

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Holgate
Date: 18 June 2009 **Parish:** No Parish

Reference: 09/00648/REM
Application at: St Barnabas Voluntary Primary School, Bright Street, York, YO26 4XS
For: Erection of 8no. terrace houses including landscaping, parking and access
By: Daniel Gath Homes Ltd
Application Type: Approval of Reserved Matters
Target Date: 11 June 2009

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the former St Barnabas School site, which fronts onto Bright Street between Bromley Street and Hanover Street East. The site is 0.09Ha in size and surrounded by terraced housing.

1.2 The school building was built in 1884 and extended in 1997. The original building is of Gothic design of red brick and stone dressing. It occupies 70% of the site, the rest is hardstanding.

PROPOSED DEVELOPMENT

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

1.3 8 houses are proposed (4x 2-bed & 4 x 3-bed), in two rows of 4, fronting Hanover Street and Bromley Street. Each house has a private garden and off-street parking space.

SITE HISTORY

1.4 After it was decided that the school would move to its new site by St Barnabas Church an outline application for the principle to develop the application site as residential was submitted in August 2005. The access into the site was shown from Bright Street, with other matters reserved for future consideration. The indicative plan illustrated demolition of the school building, to be replaced by a two-storey high development of 9 units, with a covered vehicle entrance on Bright Street leading to 8 car parking spaces.

1.5 The outline application was refused at planning committee in October 2005. Officers recommended approval on the grounds that the principle of residential

development was acceptable and loss of the existing building could not be opposed as it was not listed, nor was it of listable quality. The application was refused by members, the reason for refusal being that the application would necessitate the loss of a landmark building of townscape, historical and cultural importance and on the basis of the submitted material a modern replacement building would not make the same contribution to the townscape as the existing building. As such the proposal would conflict with principles of Policy E4 of the approved North Yorkshire County Structure Plan (now superseded), Policy SP3 of the City of York Deposit Draft Local Plan and advice contained within Planning Policy Statement 1: Delivering Sustainable Development.

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

1.7 The first attempt at gaining reserved matters approval was refused at planning committee in November 2007. The application proposed 14 flats, (7 x 1-bed & 7 x 2-bed) with 9 off-street parking spaces.

1.8 The scheme was rejected due to the type of dwellings proposed, which would not assist in delivering the type of dwellings identified as being required in the city, in the Councils Strategic Housing Market Assessment, i.e. 2 and 3 bed sized houses opposed to flats. The ground levels were also not adequately set above ground level, as required in the outline consent, to protect occupants from flooding.

1.9 The decision was appealed against but dismissed, the inspector giving reasonable weight to the Councils Strategic Housing Market Assessment, which has been established in accordance with national guidance in PPS3 which advises Planning Authorities establish housing need and demand and determine applications accordingly.

1.10 The application is brought to committee at the request of Councillor Crisp as previous schemes for the site have been brought before members and as there is significant public interest in the site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams GMS Constraints: West Area
Floodland Multiple (Spatial)

Floodzone 2 GMS Constraints: Flood Zone 2

Floodzone 3 GMS Constraints: Flood Zone 3

Schools GMS Constraints: St. Barnabas' CE Primary

2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYH3C	Mix of Dwellings on Housing Site
CYH4A	Housing Windfalls
CYNE7	Habitat protection and creation

3.0 CONSULTATIONS

ENVIRONMENT AND CONSERVATION

3.1 Advise that the building to be demolished is potentially of interest to bats. Although there are no records of roosts within this property, there are a number of potential access points and habitat features such as gaps under roofing tiles, between window frames and under leading which would allow bats to roost. There are also foraging and further roosting opportunities in the surrounding area, particularly with the nearby River Ouse, areas of parkland, and vegetation along the railway line. Because of this potential value, a survey is suggested to see if there is any evidence of occupancy or suitable habitat present.

ENVIRONMENTAL PROTECTION UNIT

3.2 No objection to the proposals in principle, however recommend that the applicant be asked to provide information regarding the required external lighting to ensure satisfactory levels of luminance can be achieved. Maximum luminance levels in the windows of houses should be agreed to safeguard residential amenity.

3.3 It is also asked that the applicant be informed of legislation regarding contaminated land and demolition and construction, the latter as there is a potential for loss of residential amenity during the demolition and construction phases of the development associated with noise, dust, vibration etc as a result of the works.

HIGHWAY NETWORK MANAGEMENT

3.4 No objection.

SAFER YORK PARTNERSHIP

3.5 Public and private space is clearly defined, the proposed development appears to be safe and secure and the design provides good natural surveillance. Due to levels of vehicle crime, burglary, damage and thefts in the area, which tends to occur at night, street lighting has been suggested in the car parking area to increase surveillance.

