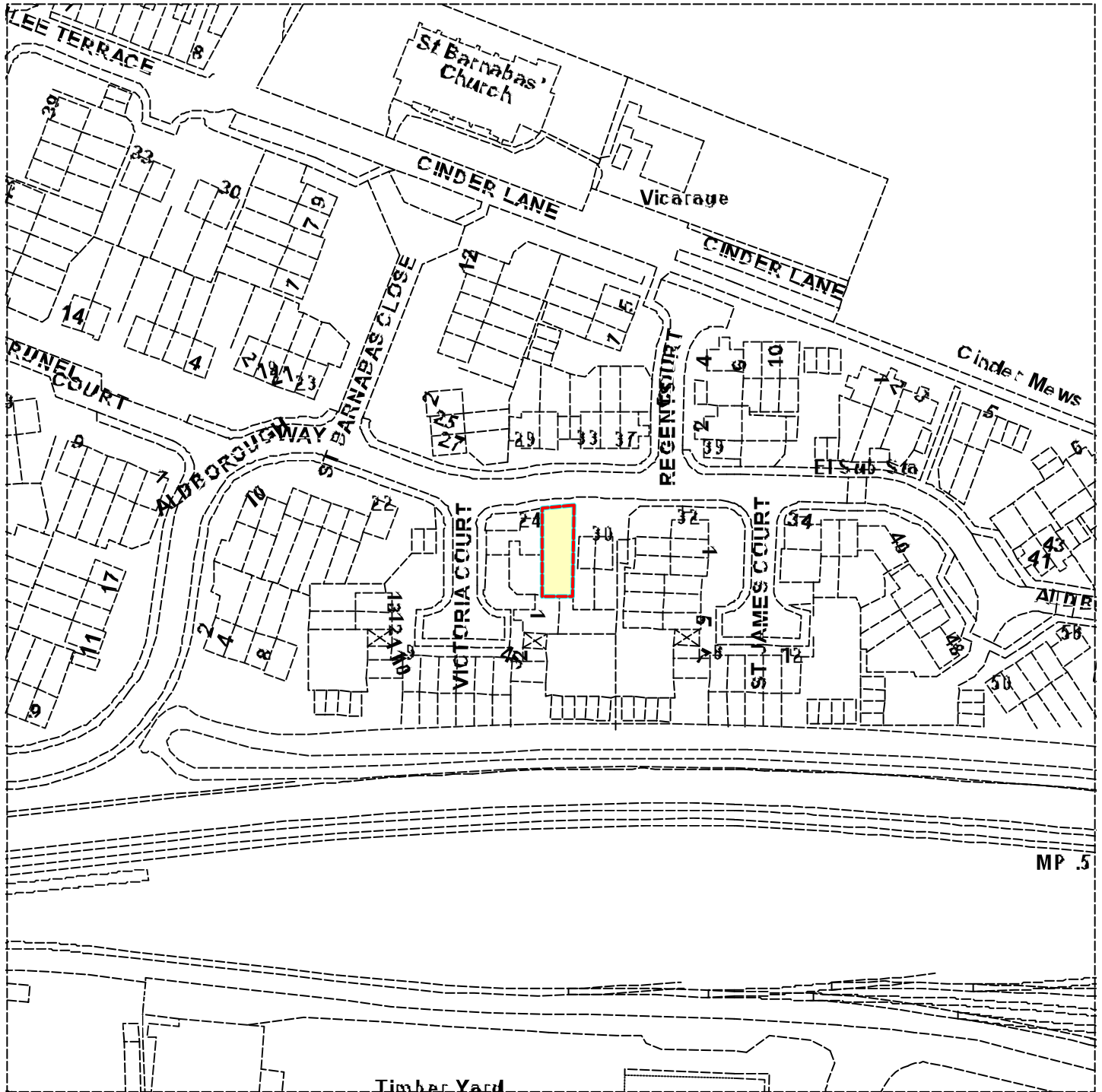
**Author:** Victoria Bell Development Control Officer

**Tel No:** 01904 551347

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# 26 Aldborough Way

Ref 07/02354/FUL



Scale : 1:1250

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Organisation	CYC
Department	DEDs
Comments	Application Site
Date	23 November 2007
SLA Number	

