

## COMMITTEE REPORT

**Committee:** West/Centre Area                      **Ward:** Micklegate  
**Date:** 16 October 2008                              **Parish:** Micklegate Planning Panel

**Reference:** 08/01846/FUL  
**Application at:** All Saints Roman Catholic Comprehensive Lower School  
Nunnery Lane York YO23 1AB  
**For:** Proposed temporary building to provide a new drama suite  
**By:** The School Governors  
**Application Type:** Full Application  
**Target Date:** 18 September 2008

### 1.0 PROPOSAL

1.1 The application seeks planning permission for a prefabricated classroom unit for a drama suite on part of a grassed area to the south of the main tarmac playground for All Saints Lower School Site. The site is adjacent to cricket nets and a rounders pitch. It is intended that the mobile sectional building would be required for a three year temporary period pending funding from the Department for Children, Schools, and Families.

1.2 The oldest buildings on the school site are listed as Grade 1 and the school grounds are shared with the Bar Convent, a Grade I Listed Building dating from the 1760's. There is now a range of buildings on the lower school site that date from various periods to the present day. The school site is bounded on two boundaries by buildings in different ownership that either overlook or would be affected by the proposal. The site is visible from the rear elevation of the residential property in South Parade to the south west, a series of Grade II listed buildings dating from 1825-8. To the north west of the site, there is a blank gable of an office development that is accessed from Blossom Street. The site lies within Central Historic Core Conservation Area no.1.

1.2 The building would measure 12m x 9.4m x 3.48m high with a flat roof and an external painted finish. There would be a ramped entrance to the main door, and steps would be required from the emergency exits due to varying ground levels. The temporary classroom would be adjacent to an existing historic boundary wall that divides the grassed playground from the tarmac playground and is associated with the former convent gardens. The proposed prefabricated building would be unrelated to existing buildings on the site and would appear as a stand alone unit.

1.3 The agent and applicant have submitted additional information relating to site levels and the educational need for the building. The accommodation is required in association with recent curriculum changes to support the new Diploma Model. The school's premises officer has advised that there are few alternative sites for a mobile unit; the proposed area is not used for the formal teaching of sports and pupils rarely play on it; the accommodation is urgently required for teaching; and funding and

timing would not allow a permanent building to be built immediately to meet this need. The intention is to provide permanent accommodation for dance and drama in a second floor development above an existing and recently built single storey extension that abuts the tarmac playground.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYHE2  
Development in historic locations

CYGP1  
Design

CYHE4  
Listed Buildings

CYED11  
Protection of Playing Fields

CYGP23  
Temporary planning permission

CYNE6  
Species protected by law

## **3.0 CONSULTATIONS**

INTERNAL

3.1 Design, Conservation and Sustainable Development – Conditions recommended

3.2 Environmental Protection Unit- No objections subject to conditions

3.3 Highway Network Management- No objections

EXTERNAL CONSULTATIONS

3.4 Sport England- Initially recommended refusal, but would remove objection if the rounders pitch is reoriented and conditions are applied to any permission

3.5 Micklegate Planning Panel- No objections

3.6 Seven representations have been received at the time of writing that raise the following planning issues:

- Proposed building would have no architectural merit for its position in the conservation area on the property of a Grade I Listed Building- the gardens and garden walls
- The proposed building would be close to the listed terrace of South Parade and would be a potential eye-sore as an intrusive building when viewed from these properties. Area is a significant piece of historic landscape.
- The building on the grassed area would reduce the low level of greenery on the site, result in the loss of valuable playing fields in this day of obesity problems
- The site forms part of a green oasis in a dense urban environment that is a habitat for bats and allows unimpeded views that would be destroyed
- There is no indication of the length of the time the temporary building would be needed, and this is essential in order for residents to assess its likely impact within a meaningful strategy for the long-term development of the site. Likelihood and scale of future funding and indication of possible sites for a permanent replacement building should form an essential part of the application. Without this, there would be pressure to retain a convenient resource.
- The building would unacceptably encroach on the green open space which forms part of the curtilage and historic setting of the Bar Convent complex and proposed design would be a major visual intrusion in this context of open grassland, mature trees, and old brick walls of the former convent gardens
- More appropriate site would be closer to the school. Not an appropriate location for a permanent building.
- Proposed building would be closer to domestic and office properties than any other school buildings
- Proper environmental assessment should be carried out to calculate the 'whole-life' impact on resources and the environment.
- If approved, a strict time period should be imposed