YORK DRAINAGE ENGINEERS

3.6 The proposed development is in high risk Flood Zone 3 and has suffered from river flooding. Insufficient information has been provided by the developer to determine the potential impact the proposals may have on the existing drainage systems. The following is requested -

- Details of the existing and proposed surface water system to enable the impact of the proposals on the downstream watercourse to be assessed.

- Proposed ground levels to ordnance datum for the site and adjacent properties, to ensure that there will not be any detriment to the drainage of existing properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

- Existing and proposed surfacing.

- Drainage details. Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

3.7 In accordance with PPS25 and in agreement with the Environment Agency / City of York Council, peak run-off from developments should be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas).

ENVIRONMENT AGENCY

3.8 No objection.

PUBLICITY

3.9 The application was publicised by site notice and letters of neighbour notification. The deadline for comments was 22.5.09. No written representations have been made.

4.0 APPRAISAL

4.1 Key issues

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

PRINCIPLE OF DEVELOPMENT

4.2 The principle of residential use of the site was set by the outline approval. The amount and location of residential units and their height, size and design is the subject of this reserved matters application.

4.3 There were no conditions requiring affordable housing, or contributions toward open space and education attached to the outline approval. These matters cannot be re-visited at the reserved matters stage.

AMOUNT AND TYPE OF HOUSING

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

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

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

4.7 The revised scheme proposes the type of housing, identified as being in most need by the SHMA. On this basis the scheme is consistent with policy and will make a positive contribution to the cities' housing stock.

DESIGN AND APPEARANCE

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

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

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

developments should be compatible with the surrounding area and must not harm local amenity.

4.11 The layout, scale, detailing and materials of the dwellings proposed would be in-keeping with the surrounding terraced housing. The scheme attempts to deliver housing that will be desirable by providing private gardens and off-street parking. The amount of parking proposed attempts to address previous concerns made by residents about existing problems with on-street parking in the area. The scheme avoids parking dominating the courtyard due to the location of spaces and private gardens and by having driveways leading directly onto the existing roads from houses 1 and 5.

4.12 Overall the design of the scheme reasonably accords with the policies listed in 4.8-4.10.

RESIDENTIAL AMENITY

Surrounding residents

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

4.14 The scheme applies separation distances and building heights which are typical of the area. In relation to the existing building, overshadowing would be reduced for some surrounding houses. Overall the impact on surrounding occupants would be acceptable.

Future occupants

4.15 There would be adequate outlook from the proposed units and each would have their own amenity and storage space. Houses are either 74sq m (3-bed) or 60 sq m (2-bed) which is deemed to provide adequate space for future occupants.

4.16 External lighting has been added to the scheme to assist with surveillance of the shared courtyard/parking area at the request of the Police Architectural liaison Officer (ALO). A condition is suggested covering the detailed design of the lighting and the lux levels/direction of light to prevent light pollution and in the interests of appearance.

HIGHWAY SAFETY

4.17 A car parking space has been allocated to each unit. The maximum requirements established in the Local Plan are 1 space for a 2-bed dwelling, 2 for a 3-bed dwelling. The standards being a maximum as the aspirations of the local plan are to encourage people using alternative means of transport. The limited amount of parking proposed is in line with the objectives of the Draft Local Plan and National Guidance in PPS1, PPG3 and PPG13 (Transport), which all seek to reduce car dependence and encourage access by walking and cycling, or public transport, between housing, jobs, local services and local amenities. Each unit has private storage space where cycles could be accommodated.

4.18 Any additional on-street parking in associated with the proposed development would not have a material impact on highway safety.

SUSTAINABILITY

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

4.20 The application has an associated sustainability statement. It advises that the location of the development is sustainable, in terms of proximity to services and the building is designed to be in character with the area. In terms of construction the walls shall be insulated, double glazing would be used and the type of terrace proposed will in itself help reduce heat loss. Move sensitive lighting is proposed to reduce energy consumption. Recycling facilities and rainwater harvesting are also proposed. There is no proposal to produce energy onsite.

4.21 To ensure the development is carried out in accordance with the sustainability statement, a suitably worded condition could be attached to an approval. The outline consent was granted before the Council's IPS on Sustainable Design and Construction was adopted; as such its requirements are not mandatory for this scheme. Overall it is considered the development would be reasonably sustainable.

FLOOD RISK

4.22 The site lies in flood zone 3, where the risk of flooding is high. In accordance with policy GP15 of the Local Plan the development should not be at risk from flooding and should not enhance the flood risk of surrounding buildings. The Environment Agency ask that finished floor levels are at least 11.5 AOD, 600mm above the 1 in 100 year flood event. This was a condition of the outline approval, to mitigate against flood risk. The outline consent did not request any details of how the site would be drained, or that surface water run-off be reduced by any future development.