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**COMMITTEE REPORT**

**Committee:** West/Centre Area      **Ward:** Holgate  
**Date:** 27<sup>th</sup> November 2007      **Parish:** No Parish

**Reference:** 07/02229/REMM  
**Application at:** St Barnabas Voluntary Primary School Bright Street York YO26 4XS  
**For:** Reserved matters application for the erection of 2 and 3 storey building to form 14no. apartments with associated parking after demolition of existing building (following outline permission ref: 05/01689/OUT granted on appeal 18/09/06)  
**By:** Daniel Gath Homes Ltd  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 18 December 2007

**1.0 PROPOSAL**Application Site

1.1 The application relates to what was formerly the St Barnabas School site, which fronts onto Bright Street between Bromley Street and Hanover Street East. The site is 0.09Ha in size. The school building occupies 70% of the site, the rest is hardstanding. Terraced housing surrounds the site.

1.2 The school building was built in 1884 and later extended in 1997. The original building is of Gothic design of red brick and stone dressing. The later extension is also of red brick, which is a poor match to the original building.

Proposed development

1.3 The application proposes 14 flats, 7 1-bed, 7 2-bed at a density of 155.4 units per hectare. The development would be part 2-storey, part 3-storey. 9 off street car parking spaces and outdoor amenity space are proposed on site.

1.4 This application is for reserved matters approval after outline permission for residential was granted in 2006. The application covers the amount and type of dwellings, their siting, design and landscaping.

Site History

1.5 After it was decided that the school would move to its new site by St Barnabas Church an outline application for the principle to develop the application site as residential was submitted in August 2005. The application also proposed an access into the site, from Bright Street. An indicative plan illustrated a two-storey high development of 9 units and a covered vehicle entrance on Bright Street leading to 8 car parking spaces.

1.6 The outline application was refused at planning committee. The application was recommended to be approved by officers on the grounds that the existing building was not listed, nor was it of listable quality. The surrounding area was residential and thus the principle of residential was considered to be acceptable. The application was refused by members at planning committee in October 2005. The reason for refusal was -

"Implementation of the proposed development would necessitate the loss of a landmark building of townscape, historical and cultural importance and the local planning authority is not convinced that on the basis of the submitted material a modern replacement building would make the same contribution to the townscape as the existing building as such the proposal would conflict with principles of Policy E4 of the approved North Yorkshire County Structure Plan, Policy SP3 of the City of York Deposit Draft Local Plan and advice contained within Planning Policy Statement 1 - Delivering Sustainable Development".

1.7 The decision to refuse the application was appealed against. The inspector allowed the appeal, concluding that the principle of residential with a single access from Bright Street was acceptable. The inspector advised that the building could not be regarded as a landmark building and was in fact a "bleak and forbidding building" of "limited value". It was added that the building was overbearing due to its proximity to surrounding houses. It could not be determined that the development would harm the appearance of the area, as the design of the replacement building would be assessed at the reserved matters stage.

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

City Boundary York City Boundary 0001  
DC Area Teams West Area 0004  
Floodzone 2 Flood Zone 2 CONF  
Floodzone 3 Flood Zone 3  
Schools St. Barnabas' CE Primary 0224

### **2.2 Policies:**

CYGP1 Design  
CYGP3 Planning against crime  
CYGP4A Sustainability  
CYH3C Mix of Dwellings on Housing Site  
CYH4A Housing Windfalls  
CYH5A Residential Density  
CYGP15 Protection from flooding  
CYT4 Cycle parking standards

### 3.0 CONSULTATIONS

#### Internal

##### City Development

3.1 Object to the mix and size of residential units proposed. Reference is made to the Strategic Housing Market Assessment (SHMA), which breaks down (housing) demand into 3 distinct sub-areas. For the urban sub-area (where this site is located) there is a very strong demand for 3 bedroom or above homes. City Development advise that given the size of the site, it would be reasonable to expect 2 and 3 bedroom units to be proposed.

3.2 Also comment that no sustainability statement has been submitted, as required by policy GP4a of the Local Plan.

##### Design, Conservation and Sustainable Development

3.3 No comment, as the site is not in a conservation area, nor are any listed buildings involved/affected.

##### Drainage

3.4 No response to date.

##### Environmental Protection Unit

3.5 No response to date.

##### Highway Network Management

3.6 No objection

#### External

##### Environment Agency

3.7 Object as the proposed building is not fully above 11.54m AOD. It was specified in condition 10 of the outline approval that floor levels should be at least 11.54m AOD, to prevent flooding.

