

## COMMITTEE REPORT

**Committee:** West/Centre Area                      **Ward:** Holgate  
**Date:** 27<sup>th</sup> November 2007                      **Parish:** No Parish

**Reference:** 07/02229/REMM  
**Application at:** St Barnabas Voluntary Primary School Bright Street York YO26 4XS  
**For:** Reserved matters application for the erection of 2 and 3 storey building to form 14no. apartments with associated parking after demolition of existing building (following outline permission ref: 05/01689/OUT granted on appeal 18/09/06)  
**By:** Daniel Gath Homes Ltd  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 18 December 2007

### 1.0 PROPOSAL

#### Application Site

1.1 The application relates to what was formerly the St Barnabas School site, which fronts onto Bright Street between Bromley Street and Hanover Street East. The site is 0.09Ha in size. The school building occupies 70% of the site, the rest is hardstanding. Terraced housing surrounds the site.

1.2 The school building was built in 1884 and later extended in 1997. The original building is of Gothic design of red brick and stone dressing. The later extension is also of red brick, which is a poor match to the original building.

#### Proposed development

1.3 The application proposes 14 flats, 7 1-bed, 7 2-bed at a density of 155.4 units per hectare. The development would be part 2-storey, part 3-storey. 9 off street car parking spaces and outdoor amenity space are proposed on site.

1.4 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.

#### Site History

1.5 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 application also proposed an access into the site, from Bright Street. An indicative plan illustrated a two-storey high development of 9 units and a covered vehicle entrance on Bright Street leading to 8 car parking spaces.

1.6 The outline application was refused at planning committee. The application was recommended to be approved by officers on the grounds that the existing building was not listed, nor was it of listable quality. The surrounding area was residential and thus the principle of residential was considered to be acceptable. The application was refused by members at planning committee in October 2005. The reason for refusal was -

"Implementation of the proposed development would necessitate the loss of a landmark building of townscape, historical and cultural importance and the local planning authority is not convinced that on the basis of the submitted material a modern replacement building would 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, Policy SP3 of the City of York Deposit Draft Local Plan and advice contained within Planning Policy Statement 1 - Delivering Sustainable Development".

1.7 The decision to refuse the application was appealed against. The inspector allowed the appeal, concluding 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.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001  
DC Area Teams West Area 0004  
Floodzone 2 Flood Zone 2 CONF  
Floodzone 3 Flood Zone 3  
Schools St. Barnabas' CE Primary 0224

### 2.2 Policies:

CYGP1 Design  
CYGP3 Planning against crime  
CYGP4A Sustainability  
CYH3C Mix of Dwellings on Housing Site  
CYH4A Housing Windfalls  
CYH5A Residential Density  
CYGP15 Protection from flooding  
CYT4 Cycle parking standards

## 3.0 CONSULTATIONS

### Internal

#### City Development

3.1 Object to the mix and size of residential units proposed. Reference is made to the Strategic Housing Market Assessment (SHMA), which breaks down (housing) demand into 3 distinct sub-areas. For the urban sub-area (where this site is located) there is a very strong demand for 3 bedroom or above homes. City Development advise that given the size of the site, it would be reasonable to expect 2 and 3 bedroom units to be proposed.

3.2 Also comment that no sustainability statement has been submitted, as required by policy GP4a of the Local Plan.

#### Design, Conservation and Sustainable Development

3.3 No comment, as the site is not in a conservation area, nor are any listed buildings involved/affected.

#### Drainage

3.4 No response to date.

#### Environmental Protection Unit

3.5 No response to date.

#### Highway Network Management

3.6 No objection

### External

#### Environment Agency

3.7 Object as the proposed building is not fully above 11.54m AOD. It was specified in condition 10 of the outline approval that floor levels should be at least 11.54m AOD, to prevent flooding.

#### Safer York Partnership

3.8 No response.

#### Publicity

3.9 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 31.10.07. 7 letters have been received, including one from Councillors Crisp, Bowgett and Alexander. The comments received are summarised as follows -

- School building is beginning to look dilapidated. The proposal is welcomed - the building height is lower than the existing school, off street parking is proposed and the building proposed would not look out of place in the area.
- The site would preferably be developed for affordable housing.

- Contributions should be required for open space for surrounding development.
- The development is 155.4 units per hectare; this is overdevelopment of the site. The three-storey development would be out of keeping with the surrounding area, which is predominantly two-storey. It would also lead to overlooking over backs of houses on Albany Street.
- Car parking is already a problem in the area; this would be worsened by the proposed development as there are only 9 spaces proposed for 14 units.
- Development would overshadow some of the houses on Bright Street.
- There are no community areas for washing/drying clothes.
- Site should be gated for security purposes and appropriate lighting required.
- What would be the impact on the water supply to surrounding occupants, sewage, and the collection of recyclables?

