



## Notice of meeting of

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

**To:** Councillors Horton (Chair), Sue Galloway (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Looker, Reid and Sunderland

**Date:** Thursday, 12 February 2009

**Time:** 3.00 pm

**Venue:** The Guildhall, York

### **AGENDA**

**Site visits for this meeting will commence at 11.00 am on Wednesday 11 February 2009 at Memorial Gardens.**

#### **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 - 10)**

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on Thursday, 15 January 2009.

#### **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 – in this case, **Wednesday 11 February 2009**. 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, listed in the contact details information 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) Bracken Lodge, 10 Main Street, Bishopthorpe YO23 2RB (08/02636/FUL) (Pages 11 - 20)**

Part change of use from residential (Class C3) to guest house (Class C1), including two storey and single storey pitched roof side extension, detached single storey garage building. *[Bishopthorpe Ward]* **[Site Visit]**.

**b) Brackenhill, Askham Bryan Lane York YO23 3QY (08/02767/FUL) (Pages 21 - 28)**

Erection of a replacement building for repair of motor vehicles and storage. *[Rural West York Ward]* **[Site Visit]**.

**c) Church of St James The Deacon Sherringham Drive York YO24 2SE (08/02595/FUL) (Pages 29 - 42)**

Single storey extension to north elevation to create church hall, and construction of car park (resubmission) *[Dringhouses and Woodthorpe Ward]* **[Site Visit]**.

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

Democracy Officers:

Name: Catherine Clarke and Heather Anderson (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – [catherine.clarke@york.gov.uk](mailto:catherine.clarke@york.gov.uk) and [heather.anderson@york.gov.uk](mailto:heather.anderson@york.gov.uk)

(If contacting us by e-mail, please send to both democracy officers named above)

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.

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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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**WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE****SITE VISITS****Wednesday 11 February 2009****The bus for Members will leave Memorial Gardens at 11am**

<b>TIME</b> <b>(Approx)</b>	<b>SITE</b>	<b>ITEM</b>
<b>11.10</b>	<b>Church of St James the Deacon, Sherringham Drive</b>	<b>4c</b>
<b>11.40</b>	<b>Brackenhill, Askham Bryan Lane, Askham Bryan</b>	<b>4b</b>
<b>12.00</b>	<b>Bracken Lodge, 10 Main Street, Bishopthorpe</b>	<b>4a</b>

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City of York Council

Committee Minutes

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MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	15 JANUARY 2009
PRESENT	COUNCILLORS HORTON (CHAIR), SUE GALLOWAY (VICE-CHAIR), CRISP, GALVIN, GILLIES, LOOKER, REID, SUNDERLAND AND MOORE (SUBSTITUTE)
APOLOGIES	COUNCILLOR STEVE GALLOWAY

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**47. INSPECTION OF SITES**

The following sites were inspected before the meeting

Site	Attended by	Reason for Visit
146 Foxwood Lane	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker and Reid.	As an objection had been received and the recommendation was to approve.
Harewood Whin, Tinker Lane, Rufforth	Cllrs Horton, Sue Galloway, Gillies, Galvin, Crisp and Looker.	As objections had been received and the recommendation was to approve.

**48. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Reid declared a personal and prejudicial interest in Plans Item 5d (Harewood Whin, Tinker Lane, Rufforth) as she is the Council's representative on Yorwaste who are the applicants. She left the room and took no part in the discussion or decision thereon and had taken no part in the visit to the site.

**49. 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) (Minute 53 refers) 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.

**50. MINUTES**

RESOLVED: That the minutes of the meeting held on 18 December 2008 be approved and signed by the Chair.

**51. 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.

**52. 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.

**52a 146 Foxwood Lane York YO24 3LT (07/00652/FUL)**

Members considered a full application from Mick Calam for a single storey flat roof rear extension, and the raising in height of the existing rear extension (amendment to approved permission 06/00944/FUL)

RESOLVED: That the application be approved without conditions.

REASON: The proposal would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, 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".

**52b All Saints Church North Street York (05/00097/CAC)**

Members considered an application for conservation area consent from the Parochial Church Council of All Saints Church for the demolition of the church hall in the conservation area.

The Planning Officer advised Members they were awaiting revised architect's drawings for the housing development planning permission, which had been sought under 05/00048/FUL (Agenda item 5c) and requested deferring consideration of this application in order that the applications for demolition and planning permission could be considered at the same meeting.

RESOLVED: That consideration of this application be deferred to a future meeting.

REASON: In order that amended architects drawings could be produced.

**52c All Saints Church North Street York (05/00048/FUL)**

Members considered a full application from the Parochial Church Council of All Saints Church for the erection of three dwellings to replace the existing church hall, the erection of an extension to the vestry and the installation of lockable gates at two locations in All Saints Lane.

The Planning Officer advised Members that the architects were in the process of drawing up revised plans, which would reduce the level of the roof adjacent to the neighbouring property and requested deferring consideration of this application until these revised drawings were available.

RESOLVED: That consideration of this application be deferred to a future meeting.

REASON: In order that amended architects drawings could be produced.

**52d Harewood Whin Tinker Lane Rufforth York YO23 3RR (08/02426/FULM)**

Members considered a major full application (13 weeks) from Yorwaste Heat and Power Ltd for the erection of a building to house a biomass power plant with chimney stack with external cooling plant (resubmission)

The Planning Officer circulated a series of e-mails received from Hessay Parish Council, Upper Poppleton Parish Council and Nether Poppleton Parish Council, which raised concerns about the environmental impact of the proposals.

He clarified that the completion date referred to in Condition 4 to Planning Permission 00/02689/FUL is 12 May 2017 and not 12 May 2013. He also advised that the final sentence in paragraph 4.4 of the committee report should therefore be amended to read “On balance this may be taken as “very special circumstances” justifying location of the plant in the Green Belt, however this is dependent upon the operation of the *waste disposal site which currently operates with the benefit of a permission expiring in 2017.*”

He also reported that Condition 10 should be amended to read “In the event of the Biomass Power Plant permanently ceasing to operate, or in the event of landfilling operations at Harewood Whin ceasing, all plant, associated structures and buildings shall be removed from the site and the land shall be restored in accordance with the previously approved Scheme of Restoration for the Harewood Whin Site. (Reason: To safeguard the character of the site in the interest of visual amenity and to secure compliance with York Development Control Local Plan Policy GB1) Members suggested that a time limit be imposed on the removal and restoration and officers agreed that this could be added to the condition.

Members raised the issue that Nether Poppleton, Upper Poppleton and Hessay parish councils had not been consulted regarding the application and officers explained that this was because the Harewood Whin Site fell solely within the Rufforth with Knapton Parish Council boundary and not any other parishes.

Members also discussed whether an Environmental Impact Assessment (EIA) should have been undertaken and officers explained the rules governing EIAs and advised Members that this type of development was classified as a Schedule 2 development and did not fall within the criteria which required a EIA to be undertaken.

Representations were received from the Chairman of the York and Selby Branch of the Campaign to Protect Rural England (CPRE) in objection to the application. He raised concerns over potential pollution from burning wood, which had been painted or treated with preservatives. He also stated that the report contained no information on contaminants produced through the furnace process or whether there was any intention to return ash to the land.