##### Safer York Partnership

3.8 No response.

##### Publicity

3.9 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 31.10.07. 7 letters have been received, including one from Councillors Crisp, Bowgett and Alexander. The comments received are summarised as follows -

- School building is beginning to look dilapidated. The proposal is welcomed - the building height is lower than the existing school, off street parking is proposed and the building proposed would not look out of place in the area.
- The site would preferably be developed for affordable housing.

- Contributions should be required for open space for surrounding development.
- The development is 155.4 units per hectare; this is overdevelopment of the site. The three-storey development would be out of keeping with the surrounding area, which is predominantly two-storey. It would also lead to overlooking over backs of houses on Albany Street.
- Car parking is already a problem in the area; this would be worsened by the proposed development as there are only 9 spaces proposed for 14 units.
- Development would overshadow some of the houses on Bright Street.
- There are no community areas for washing/drying clothes.
- Site should be gated for security purposes and appropriate lighting required.
- What would be the impact on the water supply to surrounding occupants, sewage, and the collection of recyclables?

## **4.0 APPRAISAL**

### **4.1 Key issues**

- Principle of development
- Amount and type of housing
- Design and appearance
- Residential amenity
- Sustainability
- Highway safety
- Flood risk

#### *Principle of development*

4.2 The principle of residential use of the site was set by the outline approval. The point of access was also agreed. Although along with the outline submission there was an indicative layout detailing the location of residential units, their height (two-storey), size and number, these elements were indicative only. It is up to the reserved matters application to agree how many dwellings can be delivered on the site, their type and the design/appearance of the scheme.

4.3 There were no conditions requiring affordable housing, or contributions toward open space and education attached to the outline approval. As such affordable housing and financial contributions cannot be requested at the reserved matters stage.

Amount and type of housing

4.4 PPS3: Housing requires Local Planning Authorities to adopt an evidence based approach to housing delivery. Policies should be informed by housing need and demand, through housing market and housing land availability assessments.

4.5 The Council has carried out a Strategic Housing Market Assessment (SHMA), adopted by the Council for Development Control purposes on the 27 September 2007. The report is comprehensive and up to date, and looks at what is appropriate in York in terms of housing tenure, size and type, in order to help create mixed and balance communities. The Study reveals a demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms. Over 60% of households are looking for houses rather than flats.

4.6 H3c of the draft Local Plan asks for a mix of housing on all sites.

4.7 The application proposes 14 flats, 7 of which have one bedroom, 7 two bedrooms. In floorspace these are either 46m<sup>2</sup>, 47m<sup>2</sup>, 51m<sup>2</sup>, 52m<sup>2</sup>, 53m<sup>2</sup> or 60m<sup>2</sup>. All flats would have a single kitchen, dining and living area and the second bedrooms (where proposed) are of limited size, with room for little more than a single bed and wardrobe. The flats offer limited space for storage. The site is large is enough to accommodate a mix of units although no larger units, be they flats or houses are proposed. The proposal is therefore contrary to the findings of the SHMA which advises that 3 and 4 bed units are required just as much as 1 and 2 bed units and that the demand for houses is greater than that for flats. As such the proposed development would not help deliver a mixed/balanced community as required by the SHMA and policy H3c of the Local Plan.

Design and appearance

4.8 National guidance contained in planning policy statements 1 and 3 are relevant to design, in general (PPS1: Delivering Sustainable Development), and housing design (PPS3: Housing). PPS1 seeks to deliver high quality development through good and inclusive design and states that design which fails to take the opportunities available for improving the character and quality of the area should not be accepted. PPS3 states that the planning system should deliver high quality housing that is well designed and built to a high standard. Development should be distinctive, maintain character and make efficient and effective use of land.

4.9 GP1 states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; avoid the loss of open spaces which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage.

4.10 H4a requires housing developments to be of an appropriate scale and density to surrounding development and not have a detrimental impact on existing landscape features. H5a states the scale and design of proposed residential developments should be compatible with the surrounding area and must not harm

local amenity. It also recommends densities that development should achieve - 40 dwellings per hectare in urban areas.

