

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 However that application was withdrawn by the applicants due to the objections from surrounding residents.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:

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