Further representations, in objection to the application, were heard from a local resident who was also a member of the York Environmental Forum. He advised Members that he was also representing Wheatlands Educational Community Woodland and circulated information about this. He advised Members that he lived close to the site and also had a commercial property in the vicinity. He explained that he didn't accept that surrounding parishes should not have been consulted on the application and stated that Yorwaste's record was poor in relation to methane and water pollution and rubbish collecting on the ring road. He believed the application being granted could lead to health concerns and would impact on community woodland. He stated that at the application site, landscaping

had not been done well, the cycle track was not yet complete and there were insufficient trees to absorb the pollution.

Representations were also received from a local resident of Rufforth in objection to the application. He raised concerns that if this application was granted, Harewood Whin could become a permanent site, and the original intention to landscape the site when the landfill operation was complete would not go ahead. He raised a question over the quantity of timber required and whether this would increase HGV traffic to site through the need to bring more timber onto the site. He also raised the issue of pollution and recommended an EIA to determine whether timber treated with preservative and paint was safe to burn. He also raised the question of whether the plant would need to be relocated on the site in order to maximise use of available energy.

In response to a query from Members regarding current air quality in the area, the representor explained that it was dependent on the prevailing wind but that sometimes there was an appalling stench, which, in the past had been of a chemical nature but more recently composting nature.

Representations were also received from the Director of the Land Development Practice representing Rufforth with Knapton Parish Council. He was of the opinion that an EIA should have been a requirement. He stated that there was insufficient information in the report on which to base a decision, no specific assessment of emissions from the chimney stack and issues over the height of the chimney stack.

Representations were heard from the consultant representing Yorwaste in favour of the application. He answered Members concerns in relation to specific issues, which had been raised and made the following points:

- Due to existing waste management activities already on site, there would be no need for extra deliveries to the site
- The proposed technology had been recommended by Environment Agency as the best available.
- Wood would be shredded in the current wood stock pile area before entering the plant
- Potential pollutants from chimney stack would be monitored by way of a constant emissions monitor on the stack, which would take readings at regular intervals.
- Ash would be regularly tested and could be sent to landfill or used in blockwork aggregates.
- The site would be permitted to burn painted but not treated timber – treated timber is deemed hazardous waste and would not be allowed on the site

Councillor Galvin moved and Councillor Moore seconded a motion to defer the application. On being put to the vote this motion was lost.

**RESOLVED:** That the application be approved after referral to the Secretary of State subject to the conditions listed in the report and the amended condition listed below.

### **Amended Condition 10**

In the event of the Biomass Power Plant permanently ceasing to operate or in the event of landfilling operations at Harewood Whin ceasing, all plant, associated structures and buildings shall be removed from the site and the land shall be restored in accordance with the previously approved scheme of restoration for the Harewood Whin Site within six months of the cessation of operations.

Reason for amended condition 10: To safeguard the character of the site in the interests of visual amenity and to secure compliance with York Development Control Local Plan Policy GB1.

**REASON:**

The proposal, subject to the conditions listed in the report and the amended condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the open character and purposes of designation of the Green Belt, impact of the proposed chimney stack on the visual amenity of the adjoining countryside, impact of the proposal on air quality and emission levels in the surrounding areas, cumulative impact upon amenity taken together with other activities taking place at the site, impact upon traffic volumes using the surrounding road network, impact upon the level of waste materials disposed to landfill and the contribution of the proposal to meeting energy need from sustainable sources. As such the proposal complies with Policies MW5, GB1, GB11, GP4a), GP4b) and GP5 of the City of York Local Plan Deposit Draft and the national policies contained within PPG2 "Green Belts" PPS10 "Planning for Sustainable Waste Management" and PPS23 "Planning and Pollution Control".

### **53. 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 report be noted.

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

Councillor D Horton, Chair

[The meeting started at 3.00 pm and finished at 4.50 pm].

**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Bishopthorpe  
**Date:** 12 February 2009                              **Parish:** Bishopthorpe Parish Council

**Reference:** 08/02636/FUL  
**Application at:** Bracken Lodge 10 Main Street Bishopthorpe York YO23 2RB  
**For:** Part change of use from residential (Class C3) to guest house (Class C1) including two storey and single storey pitched roof side extension, detached single storey garage building  
**By:** Mr And Mrs Alexander Kelly  
**Application Type:** Full Application  
**Target Date:** 5 February 2009

**1.0 PROPOSAL**

1.1 The application is for part two-storey and part single storey side extension. The two-storey element protrudes further than the front elevation of the original house by 7 metres. The resulting side extension would be 18.4 metres in depth. The application is for a part change of use of the resulting dwelling for a bed and breakfast use (Class C1). The proposed extension would be used as bed and breakfast accommodation. The application would also include a detached hipped roof single storey double garage measuring 8.5 metres in width 5.4 metres in depth and 4.3 metres in height with two uncovered parking spaces to either side.

1.2 The application site is a twentieth century, two storey brick built domestic dwelling, built across the site and set back some distance from the street. The site includes relatively extensive mature planting. Both the orientation of the dwelling, and its set back from the street, are characteristic of the street scene.

1.3 Part of the front garden falls within the Bishopthorpe Conservation Area. The rest of the site is excluded, the boundary of the conservation area corresponding with part of the northeast boundary of the site.

1.4 The application comes before committee at the request of Cllr John Galvin, as it is felt that this application has the potential to have quite an effect on the village and especially the Main Street. It is also believed that a site visit and determination by the Area Committee will give an opportunity for residents to put forward their views. A site visit has been requested.

**2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Conservation Area: Bishopthorpe 0015

City Boundary: York City Boundary 0001

DC Area Teams: West Area 0004

Schools: Archbishop of York's CE Junior 0183

Schools: Bishopthorpe Infant 0185

## 2.2 Policies:

CYGP1  
Design

CYGP4A  
Sustainability

CYHE2  
Development in historic locations

CYHE3  
Conservation Areas

CYV3  
Criteria for hotels and guest houses

## 3.0 CONSULTATIONS

### 3.1 PUBLICITY DATES/PERIODS

Neighbour Notification - Expires 02/01/2009

Site Notice - Expires 07/01/2009

Press Advert - Expires 09/01/2009

Internal/External Consultations - Expires 05/02/2009

8 WEEK TARGET DATE 05/02/2009

### 3.2 INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT - No objections

- It is recommended that the driveway and parking areas be resurfaced with a bonded material as the increase in use of the access is thought likely to result in an increase in carry over of loose materials onto the highway. Request standard conditions HWAY10 and HWAY19

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

- The rear, single storey extension will not be prominent in views of the site.



- The proposed forward extension follows the line of the furthest forward projection of the house to the immediate southwest of the site. Consequently, it would not, in my opinion, be unduly prominent in views into the conservation area from the west. However, seen from in front of the site, or looking northeast along Main Street, from within the conservation area, the extension would be prominent, and draw attention to itself as a form of development otherwise not found in Main Street.
- Being set further forward in the site, the garage will be easily visible. Both in its form and siting, it is alien to the street-scene.
- At paragraph 4.14, PPG 15, Planning and the Historic Environment states that: "The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area." Although not within the conservation area, it is my opinion that, given the proximity of the site to the conservation area, the proposed forward extension of the house and the construction of a detached garage adversely affect views into and out of the conservation area, and consequently fail to preserve the character of the conservation area.