4.11 The site size is 0.09Ha thus 155.4 units per hectare are proposed. In the surrounding area, the typical floorspace of a terraced house varies between 60 to 65m<sup>2</sup>. To compare densities, 2-24 Albany Street are at 174 units per hectare. Although the density of the proposed development is well in excess of the 40 dwellings per hectare recommended in policy H5a, the immediate surrounding area contains terraces of housing of a similar, sometimes higher density. In this context the development by virtue of its density would not appear out of character with its surroundings.

4.12 The layout and scale of the development is considered to be appropriate to, and would maintain the appearance of the area. In this respect the proposal is in accordance with policies GP1 and H4a of the Draft Local Plan.

4.13 The proposed development would be of traditional materials - brick and render. The roof tiles are to be agreed but slate or similar would be in keeping with the area. Most windows would have a vertical emphasis, in character with the terraced houses around. The design aims to add interest through the use of large bay windows and a gable end on a prominent corner of the site, facing Salisbury Terrace. Overall it is considered the proposed building would maintain the character of the area but would contain detailing that would help it stand out from the surrounding terraces.

#### *Waste storage*

4.14 Through negotiation with the agent it has been attempted to make the bin storage inconspicuous. It would have been preferred that bin stores were designed into the building and not freestanding. However the revised plans locate bin stores so they would be inconspicuous from windows of the proposed ground floor flats. Adequate space is allocated for waste bins for each flat (4 bins measuring 1360mm by 770mm) with room left to accommodate bins storing recyclable materials.

#### *Amenity space*

4.15 The revised layout moved the bin and cycle stores, increasing the amount of outdoor amenity space. Although the internal courtyard area is somewhat dominated by car parking, the two main landscaped spaces are of reasonable size and are considered to be acceptable.

#### *Crime prevention*

4.16 Draft Local Plan Policy GP3 encourages crime prevention measures in new developments such as natural surveillance; secure locations for car and cycle parking and satisfactory lighting.

4.17 The internal parking and amenity areas would be overlooked by the proposed development. A scheme of lighting for the internal area has not been submitted, this could be a condition of approval. The applicant could be advised of the Secure By Design scheme, which would require that doors and windows are secure to British Standards. It was suggested at outline stage by the Police Architectural Liaison Officer (ALO) that the covered way be gated, or that an alternative road surface were

proposed, to create a sense of ownership of the area, and to prevent persons congregating in the entrance. A change in surface materials is preferable because a gate would need to be around 5.5m back from the highway, thus it would be inadequate for its intended purpose.

#### Residential amenity

4.18 GP1 requires that developments ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or overdominance.

#### *Overlooking*

4.19 The lowest separation distance between the proposed building and surrounding houses is 11.3m (facing 1-4 Bromley Street), across Bright Street and Hanover Street the separation between buildings is 12m/12.2m. This distance is typical to the area. Although a second floor level is proposed in places, this would not lead to undue overlooking that would warrant refusal.

4.20 Toward Albany Street, the part of the terrace parallel to Bright Street has its rear elevation 15.8m from rear yards and 22.5m to the rear elevation of the terrace. In the surrounding terraces separation distances are around 10m, rear elevation to rear yard and elevation to elevation varies from 16m to 18m. Again, despite the second floor level in places, the separation proposed is considered to be reasonable.

4.21 The window of flat 12 in the gable end facing 24 Albany Street is 12m from the rear building line, 5.3m from the rear of the plot (there is presently a single storey extension covering most of the plot). On the grounds that rear windows on terraced houses are commonly able to look into neighbouring yards, it is considered that the proximity of this window would not lead to undue overlooking.

#### *Overshadowing*

4.22 The plans have been revised, reducing the height of the three-storey areas fronting Bright Street and Hanover Street by around 1m, thus ridge levels would be between 10.4m and 10.6m. The houses on Hanover Street are to the south of the proposed building; as such they would not suffer overshadowing.

