

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Dringhouses And Woodthorpe
Date: 17 July 2008 **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 08/01305/FUL
Application at: Church Of St James The Deacon Sherringham Drive York YO24 2SE
For: Single storey extension to existing elevation to create church hall
By: The Parochial Church Council
Application Type: Full Application
Target Date: 21 July 2008

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.

The proposal

1.2 Planning permission is sought for a church hall, which would be built behind the church and landscape changes, which include a more formal car park area to the north end of the site. The old church hall used to be located on Thanet Road. It was deemed unfit for purpose (not up to modern standards) and demolished in 2006.

1.3 The proposed church hall would have a footprint of 18m by around 9.5m, the original plans for the hall have been revised, to lower the overall height of the proposed building, as there was concern of the impact this would have on neighbours. Originally the height was 3.2m to eaves level and 6.8m to ridge level, the roof pitch has been lowered and the maximum height of the structure is now proposed at 4.5m.

1.4 The application is brought to committee due to the volume of objections (20 at time of writing report) from local residents.

2.0 POLICY CONTEXT

2.1 Policies:

CYC1 Criteria for community facilities
CYGP1 Design

3.0 CONSULTATIONS

Environmental Protection Unit

3.1 Has concern over potential noise emission from the new hall and its effects on local residents. Doors, windows and the roof area are likely areas where noise will be emitted from the building during activities which are proposed within the supplementary information of the application. It is therefore recommended that a condition requiring a scheme for insulation measures to be approved by the Local Planning Authority is submitted before the development commences. Informatives are also recommended which regard contaminated land and the requirements of the Control of Pollution Act, which includes restricted working hours during construction.

Highway Network Management

3.2 Make the following comments:

- Ask for detailed drawings of the areas to be surfaced.
- Suggest a reconfiguration of the car parking area, so the disabled spaces are closer to the church entrance. Access routes, to be adequate for disabled persons should be 1.5m wide minimum and with ramped access.
- There is no objection to the amount of car parking proposed, or that the scheme would harm highway safety.

York Drainage

3.3 Advise that the site is in an area where the risk of flooding is low. However further information is required that demonstrates development of the site would not increase the flood risk of the surrounding area. Information is required regarding ground levels, the existing surface water system and details of the proposals for the new development, so the impact may be assessed, and clarification that the proposed soakaway drainage system would work.

Planning Panel

3.4 Support the application.

Publicity

3.5 The application was publicised by site notice and letters of neighbour notification. Neighbours were re-notified of the revisions to the height of the building. The deadline for comments was given as 11.7.08. 20 Objections have been received to date.

3.6 Objections have been made on the following grounds:

Overbearing/loss of light

3.7 Building would lead to a loss of light, be overbearing/overdominant due to the buildings height and proximity to the site boundary (2m). This would harm residential amenity and prevent vegetation from growing. Residents would suffer from a loss of privacy. The proposed landscaping scheme could also lead to overshadowing. The loss of light to premises would also lead to a loss of heat, potentially resulting in higher energy bills.

Light pollution

3.8 Light pollution from the proposed security lights would spill into neighbours gardens.

Fire Risk

3.9 In case of fire this would affect residents amenity and surrounding premises could be put at risk.

Noise pollution.

3.10 The site is in a residential area and to use the hall, for functions and parties etc up to around 23:00 potentially 7 days a week, would lead to noise pollution and loss of sleep for residents. Residents are also concerned that the hall would be available for private use, and that the consumption of alcohol at the premises is likely to lead to persons causing disturbance. Sources of noise include persons leaving the site, getting into cars (engines running, slamming doors, etc), problems with insulating the building, noise would spill out via windows when used for ventilation, from the garden (in particular in the summer), and through the full length doors.

Highway safety

3.11 Inadequate parking. Traffic is already a problem when the church is in use, with persons parking and manoeuvring on the road, to the detriment of highway safety. The amount of traffic generated could also be detrimental to air quality.

The need for the facility.