CITY DEVELOPMENT - No response at the time of writing the report

### 3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

BISHOPTHORPE PARISH COUNCIL - No objections

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY

No planning history

### ADDITIONAL PLANNING POLICY

CYC Supplementary Design Guidance - A guide to extensions and alterations to private dwelling houses, 2001  
Planning Policy Guidance 15 "Planning and the Historic Environment"

### KEY ISSUES

1. Visual impact on the dwelling and the conservation area
2. Impact on neighbouring property
3. Change of use

### ASSESSMENT

### PLANNING POLICY

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.

4.2 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

4.3 Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG15) sets out the approach to dealing with proposals that affect Listed Buildings and Conservation Areas. PPG15 advises that new buildings intended to stand alongside Listed Buildings should be 'carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials'. New buildings do not have to be detailed copies of their neighbours but should form a harmonious group with them. In making decisions on proposals in Conservation Areas, Planning Authorities have a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the Conservation Area. Policies HE2 'Development within Historic Locations' and HE3 'Conservation Areas' of the City of York Development Control Local Plan are also relevant to this proposal. These policies expect proposals to maintain or enhance existing urban spaces, views, landmarks and other townscape elements and not to have an adverse effect on the character or appearance of the Conservation Area.

4.4 Policy V3 'Hotels and Guest Houses' of the City of York Council Development Control Local Plan (2005) states that planning permission will be granted for new, and extensions to existing, hotels and guest houses within defined settlement limits, providing the proposal; is compatible with its surroundings in terms of siting, scale and design; and would not result in the loss of residential accommodation which

when originally built had less than four bedrooms; and would not have an adverse effect on the residential character of an area; and is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions.

4.5 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 inappropriately designed extension can spoil the appearance of the area. Where a street or group of buildings has a well-defined building line it should be retained. Extending forward of the building line should be avoided; only in exceptional circumstances will this be appropriate. Side extensions should be sympathetically designed to appear subservient to the main dwelling. Their appearance will be improved if the extension is set back from the main dwelling. It is particularly important that the design of side extension takes account of the height of the new building in relation to the distance from neighbouring properties. Spaces between dwellings are an important contribution to the street scene and character of an area. Side extensions to houses must be designed in a way that respects the privacy and access to light of adjacent properties.

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

4.6 The proposed garage would measure 8.5 metres in width 5.4 metres in depth and 4.3 metres in height with two uncovered parking spaces to either side. A 2 metre high wall would protrude further along the boundary either side of the garage.

4.7 The proposed garage would, by virtue of its siting to the front of the dwellings, be unduly prominent from the street and the conservation area and would be at odds with the street pattern at the south side of Main Street. Its prominence would be amplified by virtue of the large parking area to the front of Bishopthorpe Social Club, which gives uninterrupted views of the proposed garage from Main Street. It is acknowledged that the trees in the front garden would provide a degree of screening when the dwelling is viewed directly from the front, However be virtue of its siting the garage would appear alien and out of character with the street. There are no extensions or buildings set in the front gardens on the south side of Main Street. The northern side of Main Street the buildings are built up to the road. The modest scaled buildings on the north side of the street together with the significant set back from the road on the south side of Main Street gives the street a spacious semi-rural character.

4.8 The proposed two storey side extension would protrude forward of the original dwelling by 7 metres creating a gable to reflect the existing gable. Including the single storey element at the rear, the side extension would be 18.5 metres in depth and 8.2 metres in height

4.9 The proposed forward extension follows the line of the furthest forward projection of the house to the immediate west of the site (1 Croft Court). Consequently, it would not be unduly prominent in views into the conservation area from the west. However, seen from in front of the site, or looking northeast along Main Street, from within the

conservation area, the extension would be prominent, and draw attention to itself as a form of development otherwise not found in Main Street.

4.10 Although not within the conservation area, given the proximity of the site to the Bishopthorpe Conservation Area, the proposed forward extension of the house and the construction of a detached garage adversely affect views into and out of the conservation area, and consequently fail to preserve the character of the conservation area.

4.11 The proposed single storey rear extension would not be visible from the conservation area and would be obscured from Croft Court by virtue of screening from walls to the west boundary of 1 Croft Court

#### IMPACT ON NEIGHBOURING PROPERTY

4.12 The proposed garage by virtue of its siting with Bishopthorpe Social Club is not considered to impact the residential amenity of the occupants of neighbouring dwellings.

4.13 The single storey extension to the rear is not considered to impact on the amenity of the occupants of 1 Croft Court. The roof slopes away from the boundary and this part of the boundary between the properties is marked by an evergreen hedge, therefore it is considered that the a single storey extension to the rear would be unlikely to have a significant further impact on the amenity of the occupants of 1 Croft Court than the evergreen hedge in terms of loss of light, overshadowing etc.

4.14 The rainwater goods of the proposed garage and the two storey side extension would appear to be overhanging both boundaries to the side, notice has been served on the neighbours and no objection has been received from the neighbouring dwellings.

4.15 The two-storey side extension by virtue of its mass and bulk would enclose and overshadowing the area to the east of 1 Croft Court. There are two windows at ground level in the side elevation facing 10 Main Street, from a site visit it was unclear what rooms these were windows for, although judging by their size they could possibly be secondary windows. There is a conservatory in this elevation of 1 Croft Court (1 Croft Court also has a conservatory on the west elevation). By virtue of building up to the boundary and the height of the proposed extension it would cause a significant amount of overshadowing to this conservatory. However the existing garage of 10 Main Street already creates a degree of enclosure, and prevents little direct sunlight to the conservatory and therefore the increase in overshadowing is not considered to cause sufficient harm to the amenity of the occupants of 1 Croft Court to warrant refusal.

#### CHANGE OF USE

4.16 The use of the proposed extension as a guest house is not considered to cause harm to the character of the area, The proposed use fulfils three of the four criteria set out in Policy V3. There are a mixture of uses within the street and whilst proportionally it is mostly residential the proposed bed and breakfast use would be

small scale and is not considered to impact on the residential character of the area. There are public transport links into York. It would not result in a loss of residential accommodation. However as discussed above, the extension to the dwelling to provide the guesthouse facilities is not compatible with the surroundings in terms of siting and scale and therefore the proposal fails Policy V3 criteria (a) in this respect.