## **4.0 APPRAISAL**

### 4.1 Key Issues

- Land use
- Impact on the visual amenity of the listed building and the conservation area
- Impact on the amenity of neighbouring occupiers
- Highway safety
- Sustainability
- Protected Species

### 4.2 Policy Context

Planning Policy Statement 1: " Planning for Sustainable Development " aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

Planning Policy Guidance Note 15 " Planning and the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate developments.

Policy HE2 of the City of York Deposit Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

Policy HE4 of the City of York Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

Policy GP1 'Design' of the City of York Local Plan Deposit Draft 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.

Policy GP23 of the City of York Local Plan highlights the criteria which a development must satisfy in order to be granted temporary planning consent. In summary these area: a) no loss of amenity for local residents; or b) there are no viable permanent alternatives immediately available; and c) plans will be brought forward for a permanent development; and d) the period of consent requested is the minimum required to bring forward a permanent development; or e) a trial period is necessary.

Policy ED11 seeks to protect the loss of playing fields associated with educational establishments unless exceptional circumstances exist.

Policy NE6 of the Local Plan that ensures that animals protected by law, or their habitats, are not harmed by development and that applicants undertake proper assessments and mitigation measures as appropriate.

## ASSESSMENT

### LAND USE

4.3 This application seeks planning permission for a temporary classroom to accommodate a drama/ dance classroom to be sited on a grassed part of the main playground at the rear of the school. The school authorities advise that the proposed

temporary building would be required for approximately three years while funds are accrued for a permanent classroom. Supporting information indicates that national funding would be available for this purpose but it would require a three-year period to build up sufficient funds to cover the building costs. From this information it appears that the aim is to provide permanent accommodation for drama/ dance within the main school building as part of a building programme authorised by the school governors to meet the accommodation shortfall. The school strongly advises that the mobile classroom would only be required on a temporary basis; it would not be used in the evening for non-school uses; and would be removed on completion of the proposed permanent accommodation in the first floor extension above the girls toilets in the main school complex. The local planning authority can confirm that it has recently received an application for planning permission for the proposed first floor extension. Members should note that whilst this indicates that the school has a commitment to meeting its accommodation problems in the long-term with permanent buildings, this commitment would be dependant on planning permission being granted for the proposed permanent accommodation and future funding being available for the building work. It is therefore considered that there is a reasonable degree of compliance with parts c) and (d) of Policy GP23 that requires the applicant to demonstrate that plans have been brought forward for permanent development and that the period for which consent is sought is the minimum required to allow the permanent classroom development to be implemented.

4.4 This site is not ideal as it is remote from the main school complex, poorly relates to existing built development on the site, intrudes into an attractive open space that contributes to the character of the area, impinges on the use of the adjacent sports facilities, reduces the level of play provision for pupils, and affects the outlook of the residents who live in the nearby residential terrace of South Parade. The school, its agents and council officers have considered alternative locations for the temporary unit but the alternatives were dismissed as unsuitable or inappropriate as they involved the loss of more valuable playground space that is used for both educational and recreational use, would provide insufficient space to accommodate the size of the proposed building, or detrimentally affected trees and neighbours.