4.23 To ascertain whether loss of light/overshadowing would occur over the houses on Bright Street, measurements have been taken from around halfway up the ground floor windows on houses (1.5m) and from the centre of the road (2m from ground level). As a guide if angles of 25 degrees and 43 degrees respectively can travel from these points without interruption from the proposed building, it can be assumed a loss of light would not occur. The two lines both encroach the proposed building, in particular from the windows of the houses on Bright Street, the 25 degree line falls below the proposed eaves level. On this basis it can be assumed that the proposed building will block some light from the front rooms of the houses on Bright Street. However, as a consequence of the existing building, which was taller than the proposed development these dwellings already suffer a loss of light. As the three-storey element is on a similar footprint to where the original school building stood, the level of overshadowing/light loss would be less than that which occurs presently. As such it is concluded that the houses on Bright Street would not suffer from an undue loss of light.

*Overdominance*

4.24 The proposed building, in part, would be around 1.5m higher than the surrounding terraces. This is considered not to lead to a development would be overdominant, in relation to the existing school building; the proposed development would be less dominant.

*Sustainability*

4.25 GP4a states all proposals should have regard to the principles of sustainable development.

4.26 The application has an associated sustainability statement. It advises that the location of the development is sustainable, in terms of proximity to services and the building is designed to be in character with the area. In terms of construction the walls shall be insulated, double glazing would be used and the type of terrace proposed will in itself help reduce heat loss. Move sensitive lighting is proposed to reduce energy consumption. Recycling facilities and rainwater harvesting are also proposed.

4.27 To ensure the development is carried out in accordance with the sustainability statement, a suitably worded condition could be attached to an approval. Overall it is considered the development would be reasonably sustainable.

*Highway safety*

4.28 Car parking is provided within the internal courtyard and on street parking would be available to residents and visitors, as per the terraced houses around. The creation of some internal parking will mitigate the amount of on street parking that would occur. It is noted the location is near local facilities and a bus route into the city centre. The limited amount of parking proposed is in line with the objectives of the Draft Local Plan and National Guidance in PPS1, PPG3 and PPG13 (Transport), which all seek to reduce car dependence and encourage access by walking and cycling, or public transport, between housing, jobs, local services and local amenities.

4.29 Policy T4 of the City of York Draft Local Plan seeks to maintain and promote cycle use.

4.30 Secure covered cycle parking has been provided on site, at a rate of 1 per unit. This is considered to be an acceptable provision.

*Flood risk*

4.31 The site lies in flood zone 3, where the risk of flooding is high. In accordance with policy GP15 of the Local Plan the development should not be at risk from flooding and should not enhance the flood risk of surrounding buildings. The Environment Agency ask that finished floor levels are at least 11.5 AOD, 600mm above the 1 in 100 year flood event. This was a condition of the outline approval, to mitigate against flood risk.

4.32 The revised plans do not demonstrate that flats 4 and 5 would achieve the required finished floor level; the level for these houses is annotated as 11.450. As such these dwellings would not reasonably be protected from flood risk and the development would not be in accordance with condition 10 of the outline approval. This is an oversight and it is expected that by the time of committee meeting a revised floor plan will annotate how the development can achieve the required floor levels.

4.33 No details of how the development would incorporate resistant and resilient flood measures has been provided. If permission were granted a suitably worded condition could require such measures to be implemented. The introduction of soft landscaping will reduce surface water run off and the Flood Risk Assessment submitted at outline stage demonstrated that residential development of the site would not add to the flood risk of the surrounding area.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed scheme would be of a reasonable appearance and there would be no undue harm caused to residential amenity and highway safety. Outstanding issues regarding sustainability and flood risk could be covered by appropriately worded conditions.

5.2 The objection to the scheme is the mix of housing proposed. The units are all small one and two bedroom flats. Given the size of the site it is considered that a more appropriate mix of housing should be proposed that reflects the need identified in the Strategic Housing Market Assessment.

## **6.0 RECOMMENDATION:** Refuse

1 The Local Planning Authority considers that the proposed mix of dwellings is inadequate and could be improved given the size of the site. The proposal would therefore fail to assist in delivering the type of dwellings which the Strategic Housing Market Assessment identifies as being required in the city.

To allow the proposal would therefore be contrary to policy PPS3: Housing which advises that Local Planning Authorities should adopt an evidence based approach to housing delivery, as York's adopted Strategic Housing Market Assessment identifies demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms, and over 60% of households are looking for houses rather than flats. And also policy H3c of the City of York Draft Local Plan which asks for a mix of housing on all sites.