## **5.0 CONCLUSION**

5.1 The proposed two storey extension and the garage to the front would be unduly prominent in the streetscene and when viewed from the conservation area. They would appear alien and would jar with the semi-rural character of the streetscene.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Refuse

1 The proposed two storey side extension and detached garage building to the front by virtue of the proximity of the site to the conservation area, would adversely affect views into and out of the conservation area, and consequently fail to preserve the character of the conservation area and therefore would be contrary to Policies GP1, HE2, HE3, and V1 of the City of York Council Development Control Local Plan (2005); City of York Council supplementary planning guidance - Guide to extensions and alterations to private dwelling houses (2001); and national planning guidance Planning Policy Guidance 15 'Planning and the Historic Environment'.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Victoria Bell Development Control Officer  
**Tel No:** 01904 551347

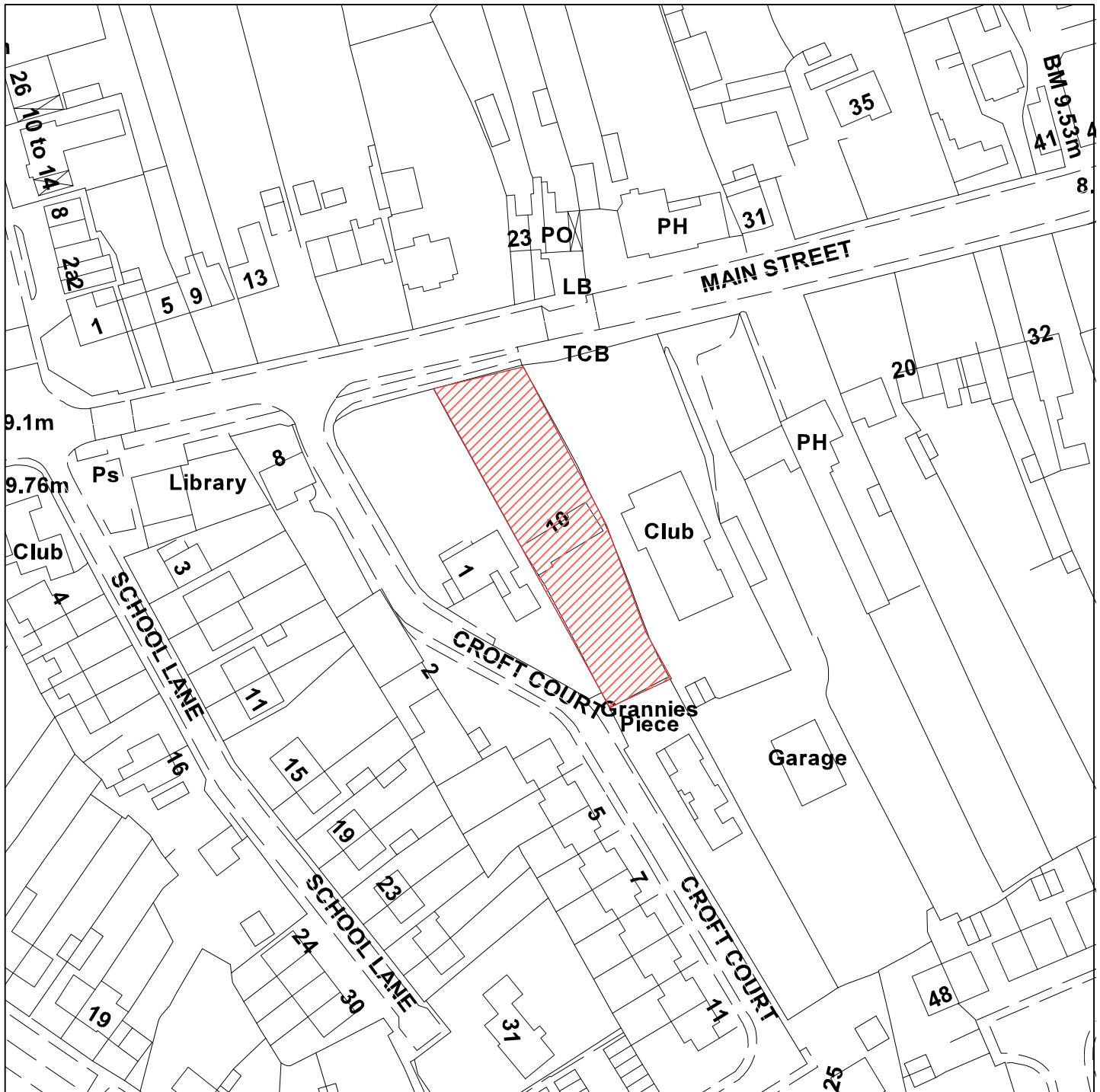
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# Bracken Lodge, 10 Main Street, Bishopthorpe

08/02636/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	30 January 2009
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Rural West York  
**Date:** 12 February 2009                              **Parish:** Askham Bryan Parish Council

**Reference:** 08/02767/FUL  
**Application at:** Brackenhill Askham Bryan Lane Askham Bryan York YO23 3QY  
**For:** Erection of a replacement building for repair of motor vehicles and storage.  
**By:** Mr Richard Shipley  
**Application Type:** Full Application  
**Target Date:** 12 February 2009

**1.0 PROPOSAL**

## APPLICATION SITE

1.1 The application relates to land associated with Brackenhill which is located on the western side of Askham Lane. The site accommodates a single dwelling located around 35m back from the access lane at the northern end of the site. The land slopes down to the west, there are two buildings some 40m from the house, situated on the northern edge of the field, a building used for vehicle repairs and storage and a blockwork building which is used as a taxi radio control base. There is an access track at the south end of the site, it is of rubble and vegetation may grow through it. The track runs around 70m west into the site, then turns at 90 degrees and travels north towards the existing buildings.

## PROPOSED DEVELOPMENT

1.2 Planning permission is sought for a building to replace the existing store/repair workshop. The building would be some 14m by 6m in footprint. It would have a pitched roof and be 3m high to eaves level, 3.8m to ridge level. The building would be clad in green coloured polyester coated sheeting.

## SITE HISTORY

1.3 The building it is proposed to replace was granted planning permission in 1992 to be used as an agricultural machinery and car repair workshop. The permission granted was a personnel one, to a Mr Baker and subject to conditions as follows -

- Repairs etc only to occur within the building.
- No more than two vehicles to be stored outside the building at any time.
- No materials/equipment to be stored outside the building.
- Building to be noise insulated.
- Only permitted to operate between 07:00 and 19:00 (13:00 Saturdays).
- No deliveries outside hours of operation or on Sundays.

1.4 The applicant, Mr Shipley acquired the site in March 1996 and has since used the building to repair vehicles.

1.5 In 2007 a retrospective application was refused, and dismissed at appeal, for a freestanding building, part single/part two-storey. The building was located in the centre of the site, by the existing access track, it was of brick construction, 6m by 17m and a maximum height of 6m. At the appeal hearing the applicant advised it was intended to use that building to repair motor vehicles and it could replace the building proposed to be replaced in this application. The building has since been demolished.

1.5 The application is brought to committee at the request of Councillor Hudson, due to the planning history attached to this site. A site visit is required as approval is recommended and an objection has been made.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Air safeguarding : Air Field safeguarding 0175  
City Boundary : York City Boundary 0001  
DC Area Teams : West Area 0004

2.2 Policies:

CYGP1      Design  
CYGB1      Development within the Green Belt

## **3.0 CONSULTATIONS**

Highway Network Management

3.1 No objection.

Planning Panel

3.2 No objection. However question whether the building is excessively large for a domestic store building. Advise that the access track from the south side of the site should not be altered/improved for vehicle use, which was a condition of the inspector's decision in allowing the access track to remain in its extant form.