4.5 Part a) of Policy GP23 of the Local Plan states that planning permission for the temporary use of land or the erection of temporary buildings for a limited period should only be granted where there would be no loss of amenity to the occupants of adjacent property as a result of the proposal. It is considered that the change to the amenity of the area would be contrary to this section of Policy GP23 and the amenity implications would have to be weighed against the educational need of the school. On balance it is considered that due to the lack of alternative locations for the siting of a temporary building, the constraints of the site, the complexities in planning for new school buildings, and the educational need of the school, a temporary planning consent for a three year period would be a reasonable timescale for a temporary building in this sensitive location if Members were of a mind to approve the application.

4.6 There is a requirement for the local planning authority and Sport England to assess the implications of and prevent the loss of sports facilities and opportunities in order to ensure that sport and recreational needs are met. ( Policy ED11 ). It is noted on site, and acknowledged by the school authorities, that there is a serious

deficiency of formal and informal open space within the lower school site for its number of pupils and the need to provide an acceptable level of outdoor space. Consequently, any loss or infringement of an existing facility must be carefully assessed. The proposed development would result in the loss of part of an existing grassed sports field adjacent to cricket nets and close to a rounders pitch approximately 4 metres away. The school has advised that the area the building would occupy is rarely used by pupils and does not form part of any formal sport provision. Initially, Sport England objected to the proposal as the proposed building ( with three windows in the elevation to the rounders pitch ) would be too close to the existing rounders pitch. The objection has now been withdrawn as the reorientation of the existing rounders pitch would allow the safe use of the pitch whilst accommodating the temporary building. Sport England would also require planning permission to be granted on a temporary basis only for a three year period, and the classroom to be removed at the end of the temporary period with the area is returned to a sports provision use. The agents have submitted revised plans showing a revised layout of the rounders pitch that have been agreed with Sport England for Member's consideration. The affected grassed area is a small area of a much larger tarmac and grassed playground. It has a limited contribution in the total playground area, and it appears on the basis of the amended plan agreed with Sport England that no area of formal sport provision would be detrimentally affected by its loss. It is considered that the applicant has demonstrated that there are exceptional educational circumstances that would warrant the loss of a small area of playing area to accommodate a temporary building for a limited three year period and that the site would be capable of being returned to recreational use at the end of the limited period. As such there would be no conflict with Policy ED11 of the Local Plan.

## VISUAL IMPACT

4.7 The proposed prefabricated building would be sited within an attractive open area within and at the grounds of the school/ convent complex that includes Grade I listed buildings and historic garden walling. It is an asset that is highly valued by the residents of South Parade that overlook the area, many of whom have expressed concern about the impact of the proposed form of temporary building in this open location. The proposed temporary building would have a significant visual impact on the openness of the area, detracting from its character that makes a positive contribution to the character of this part of the conservation area. The location of the proposed building would also alter the historic character of the former convent gardens with its historic walling and open character. The proposed building would be adjacent to an historic garden wall and visually interrupt its length. It would appear as a prominent structure, designed and built of non-permanent materials that would be unsympathetic to the layout of the existing school buildings and intrude into the open character of this part of the conservation area. It is neither the site nor form of building that would supported by planning policy unless the applicant can demonstrate a need to outweigh policy considerations. The temporary building would have no architectural merit and would create a precedent for a permanent building in the same or similar location, and would lead to pressure to retain the non-permanent structure as a resource for further educational use.

4.8 Whilst the proposed building would have a significant impact on the character of the conservation area and affect the visual amenity the occupiers of the residents in South Parade that overlook the site, the proposal would have limited impact on the public view of the conservation area. Public views of this area are limited and the visual intrusion of a new building in this location would not detrimentally affect a visually prominent or important part of the conservation area. Additionally it is noted that the building would only be required for a temporary period and that the site would not be sterilised and could be effectively conditioned to ensure that the area is returned to its recreational use. On balance it is considered that the educational requirement for the building as part of the school's building programme would outweigh the limited level of harm to the amenity and character of the area that would occur if the temporary building is built in this location.

