

COMMITTEE REPORT

Committee: West/Centre Area

Date: 18 June 2009

Ward: Rural West York

Parish: Upper Poppleton Parish
Council

Reference: 09/00641/FUL

Application at: Poppleton Community Centre Main Street Upper Poppleton
York YO26 6JT

For: Single storey extension to front to form extended lounge and
entrance foyer after partial demolition of conservatory
(resubmission)

By: Mr Robin Tomlinson

Application Type: Full Application

Target Date: 11 June 2009

1.0 PROPOSAL

1.1 This application seeks permission for a small extension to the existing conservatory, to the side of the building adjacent to the tennis courts. A glazed roof to match existing, with white folding/sliding doors and matching brickwork is proposed.

1.2 The proposed works include a new entrance foyer and internal alterations to provide an enlarged lounge/bar area and kitchen with improved toilets and changing facilities.

1.3 The application is to be heard by Committee at the request of Councillor Hudson due to concerns relating to noise nuisance.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Upper Poppleton Infant 0233

Schools GMS Constraints: Upper Poppleton Junior 0234

2.2 Policies:

CYGP1
Design

CYC1
Criteria for community facilities

CYGB13
Sports facilities outside settlements

CYGB1
Development within the Green Belt

3.0 CONSULTATIONS

3.1 Internal

Highway Regulation - No objection

Lifelong Learning and Leisure - No comment upto date of writing

Environmental Protection Unit - Raise strong concern regarding proposal on the grounds of noise nuisance, though recommend conditions relating to noise assessment and a scheme of mitigation measures to protect the amenity of neighbouring residents, should the application gain consent.

3.2 External

Upper Poppleton Parish Council - No objection to proposal, subject to resolution of the noise problem.

Response to neighbour consultation letters which expired on 13.05.09. - One letter received from neighbouring resident raising concern relating to noise nuisance from the building and referring to the requirement by this Council within the premises licence for a noise insulation scheme to be approved and implemented.

Response to site notice which expired on 15.05.09. - None received up to date of writing.

4.0 APPRAISAL

KEY ISSUES

- 4.1. Visual impact on the building and surrounding green belt;
- 4.2. Impact on neighbouring properties

4.3 DRAFT LOCAL PLAN POLICY CYGP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 DRAFT LOCAL PLAN POLICY GB1 'Development within the greenbelt' of the City of York Local Plan Deposit Draft states that planning permission for development will only be granted where: a) the scale, location and design of such development would not detract from the open character of the Green Belt; and b) it would not conflict with the purposes of including land within the Green Belt; and c) it would not prejudice the setting and special character of the City of York; AND it is for an approved use - (i) agriculture and forestry; or (ii) limited extension, alteration or replacement of existing dwellings; or (iii) limited infilling in existing settlements; or (iv) limited affordable housing for proven local needs; or (v) limited infilling or redevelopment of existing major developed sites; or (vi) reuse of existing buildings.

4.5 DRAFT LOCAL PLAN POLICY GB13 states inter alia that within the green belt development of essential ancillary facilities for outdoor sport will be permitted where a) the facilities are essential to support outdoor provision; a1) they are kept to a scale consistent with the requirements of the outdoor activity; b) there are no opportunities to provide the built facilities in adjacent settlements and; c) any new buildings or structures do not detract from the openness of the Green Belt.

4.6 DRAFT LOCAL PLAN POLICY C1 aims to promote the provision of new community facilities and wishes to protect and enhance existing community facilities; provided that the proposed development is of a scale and design appropriate to the character and appearance of the locality; and also that it meets a recognised need.

4.7 PLANNING POLICY GUIDANCE 24 gives guidance on use of planning powers to minimise the adverse impact of noise including whether the use of conditions is practicable to control or reduce noise levels where it is not possible to achieve a separation from new development involving noisy activities away from noise sensitive land uses. Local planning authorities must ensure that development does not cause an unacceptable degree of disturbance. Relating to noise from recreational and sporting activities the local authority should take into account how frequently the noise will be generated and how disturbing it will be, and balance the enjoyment of participants against nuisance to other people.

4.8 Poppleton Village Design Statement aims to support and prevent the loss of excellent facilities in Poppleton which help to maintain the strong community spirit.

4.9 Relevant Planning History - Application No. 09/00163/FUL - Single storey extension to front to form extended lounge and entrance foyer after partial demolition of conservatory. Withdrawn 03.04.09. on officers recommendation to avoid refusal.

ASSESSMENT

4.10 Poppleton Community Centre is sited within the Green Belt but outside of the Conservation Area. As well as all the sporting facilities available at the Centre, the use also includes a lounge/bar and function room for community use. Further to this proposal the Centre hopes to also incorporate a Community cafe.

4.11 The proposed extension will not be highly visible to public view, nor neighbouring dwellings, due to its concealed location. The front of the site is screened by high mature trees, with the tennis courts in-between the main building and this boundary. Matching materials and door/window design are proposed and the extension will still be well set back from the elevation of the community centre facing the playing field. The proposal is of a modest height and mass and is not considered to harm the appearance of the dwelling, nor surrounding green belt.

4.12 Poppleton Community Trust are currently working with the Environmental Protection Unit with regard to compliance with conditions of a licensing application in relation to ambient noise monitoring of noisy events. The premises licence granted on 13.11.2008 required by condition that a noise insulation scheme for the premises be submitted and approved within 3 months of that date, however this has not been received.

4.13 As well as the small extension proposed, some of the existing windows are proposed to be replaced by sliding doors, more likely to be left open, resulting in more noise emanating from the building.

4.14 The previous submission, outlined above, which proposed identical works to this current proposal, was withdrawn on the advice of officers, due to the concerns regarding noise emissions from the building. Complaints relating to noise are continuing to be received by our Environmental Protection Unit. The current submission does differ from the previous in that it includes a statement agreeing to the conditions within the premises licence and the Centre's intention to fully comply. The statement also gives reason that the submission for planning application in advance of the solutions to the noise issues arise from the need to raise funds from various charitable organisations, many of which require the planning consent to be already in place.

4.15 An environmental noise report has been undertaken, detailing the results of noise monitoring undertaken at the site on three Saturday evenings during February/March this year. Weather conditions and background noise from traffic were taken into account whilst sound level meter measurements were taken, thus only two evening's results were considered conclusive. Both these two evenings recorded levels of noise at which complaints are likely to arise, indicating that noise would be audible in neighbouring bedrooms.

4.16 It is considered that further complaints are likely to be received in the coming summer months as a result of the use of the centre for the proposed licensed activities after 23:00hrs. Further investigations by an acoustic consultant are necessary to investigate what mitigation measures are needed to attenuate the noise before compliance with the licence conditions can be achieved. These measures would then need to be incorporated into a design for the extension. Granting the current proposal, with its glazed roof and fully openable glazed sliding doors is likely to result in noise nuisance to surrounding residents contrary to policy GP1.

5.0 CONCLUSION

It is considered the proposal may further harm the amenity of neighbours, by exacerbating an existing noise nuisance and that planning consent should not be granted until measures to mitigate this nuisance have been agreed and incorporated into the submitted drawings. Conditions are not considered to be appropriate in this case when the noise mitigation measures are as yet unknown.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed extension will further increase existing noise emissions from the site, by virtue of additional sliding doors being included within the proposal. This will result in an unacceptable level of disturbance to neighbouring residents adversely affecting the amenity which they could reasonably expect to enjoy. As such the proposal fails to satisfy the requirements of City of York Council Draft Local Plan Policy GP1 (approved for Development Control Purposes April 2005) and Planning Policy Guidance Note 24.

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