Publicity

3.3 The application was publicised by site notice and letters of neighbour notification. The deadline for comments will be 6.2.09. To date one objection has been made, on the following grounds -

- The only access to the site should be from the north of the entrance. The access from the south is un-surfaced and should not be made available for vehicle use. An access track at the south side of the site would affect the amenity of

neighbours due to its proximity to the boundary and as it would be used for a business use.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Proposed use
- Principle of development
- Openness of the green belt
- Impact on residential amenity

## POLICY

### PPG 2 Green Belts

4.2 PPG2 advises that the fundamental aim of green belt policy is to preserve openness. There is a presumption against inappropriate development, which is, by definition, harmful to the green belt. Such development should only be allowed in special circumstances. According to PPG2, development is inappropriate unless it is for -

- Agriculture and forestry
- Essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt
- Limited extension, alteration or replacement of existing dwellings
- Limited infilling in existing villages
- Limited affordable housing for local community needs
- Limited infilling or redevelopment of major existing developed sites

### Draft Local Plan

4.3 GB1 'Development in the Green Belt' states that permission for development will only be granted where:

- The scale, location and design would not detract from the open character of the Green Belt
- It would not conflict with the purposes of including land within the Green Belt
- It would not prejudice the setting and special character of the city
- Is for a type of development listed as appropriate development (see 4.2).

4.4 All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

## PROPOSED USE

4.5 The proposed replacement building is required to store domestic goods in association with the up-keep of the land and for vehicle repairs. Planning permission

would be required for works or alterations to the existing access track. There are no details of such contained in the application.

4.6 It was explained at the recent appeal hearing for a building at the application site that the applicant is involved with 3 taxi firms (ABC Travel, ABC Blue Circle and Beeline). Ownership of the vehicles is split between separate owner and company owned. At that time (July 2007) 14/15 of the vehicles were owned by the companies and maintained at the application site. There were around 32 other vehicles associated with the taxi companies, which would be maintained where their owners chose to do so.

#### PRINCIPLE OF THE DEVELOPMENT

4.7 Vehicle repairs have occurred at the site for sometime. A personal permission was granted in 1992, which expired when the present applicant acquired the site in 1996. The use has continued since, it is thus lawful in planning terms, as it has occurred in excess of 10 years. The applicant also owns some 2.4 ha of land at the site and space is required to store machinery in association with its upkeep.

4.8 The existing building is somewhat ramshackle in appearance. It is considered the replacement of the building is not in itself inappropriate development. The key issues are whether the replacement building or possible intensification of the use would have a material impact on the openness of the green belt and amenity.

#### OPENNESS OF THE GREEN BELT

4.9 The proposed building would be some 14 sq m larger in footprint in comparison to that which is existing (around 84 sq m in relation to 70 sq m), lower in maximum height by around 600mm but with a higher eaves level (by 1m).

4.10 The change in footprint equates to the building being around half a metre longer in width and length. The location would be as per the existing building, which is at a lower ground level in relation to Askham Lane to the east. Views of the building would be screened by trees from all directions, apart from the north, from which there is no nearby development or public views the would be affected. The building will be coloured green; this would help it blend in with its surrounds, and be an improvement in relation to the existing building which is of blockwork, brick and corrugated iron.

#### IMPACT ON RESIDENTIAL AMENITY

4.11 The proposed building is around 80m from the nearest neighbour, the nursery to the south. The gravel access track, in its extant form has been established for sometime, it was shown as the access to the garage in the 1992 application. There is no indication in the application that the track would be altered and the applicant can be reminded that its alteration would require planning permission. Should an application submitted; it would be considered regarding amenity and the impact on the green belt.

4.12 Given the increase in scale of the building and its location, it is considered that there would be no undue harm to amenity caused in terms of additional activity, noise, or overdominance and overbearing.

## 5.0 CONCLUSION

5.1 The proposed building is of similar scale to that which it is proposed to replace and its finish would assist in integrating it into its surrounds. As such there would be no visual harm to the appearance of the green belt. Due to the location of the building, it would not affect amenity.

5.2 The use has occurred for in excess of 10 years and is lawful. As such it would be unreasonable to attach conditions to the approval which relate to controlling the use, these are not relevant to the proposed building, but the use itself, which does not require permission.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

- 1 PLANS1 Approved plans - IP RS 03 and 05 date stamped 17.12.08.
- 2 TIME2 Development start within three years
- 3 The building hereby approved shall be coloured juniper green or similar and reasonably maintained as such.

Reason: In the interests of appearance.

## 7.0 INFORMATIVES:

### 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 the openness of the green belt and amenity. As such the proposal complies with Policies GP1 and GB1 of the City of York Local Plan Deposit Draft.

## ACCESS TRACK

You are reminded that any works or upgrading of the access track will require planning permission.

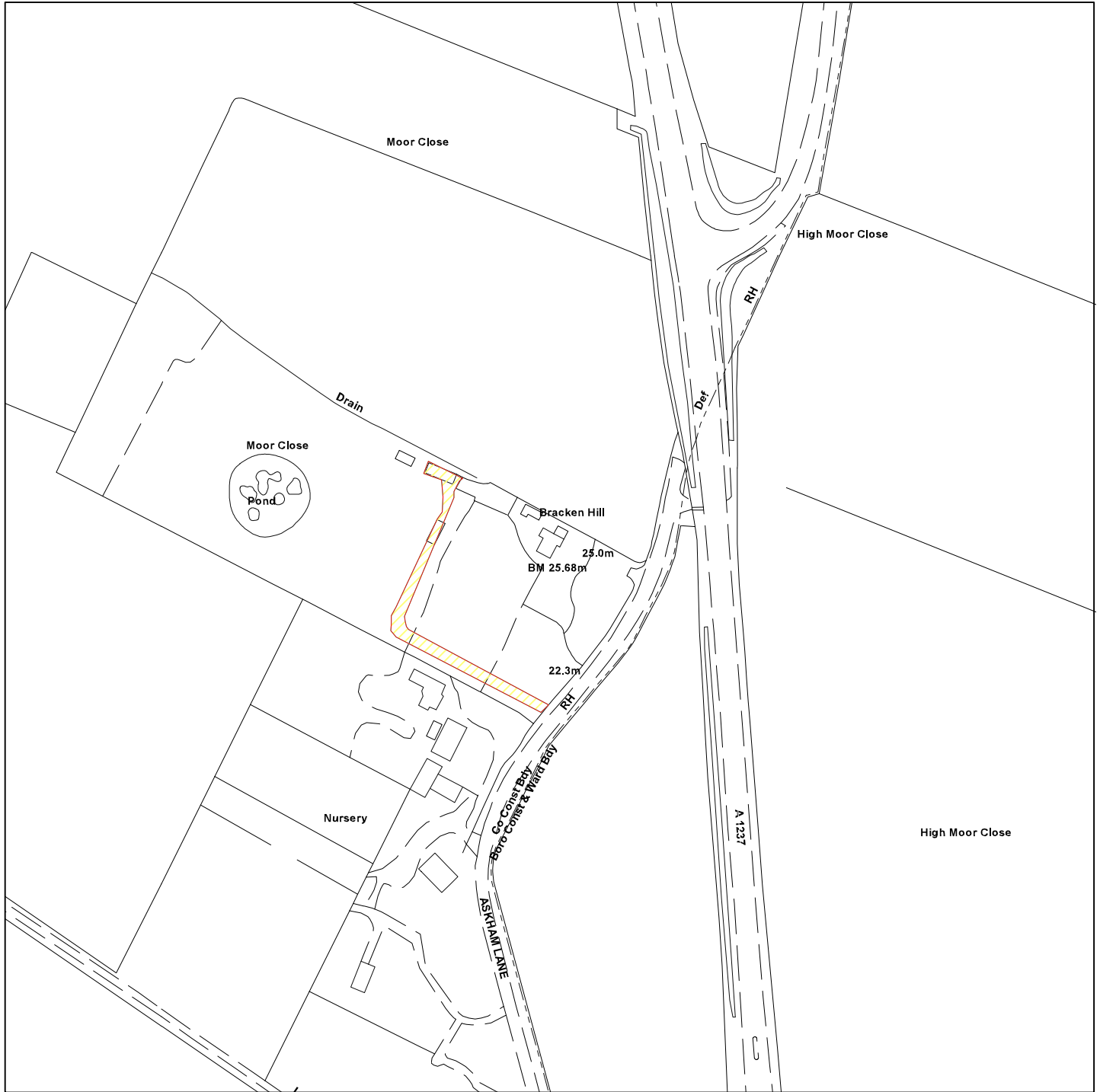
### Contact details:

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

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# Brackenhill, Askham Bryan Lane, Askham Bryan

08/02767/FUL



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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	30 January 2009
<b>SLA Number</b>	Not set

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**COMMITTEE REPORT**

**Committee:** West/Centre Area                      **Ward:** Dringhouses And Woodthorpe  
**Date:** 12 February 2009                      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 08/02595/FUL  
**Application at:** Church Of St James The Deacon Sherringham Drive York YO24 2SE  
**For:** Single storey extension to north elevation to create church hall, and construction of car park (resubmission)  
**By:** The Parochial Church Council  
**Application Type:** Full Application  
**Target Date:** 29 January 2009

**1.0 PROPOSAL**

## APPLICATION SITE

1.1 The application relates to the site of St James the Deacon Church. The church building is of contemporary design, constructed in the 1970's. It is finished in grey brick, timber windows and a terne coated steel roof. The site is surrounded mostly by two-storey houses in the Allendale cul de sac and also the vicarage, which is to the immediate south of the site, on the corner of Sherringham Drive and Ryecroft.

1.2 The old church hall was located on Thanet Road. It was deemed unfit for purpose (not up to modern standards) and demolished in 2006. The applicant wishes to re-locate the facility within the remaining church site and grounds.

## PROPOSALS

1.3 Planning permission is sought for a church hall, which would extend from the north of the existing building (between the church and the rear gardens of 2, 4 and 6 Allendale). A formal car park area to the front of the site to accommodate 10 vehicles is also proposed. The church hall would measure around 10m by 18.5m and have a single pitched roof, 4.4m high where it met the existing building, lowering to 2.6m at the north end. It is intended to use materials that would reasonably match the existing building.

1.4 The application is brought to committee as an earlier application for a church hall (on that occasion to the east of the church building) was set to be determined at planning committee in July 2008. However that application was withdrawn by the applicants due to the objections from surrounding residents.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Air safeguarding: Air Field safeguarding 0175

City Boundary: York City Boundary 0001

DC Area Teams: West Area 0004

### 2.2 Policies:

CYC1 Criteria for community facilities

CYGP1 Design

## 3.0 CONSULTATIONS

### ENVIRONMENTAL PROTECTION UNIT

3.1 No objection. However have concerns that deliveries could affect the amenity of local residents. Recommend that should this application be approved deliveries to site are confined to the following hours:

Monday to Fridays 08.00 hrs to 18.00 hrs

Saturdays not at all

Sundays and Bank Holidays not at all

Reason: To minimise the impact noise from deliveries could have on the nearby occupants.

3.2 Also ask for an informative regarding legislation pertinent to demolition and construction works.

### HIGHWAY NETWORK MANAGEMENT

3.3 No objection in principle. Recommended changes to the car parking area and adjacent surfacing, as shown on the original drawings as follows -

- The footway outside the site should not be lowered to road level, as this would encourage on-street parking/car dominance.
- The entrance and exit to the car park should each be no more than 4m wide.
- Parking spaces should be annotated on the surface and the entrance to the car park should be raised, to prevent water run-off onto the highway.
- Two additional parking spaces (so 10 in total) could be accommodated within the car park.

3.4 Revised drawing 40A has been submitted which Highway Network Management confirm is in accordance with their requests. It is asked that full details of the surfacing be supplied (as a condition of approval).

## YORK DRAINAGE

3.5 Advise that the site is within a low risk flood zone and should not suffer from river flooding. As it is proposed to dispose of surface water through soakaway this must be shown to work through an appropriate assessment carried out to BRE standard 365, to demonstrate that the ground has sufficient capacity to accept surface water discharge and to prevent flooding of the application site and surrounding land. Should the soakaway test fail, an alternative means of drainage should be proposed and agreed. Preferably peak surface water run-off would be reduced to 70% of the existing rate.

## PLANNING PANEL

3.6 No objection.

## PUBLICITY

3.7 The application was publicised by site notice (erected 12.12.09) and letters of neighbour notification. The overall deadline for comments was 12.1.09. 6 objections have been received in total. Grounds for objection area -

### Flood risk

3.8 The area already suffers from flooding, in part due to the clay ground. The proposal would put additional strain on the drainage of the site, due to the additional building and car parking area (the porous surface proposed will not help as there is clay below which would not soak in the water).

3.9 It is proposed that surface water drainage from the site be from soakaways, although the application does not demonstrate that the site could be adequately drained via this method. York Drainage Consultancy have previously asked that the applicants carry out appropriate assessments which demonstrate the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

### Noise

3.10 The proposed use of the hall, in particular hiring out of the hall for private functions, could result in significant noise levels reaching their peak both at night and at weekends. The applicants have not consulted the local residents on this issue and should problems occur in future, it would be unlikely they would be accommodating to residents grievances.

3.11 A number of groups and organisations intend to use the hall, which will also be available to hire by occasional users. The premises will be available during the day and until the late evening and the consumption of alcohol will be permitted. This will create unacceptable noise, smell, disturbance and nuisance from the hall and the garden area. This would have an adverse effect on residents.

### Loss of privacy

3.12 The plans show two exits from the eastern elevation of the building to the outside area. It is not clear whether there would be access to this area for any other purpose other than as an emergency exit route. Any access to this area by users of the proposed hall would present a loss of privacy to the neighbouring properties. This would adversely affect the amenities enjoyed by the occupiers of adjacent houses by creating an unacceptable risk of inappropriate and hazardous waste being disposed of over the adjacent boundary fences, thus causing a health and safety risk to the residents.

3.13 The building would result in neighbouring gardens suffering from a loss of light.

#### Design

3.14 The proposed church hall, by reason of its size and siting, represents an un-neighbourly form of development that would have an adverse impact on the amenity of neighbouring properties by reason of an overbearing effect.

3.15 The proposed extension, by reason of its scale and bulk, would be out of keeping with the design and character of the existing building, and would have an adverse effect on the visual amenity of the area as a whole.

#### Parking/Air quality

3.16 The parking for the proposed development is inadequate and would result in overspill parking in Sherringham Drive and Allendale. Not only would this adversely impact on pedestrians in the area, many of whom are very young or elderly, but the associated traffic would adversely affect noise levels in this previously quiet area, and air quality. The church hall would also unduly increase the volume of traffic in Sherringham Drive. This is contrary to policy GP4b (a) of the City of York Council development plan.

3.17 The use of the car park in the proposed form will transfer dirt and moisture onto the pavement and highway. In certain conditions, this will prove hazardous.

3.18 The site layout would lead to conflict between pedestrians and vehicles to the detriment of safety.

#### Lighting

3.19 The lighting to the parking area could potentially cause a disturbance during the night time when there would be a source of light, which would be clearly visible from the adjoining properties.