4.9 The proposed temporary building would be an acceptable distance from the listed buildings on Blossom Street and the listed properties on South Parade. The proposed temporary building would be approximately 27 metres from the gardens on South Parade and the setting of the Bar Convent buildings is separated from the site by the existing modern school buildings that have a more immediate impact on the listed buildings. It is considered that the proposal would not affect the special interest of the listed buildings on or near the site, and would accord with Policy HE4 of the local plan and related national guidance that seeks to protect listed buildings from inappropriate development.

#### NEIGHBOUR AMENITY

4.10 The building would be sited in an existing playground/open space that generates noise at certain times of the day. It would be an acceptable distance from the residential property in South Parade and it is intended that the building would be used during normal hours of 08:30-16:00, apart from the occasional need to use the building up to 18:30 during the run up to external examinations. It is not intended that the building would be used for any external uses, e.g. evening classes. As the proposed drama/ dance use could have the potential to cause noise which may affect local residential amenity, the Environmental Protection Unit advises that the hours of the use should be controlled to school days and times, if Members are minded to approve the planning application.

#### HIGHWAY SAFETY

4.11 The site of the proposed prefabricated building is not generally accessible by vehicular traffic. At the moment, the School has granted permission for a temporary vehicular access across part of the adjacent grassed area in relation to construction work at the rear of the Bar Convent buildings fronting Blossom Street. The Highways Section has no objections to the proposed development as the proposed additional accommodation would not increase school roll or staffing numbers.

## SUSTAINABILITY

4.12 Whilst a full sustainability appraisal was not submitted with the application, the applicants have stated that the proposed temporary unit has good insulation values and adequate heating levels for the relatively short period of time the unit is likely to be in use.

## PROTECTED SPECIES

4.13 There is concern from an objector who overlooks the site that the habitat of bats in the area would be affected by this building. The Council's ecologist has advised that it is unlikely that bat roosts or bats would be affected by the proposed building, and no mitigation measures would be required in this instance. The proposal would not conflict with Policy NE6 of the Local Plan that ensures that animals protected by law, or their habitats, are not harmed by development and that applicants undertake proper assessments and mitigation measures as appropriate.

## 5.0 CONCLUSION

5.1 It is concluded that the school has demonstrated a proven need for the building to meet its educational requirements to deliver a change to the curriculum, and that it is committed to a permanent solution to its accommodation shortfall such that the building would be required for a three year period. It would then be removed with the land returned to its recreational use. On balance, it is considered that the school's educational need outweighs the harm to the visual amenity and character of this part of the conservation area and the outlook from the rear elevation of the dwellings in South Parade caused by the unsympathetic siting of a temporary structure in a conspicuous location in a pleasant open area. It is recommended that planning permission be granted for a three year period with conditions that ensure that the site is returned to recreational use.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 The temporary building hereby approved shall be removed from the site and the use discontinued with the land reinstated to its former recreational use and condition at or before 31.10.2011 unless planning permission for the continued use of the building and the land hereby approved has been granted by the Local Planning Authority.

Reason: The temporary building in this location and the loss of recreational provision for the school would be inappropriate on a permanent basis.

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



Drawing No. 2402C/11A Received by email on 17 September 2008

Drawing No. 2402C/10 Received 25.7.2008

Design details and finishes as contained in agent's letter, dated 12 September 2008 and received on 15 September 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 The use hereby permitted shall be confined to the following hours:

Monday to Fridays 08.00 hrs to 18.30 hrs

Saturdays not at all

Sundays and Bank Holidays not at all

Reason: To minimise the impact of noise on the nearby occupants amenity.

4 ARCH2 Watching brief required

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

i) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

iii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

iv) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

v) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

vi) There shall be no bonfires on the site

## 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 the visual amenity and character of the conservation area, the special interests of nearby listed buildings, the amenity of neighbours, the provision of educational facilities, loss of playing fields, and the habitat and conditions for a protected species. As such, the proposal complies with Policies GP1, GP23, HE2, HE4, ED11, and NE6 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment" and Planning Policy Statement 1 " Delivering Sustainable Development. "

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