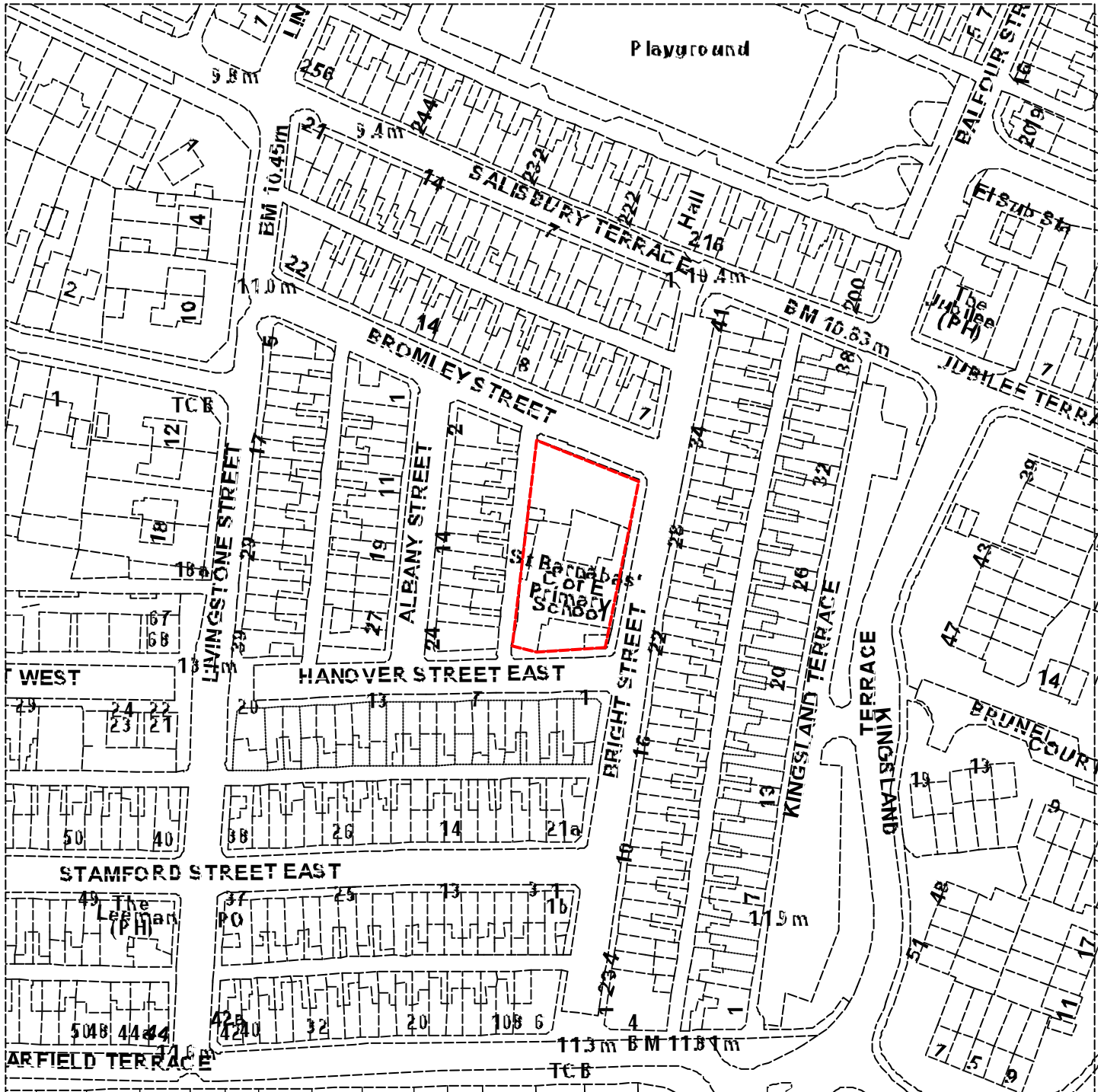
### **Contact details:**

**Author:** Jonathan Kenyon Development Control Officer  
**Tel No:** 01904 551323

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# St Barnabus Primary School Bright Street

Ref 07/02229/REMM



Scale : 1:1250

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Organisation	CYC
Department	DEDs
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Date	23 November 2007
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