#### Fire hazard

3.20 The building itself will be a fire hazard due to its proximity to the site boundary.

3.21 The smells and the associated problems (vermin) from allowing a kitchen area in the proposed church hall will harm residential amenity.

## 4.0 APPRAISAL

### 4.1 Key issues

- Principle of development
- Design
- Residential amenity
- Highway safety
- Drainage
- Other matters

### PRINCIPLE OF THE DEVELOPMENT

4.2 Chapter 13, Community Facilities, of the City of York Draft Local Plan has the objectives of the promotion of new community facilities and to protect and enhance existing facilities. Policy C1 states planning applications for social, health, community and religious facilities will be granted permission provided the facility would meet a recognised need and when the development is of a scale and design appropriate to the character and appearance of the locality.

4.3 The application proposes a community facility that would be used by the Church and a mix of community groups. There is apparent demand for the proposed facilities from users of the old church hall and other groups. The facility would be suitable as a meeting space and could be used as a performance venue. Users of the old hall that have confirmed they would relocate to the new hall include two Brownie groups and dance classes, in particular the latter, as the block floor from the old hall has been saved and will be re-used. Other potential users have been given as:

Dringhouses dramatic society  
Dance and drama schools  
Karate club  
Sunday school  
Fundraising groups

Pilates class  
Pre-school activities  
Children's parties  
Age Concern  
Ward meetings

4.4 The design of the hall is considered to be appropriate; this is discussed further in 4.5-4.6. As such the proposal meets the requirements of policy C1 of the Local Plan.

### DESIGN

4.5 Policy GP1 of the Local Plan refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; use appropriate materials; avoid the loss of open spaces, vegetation and other features 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; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.6 The proposed hall by virtue of its location, shape, scale, detailing and materials would be subordinate and complementary to the appearance of the original building. As such the design of the church is considered to be acceptable.

#### RESIDENTIAL AMENITY

4.7 To ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures is a requirement of policy GP1 of the Local Plan.

#### Noise

4.8 The proposed hall would be managed by the church. They advise that it would be run in a responsible manner as at the previous hall, which operated in a residential area for some 50 years without complaint. Any group/person hiring the hall would be required to pay a deposit which would not be returned if due consideration were not shown to surrounding residents. No playing of loud/amplified music will be permitted and events where anti-social behaviour may occur would not be permitted. In the previous application, which was withdrawn, there was concern that by allowing use of the garden by groups, through the day and evening would lead to noise disturbance. It is no longer proposed to allow the use of the hall to spill out into the garden area.

4.9 The church who would operate the hall advise they would work with the local community and in officers opinion they could be reasonably expected to run the hall responsibly. In this resubmission further information has been provided of the activities proposed in the hall. The proposed user groups/activities do not pose an apparent noise threat to the extent that there would be inevitable harm to residential amenity. Should disturbance arise due to a certain group, then it could be expected this could be dealt with either by the church or if necessary reporting the event to the Council's Environmental Protection Unit. It is likely that some recorded music would be played in the hall, for example if it were used for dance classes or similar. However noise levels can be controlled through planning conditions, to ensure such music were not audible from neighbours' gardens. Restricting hours of use can also ensure noise from persons leaving the site do not unduly affect nearby residents.

#### Overlooking

4.10 The extension would be single storey with windows 3.4 - 4m from the north boundary beyond which are rear gardens. Overlooking would not be unacceptable.

#### Overshadowing/overdominance

4.11 The extension would be 3.4m from the nearest garden and around 19m from the rear wall of the nearest houses. The building is proposed with a low pitched roof, ranging from 2.6m high (when nearest the rear gardens of 2, 4 and 6 Allendale) to 4.4m over a distance of 10m. Based on the height of the extension and its distance from surrounding houses and gardens, it would not cause undue overshadowing or overdominance.

4.12 After consultations with neighbours the applicants agree not to plant trees or hedges that may in future block light into surrounding gardens. New trees are only proposed by the site entrance(s), in locations, which are a reasonable distance away from neighbouring houses and their gardens.

#### Lighting

4.13 Objections have been raised that the proposed security/lighting of the site will harm residential amenity. No lighting is identified on the proposed drawings. In order to control lightspill and glare from any lights required on the building as a consequence of the proposals details of lighting can be required through a planning condition (see condition 5).

#### HIGHWAY SAFETY

4.14 As existing there is an informal car parking area of hardstanding to the north of the church (where the extension is proposed), which provides around 9 car parking spaces. Letters in objection report there are existing parking problems when church services occur which leads to cars parking on the street to the detriment of highway safety and residential amenity. Should use of the site be intensified this problem would worsen.

4.15 This application includes 10 covered and secure cycle parking spaces and 10 car parking spaces; three of the latter are intended for those with mobility problems. According to the Local Plan (Appendix E) the MAXIMUM amount of car parking spaces for a church/community hall of the size proposed would be 8/9 spaces. The minimum cycle spaces should be 6.

4.16 Local Plan guidance regarding car parking recognises that churches can rely on visitors using the private car more so than other uses (1 space is recommended per 8 sq m for places of worship, opposed to 1 per 20 sq m for church halls). Considering the existing parking provision it is understandable there may be problems with cars parking in the surrounding streets when services occur. Should the church hall be in use at similar hours, there may be further parking on the surrounding streets. It is considered this is an extant problem and the additional impact by the proposed hall would not unduly add to the problem. On the majority of occasions, the uses would not clash, i.e. evenings, and at such times the parking provision for the church hall should be adequate.

4.17 The proposal encourages cycling through providing secure cycle parking, a new facility to the site, and is located in a built up residential area, close to bus services. It is envisaged that for the majority of locally based users, it would not be necessary to use a private vehicle to commute to and from the site. By encouraging alternative means of transport, the proposals are consistent with the objectives of the Local Plan and also national guidance contained within Planning Policy Guidance note 13: Transport (PPG13). The level of car parking proposed is reasonable for the proposed church hall.

## DRAINAGE

4.17 National guidance contained within PPS25: Development and Flood Risk advises that policy aims to ensure flood risk is considered, to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk (i.e. flood zone 3). The application site is within flood zone 1 where the probability of flooding is low. All development types are appropriate in this zone.

4.18 With regards to managing flood water PPS25 warns that development can reduce the permeability of a site. If inadequate surface water drainage is provided run off is likely to increase which can add to flood risk elsewhere. To mitigate this, proposed buildings should manage surface water and not be located in areas of the site where water would naturally flow. Surface water can be managed through rainwater recycling, infiltration devices such as a soakaway, which allow water to soak into the ground, filters to direct water and basins to hold excess water.

4.19 The applicant has proposed soakaways to be located at the north side of the site (between the proposed hall and the site boundary) and in grassed areas to the southwest and east (behind the church) to deal with surface water. It can be a condition of approval that the principle of soakaways be tested and shown to work before development commences. Should the test fail then it will be required that an alternative solution be provided. There is adequate space on site that would not be developed where a storage system could be installed if necessary.

## OTHER MATTERS

### Property value

4.20 Property value is not a material planning consideration; in determining planning applications what is considered is the impact on amenity.