3.12 There are other underused facilities nearby which can provide similar services, for example Moor Lane Youth Club, Woodthorpe School, Foxwood Community Centre and Westhorpe Chapel.

Also

- Adverse impact from cooking smells and waste/litter creation.
- Anti-social behaviour that is already a problem at this site.
- Loss of property value.

4.0 APPRAISAL

Key issues

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

Policies of the Local Plan

4.1 GP1 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.

4.2 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.

Principle of the development

4.3 The application proposes a community facility that would be used by the Church, but also accessible for all; a resource and space for a mix of members of the community. The submitted design and access statement advises that the hall could be used by any member of the community who wishes to use it. The applicants have identified the need for a large multi-function hall, which includes toilet and kitchen facilities.

4.4 There is apparent demand for the proposed facilities from users of the old church hall and also potential new users. The facility would be suitable as a meeting space and could be used as a performance venue. Users of the old hall that would be willing to relocate to the new hall include 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. Interested users have been given as:

- Dringhouses dramatic society
- Dance and drama schools
- Karate club
- Dancing groups (x3)
- Sunday school
- Fundraising groups
- Pilates class
- Pre-school activities
- Parties and weddings
- Events to the public
- Brownies
- Age Concern
- Ward meetings

4.5 Although comments from the public advise that other nearby facilities are underused the principle of the development of a community facility is supported by the Local Plan. However there are other key issues that need to be addressed.

Design

4.6 The proposed hall by virtue of its location, shape, scale 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. The impact on its surrounds is discussed in paragraphs 4.16 and 4.17.

4.7 The application also proposes alterations to the hard and soft landscaping on the church site. The landscaping includes layout of the car park, access routes, lighting, planting and boundary treatment.

4.8 A new car park would be created at the north of the site; this space is currently used for parking in an informal manner. Disabled and typical car parking spaces are

proposed, the latter and part of the access road would be surfaced in eco-block. This will improve drainage of the site, and the appearance of grass coverage is considered to be preferable to an expanse of tarmac. Level pedestrian accesses are proposed; overall inclusive access would be improved.

4.9 The lighting scheme involves low level lighting bollards to mark the entrance paths. On the buildings, there would be spotlights fixed to the church to light the car park (x2 on the north elevation) and on the east elevation (x1) to light the garden area. There would be 3 further lights on the proposed hall, for emergency use only. Due to the height and amount of lighting it is considered they would not cause undue pollution and would not unduly shine into surrounding houses or gardens. Were the application recommended for approval a suitable condition could require specifications of the lighting to ensure such.

4.10 A boundary wall is proposed between the garden and the vicarage, the height is not specified. The wall and the soft landscaping, covering species and location could each be covered by a condition to ensure they appropriately preserved residential amenity.

Residential amenity

4.11 The applicants advise that the hall would primarily be used by the church although it is the intention that it could be used by any groups who wish to hire it. This could attract a wide range of events, including parties. The applicants advise the hall would preferably be available for use until 22:30, with an extra half hour or so afterwards for cleaning. The capacity of the hall would be 75. As such there are a number of noise issues, which have been highlighted in residents objections to the application.

4.12 Officers concern is that some of the objections regarding noise could not be addressed through planning conditions and that given the proximity of neighbours houses and the residential character of the area, there would be harm caused to residents amenity.

4.13 Persons leaving the building could cause disturbance through raised voices, car engines and slamming of doors, persons could also hang around the building, talking etc, instead of immediately leaving the site. In a residential area this type of activity can easily cause disturbance, and it would be likely to occur in the evening, which would harm amenity. Restricting the hours of operation could in part prevent this, however the applicants have advised they would like to use the hall in the evening. A condition preventing use after for example, 20:00, could compromise the viability of the hall, and would be unreasonable, given the desires of the applicants.