4.23 The site is presently all hardstanding or developed on. As such surface water run-off would be reduced by over 30% due to the proposed development as grassed areas are proposed where water could drain into, opposed to being directed into drains. No change in ground levels are proposed. The development will thus reduce flood risk elsewhere.

PROTECTED SPECIES

4.24 Bats are a protected species and the English Nature will need to be contacted should bats be found in the existing building. In accordance with policy NE7 of the Local Plan: Habitat Protection and Creation, a condition of approval suggested is that alternative features for bats be provided as part of the new buildings.

4.25 A bat survey was carried out at the site on 26 May 2009, which included a survey of the building for signs of bat residency and/or usage and an evening survey

of activity. The evening survey commenced 30 minutes before sunset for a duration of 2 hours, which are times when bats will typically emerge from roosts.

4.26 The surveys found that the building does have some features that would be suitable for bat roosting. However no bat roosts were found in the building. During the evening survey bats were observed passing through the site and foraging to the north of the school building. The first bat was sighted around 1 hour into the survey, which suggests a roost is not nearby.

5.0 CONCLUSION

5.1 The principle of developing the site as residential has already been agreed through the outline planning application. This detailed scheme is supported as it relates to its context, would be of acceptable appearance and would not harm the amenity of occupants of the surrounding buildings. The scheme would not compromise highway safety or add to flood risk and it will provide houses for which there is identified demand.

5.2 Conditions are suggested regarding the finished appearance of the houses and external areas, such as boundary treatment and landscaping.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

- 08:67:01 Existing site plan.
- 02D Proposed site plan.
- 03B Proposed floor layouts and elevations.
- 04C Proposed street scenes.

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

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

2 Large scale details at a scale of 1:20 of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) Entrance doors and their surrounds.
- b) Windows, including types of opening, frames and cills (windows to be set into reveals) including cross section.
- c) Cycle and bin stores including doors.

Reason: In the interests of the appearance of the area.

3 The development shall be carried out using the following materials:

a) Sample panels of the brick to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

b) Samples of the materials to be used for the windows and doors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

c) Roof - type of roof finish to be approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works to preserve the appearance of the area.

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft 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 Details of all means of enclosure to the site boundaries and to each dwelling shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

6 The store buildings to houses 4 and 8 shall be constructed in wall and roof materials to match those on the approved houses, unless agreed otherwise in writing. Details of the doors (design and materials) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

7 Before the development is occupied, details of the external lighting shall be submitted to and approved by the Local Planning Authority.

The details shall include design and location of light fixings/columns, lightspill, main beam angle of light source and the level of luminance measured in lux, in the vertical plane at the nearest windows.

The street lighting shall be installed prior to the occupation of the dwelling(s) in accordance with the approved details.

Reason: In the interest of residential amenity and the character and appearance of the conservation area.

8 Prior to development commencing details of bat friendly design measures to be incorporated into the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting new habitats for a species protected law, in accordance with policy NE7 of the City of York Draft Local Plan.

9 HWAY10 Vehicular areas surfaced, details reqd

10 Development of the type described in Classes A, D and E in part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008 shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of appearance and given the size of the outside garden areas the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2008.

11 The development shall be carried out in accordance with a sustainability statement which shall be submitted and approved in writing by the Local Planning Authority. The statement shall detail energy and water use saving measures to be installed (including appliances and rainwater harvesting), means to prevent pollution (considering the use of materials) and confirmation that considerate construction techniques shall be followed.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the type of dwellings proposed, the appearance of the area, residential amenity, highway safety and flood risk.

As such the proposal complies with Policies GP1, GP4, GP15, H3, H4 and NE7 of the City of York Development Control Local Plan.

PROTECTED SPECIES

You are reminded that all species of bat and their breeding sites or resting places (roosts) are protected under Regulation 39 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Section 9 of the Wildlife and Countryside Act 1981. It is an offence for anyone intentionally to kill, injure or handle a bat, to possess a bat (whether live or dead), disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

Demolition works should proceed with care, as advised in the submitted bat survey dated May 2009 (section 4.2) and in the event that bats are discovered you should contact Natural England for further guidance.

SECURED BY DESIGN

The applicants attention is drawn to potential crime reduction by considering the Police 'Secured by Design' Award Scheme for this site. Full details and an application form for the scheme can be found on www.securedbydesign.com

CONTAMINATED LAND

If, as part of the proposed development, any suspect contaminated materials in the ground are encountered then the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the developer will be required to design and implement a remediation scheme 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.

DEMOLITION AND CONSTRUCTION

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 followed, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- 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.	

- 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".

- 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.

- 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.

- 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.

- There shall be no bonfires on the site.

Contact details:

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