### Cooking smells

4.21 The proposed kitchen would be of domestic size and would not therefore unduly affect surrounding residents.

### Fire Safety

4.22 Fire safety is covered through separate legislation such as building regulations. Fire risk in the building would not be unduly high and thus could not be used as a reason to refuse the planning application.

## 5.0 CONCLUSION

5.1 The proposed church hall is of reasonable design, it would complement the appearance of the church building and due to its scale and location it would not be overdominant or have an overbearing impact. It is considered that the proposed development would not create undue noise disturbance or compromise highway safety. Drainage of the site can be dealt with through a planning condition. Approval is recommended.



**COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

- 1 PLANS1 Approved plans - 40A, 40B, 40C, 41.
- 2 TIME2 Development start within three years
- 3 VISQ1 Matching materials

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

5 Prior to development commencing details of any proposed external lighting, including external appearance, lux levels and lightspill shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of visual and residential amenity.

- 6 HWAY10 Vehicular areas surfaced, details reqd

7 Prior to the development commencing details of the area(s) for bin storage (including means of enclosure) shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the stores have been provided within the site in accordance with the approved details, and these areas shall not be used for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

**INFORMATIVE**

It is considered the space allocated on drawing 40A may be inadequate and it could also obstruct the cycle store. It is suggested the bin store be located at the east end of the cycle store area.

Reason: To ensure adequate space for waste recycling and litter collection in accordance with policy GP1 of the City of York Draft Local Plan and in the interests of appearance.

8 The area shown as cycle storage on drawing 40A shall be made available prior to first use of the building hereby approved and retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

INFORMATIVE

Instead of 10 stands, 5 Sheffield type stands at 1m intervals could create the same level of cycle parking.

Reason: To promote sustainable modes of transport in accordance with policy GP4a of the City of York Draft Local Plan.

9 Deliveries to the site shall be confined to the following hours:

Monday to Fridays	08.00 hrs to 18.00 hrs
Saturdays	not at all
Sundays and Bank Holidays	not at all

Reason: To minimise the impact noise from deliveries could have on the nearby occupants.

10 There shall be no playing of live or recorded music inside the church hall which is audible outside the building.

Reason: to protect the amenity of local residents.

11 The church hall shall not be open outside the following hours:

Monday to Saturday 08:00 to 22:00  
Sundays 08:00 to 21:30

Reason: To protect the amenity of surrounding occupants.

12 Prior to development commencing details of the surface water drainage system shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

INFORMATIVE

The proposed soakaway surface water system shall be shown to work through an appropriate assessment carried out to BRE 365 standards, to prove that the ground has sufficient capacity to accept surface water discharge and to prevent flooding of the site and surrounding land. Should the soakaway test fail an alternative means of drainage shall be required.

The use of water butts for rainwater recycling is encouraged.

In agreement with the Environment Agency / Marston Moor IDB, peak run-off from brown-field sites should be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding,

along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: To avoid the possible flooding of adjoining land and in accordance with policy GP15a of the Development Control Local Plan and PPS25 (Development and Flood Risk).

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

### **1. 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:

Section 184 - Stuart Partington (01904) 551361

### **2. 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 visual impact, residential amenity, highway safety and flood risk. As such the proposal complies with Policies GP1 and C1 of the City of York Local Plan Deposit Draft.

### **3. DEMOLITION AND CONSTRUCTION REQUIREMENTS**

#### **Contact details:**

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

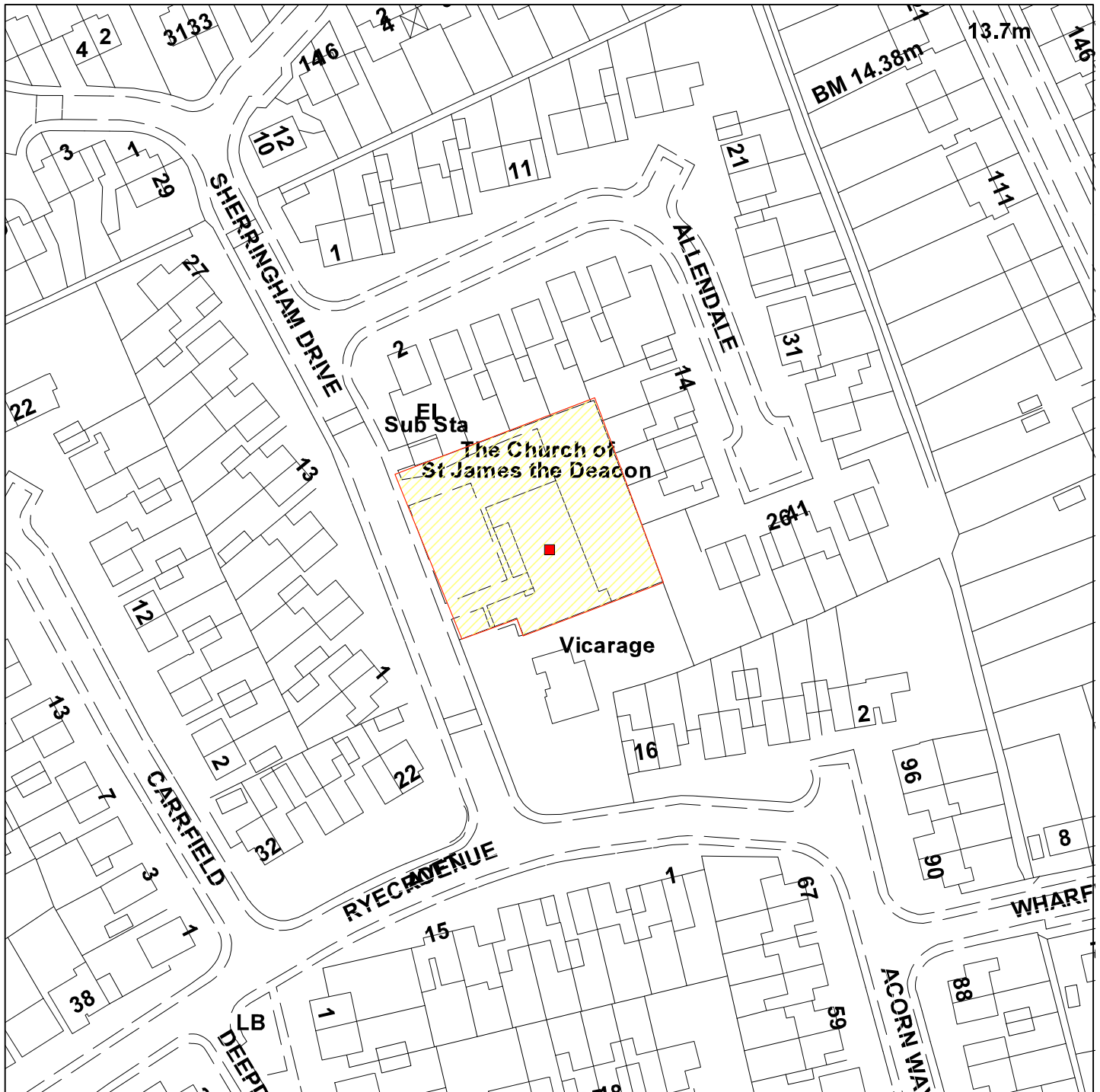
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# Church of St James the Deacon, Sherringham Drive

08/02595/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning & Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	30 January 2009
<b>SLA Number</b>	Not set

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