4.14 Noise during times of use could also unduly affect residents. It would be expected that persons would want to make use of the garden area, or at least have the doors onto the patio open when weather permits, this would mean noise from activities within the building would be apparent from neighbours gardens. Again this would harm neighbours enjoyment of their dwellings and would lead to disturbance. It would be difficult to enforce and unreasonable to request that the doors into the garden remain shut at all times and the use of the garden prevented.

4.15 Whilst it is unlikely that small groups using the hall in the early evening would lead to undue disturbance, the hall would also be available for use on one off occasions, such as birthday parties, and the applicants wish to make the hall available for use up to 22:30. On such occasions, bearing in mind the capacity of the hall would be 75 persons, there is the potential that there would be harm to residents amenity, contrary to policy GP1 of the Local Plan.

Overdominance/overbearing structure and loss of light

4.16 The proposed extension would be closest to 20 Allendale. The side elevation of the hall would be 2m from the side boundary and 8.5m from the rear elevation where it has been extended, adding a two-storey outshot. The surrounding area is residential, suburban in nature where houses typically enjoy separation distances of at least 20 m between elevations with main habitable rooms. The plans were revised by the applicant to address overdominance/overbearing and loss of light over 20 Allendale, by lowering the pitch of the roof so the roof would slope up to a maximum height of 4.5m.

4.17 Despite the revised plans, the extension would still be unduly close to the boundary and dwelling, in comparison to the separation distances common in the area. The back garden and rear ground floor rooms of 20 Allendale would feel enclosed by the hall and the existing garage/single storey pitched roof building between 20 and 22 Allendale. Due to the proposed area of the low pitched roof, and its material (upvc coated sheeting), it is considered that the hall would be detrimental to the level of amenity enjoyed by the occupants of 20 Allendale; it would be overbearing and detrimental to levels of outlook. Were the hall moved around 2m further from the boundary, the impact may be acceptable.

Highway safety

4.18 Letters in objection report that there are existing parking problems when church services occur. This leads to cars parking on the street. This application includes 10 covered and secure cycle parking spaces and 13 car parking spaces. 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.

4.19 The amount of parking is considered to be adequate (the amount of car parking spaces are above the maximum for community use in the Local Plan, although more spaces are recommended for places of worship) for the proposed hall. The provision of cycle spaces will encourage cycling. As it is envisaged that the majority of users of the facility would be from the locality, it would be reasonable to expect persons could either walk or cycle to the facility.

Other matters

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

4.21 Waste/litter: It is considered this is not the type of use that would generate undue amounts of litter. Were the site to offer alcoholic drinks, as has been suggested in objections, a premises license would be required, which can add

conditions that prevent litter generation. The generation of litter is also covered under other legislation.

4.22 Cooking smells: Based on the proposed plans the kitchen is of domestic size and would not therefore unduly affect surrounding residents.

4.23 Fire Safety: Fire safety is covered through separate legislation such as building regulations. Events such as fires etc are unlikely to occur frequently. When such events do occur they inevitably cause disturbance, however fire risk in this building would not be unduly high and on this occasion harm to amenity were a fire or similar emergency to occur could not be used as a reason for refusal.

4.24 Drainage: The site is in a low risk flood area and it is considered that the drainage of the building could be dealt with through suitable planning conditions.

5.0 CONCLUSION

5.1 Officers are concerned over how the proposed hall would affect residents amenity, due to the design/size/location of the hall, which would impact upon 20 Allendale and due to noise disturbance as a consequence of the wide ranging and potential extent of the use of the facility, which is in close proximity to houses in a residential area. As such there is conflict with policy GP1 of the Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development due to the wide range of uses that could occur in the hall and the proposed hours of operation is likely to have an adverse impact upon the level of amenity presently enjoyed by surrounding residents. As such the proposal would be contrary to policy GP1 of the local plan which 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; and ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

2 The proposed hall by virtue of its size, roof material and proximity to the site boundary would be detrimental to the open character of the area and would be overbearing/overdominant and harmful to outlook presently enjoyed from 20 Allendale. As such the proposal would be contrary to policy GP1 of the local plan which 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; and ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

Contact details:

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