## **4.0 APPRAISAL**

### 4.1 Key issues

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

#### Principle of development

4.2 The principle of residential use of the site was set by the outline approval. The point of access was also agreed. Although along with the outline submission there was an indicative layout detailing the location of residential units, their height (two-storey), size and number, these elements were indicative only. It is up to the reserved matters application to agree how many dwellings can be delivered on the site, their type and the design/appearance of the scheme.

4.3 There were no conditions requiring affordable housing, or contributions toward open space and education attached to the outline approval. As such affordable housing and financial contributions cannot be requested 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 carried out a Strategic Housing Market Assessment (SHMA), adopted by the Council for Development Control purposes on the 27 September 2007. The report is comprehensive and up to date, and 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 H3c of the draft Local Plan asks for a mix of housing on all sites.

4.7 The application proposes 14 flats, 7 of which have one bedroom, 7 two bedrooms. In floorspace these are either 46m<sup>2</sup>, 47m<sup>2</sup>, 51m<sup>2</sup>, 52m<sup>2</sup>, 53m<sup>2</sup> or 60m<sup>2</sup>. All flats would have a single kitchen, dining and living area and the second bedrooms (where proposed) are of limited size, with room for little more than a single bed and wardrobe. The flats offer limited space for storage. The site is large is enough to accommodate a mix of units although no larger units, be they flats or houses are proposed. The proposal is therefore contrary to the findings of the SHMA which advises that 3 and 4 bed units are required just as much as 1 and 2 bed units and that the demand for houses is greater than that for flats. As such the proposed development would not help deliver a mixed/balanced community as required by the SHMA and policy H3c of the Local Plan.

### Design and appearance

4.8 National guidance contained in planning policy statements 1 and 3 are relevant to design, in general (PPS1: Delivering Sustainable Development), and housing design (PPS3: Housing). 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 GP1 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 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. It also recommends densities that development should achieve - 40 dwellings per hectare in urban areas.

4.11 The site size is 0.09Ha thus 155.4 units per hectare are proposed. In the surrounding area, the typical floorspace of a terraced house varies between 60 to 65m<sup>2</sup>. To compare densities, 2-24 Albany Street are at 174 units per hectare. Although the density of the proposed development is well in excess of the 40 dwellings per hectare recommended in policy H5a, the immediate surrounding area contains terraces of housing of a similar, sometimes higher density. In this context the development by virtue of its density would not appear out of character with its surroundings.

4.12 The layout and scale of the development is considered to be appropriate to, and would maintain the appearance of the area. In this respect the proposal is in accordance with policies GP1 and H4a of the Draft Local Plan.

4.13 The proposed development would be of traditional materials - brick and render. The roof tiles are to be agreed but slate or similar would be in keeping with the area. Most windows would have a vertical emphasis, in character with the terraced houses around. The design aims to add interest through the use of large bay windows and a gable end on a prominent corner of the site, facing Salisbury Terrace. Overall it is considered the proposed building would maintain the character of the area but would contain detailing that would help it stand out from the surrounding terraces.

#### *Waste storage*

4.14 Through negotiation with the agent it has been attempted to make the bin storage inconspicuous. It would have been preferred that bin stores were designed into the building and not freestanding. However the revised plans locate bin stores so they would be inconspicuous from windows of the proposed ground floor flats. Adequate space is allocated for waste bins for each flat (4 bins measuring 1360mm by 770mm) with room left to accommodate bins storing recyclable materials.

#### *Amenity space*

4.15 The revised layout moved the bin and cycle stores, increasing the amount of outdoor amenity space. Although the internal courtyard area is somewhat dominated by car parking, the two main landscaped spaces are of reasonable size and are considered to be acceptable.

#### *Crime prevention*

4.16 Draft Local Plan Policy GP3 encourages crime prevention measures in new developments such as natural surveillance; secure locations for car and cycle parking and satisfactory lighting.

4.17 The internal parking and amenity areas would be overlooked by the proposed development. A scheme of lighting for the internal area has not been submitted, this could be a condition of approval. The applicant could be advised of the Secure By Design scheme, which would require that doors and windows are secure to British Standards. It was suggested at outline stage by the Police Architectural Liaison Officer (ALO) that the covered way be gated, or that an alternative road surface were

proposed, to create a sense of ownership of the area, and to prevent persons congregating in the entrance. A change in surface materials is preferable because a gate would need to be around 5.5m back from the highway, thus it would be inadequate for its intended purpose.

### Residential amenity

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

#### *Overlooking*

4.19 The lowest separation distance between the proposed building and surrounding houses is 11.3m (facing 1-4 Bromley Street), across Bright Street and Hanover Street the separation between buildings is 12m/12.2m. This distance is typical to the area. Although a second floor level is proposed in places, this would not lead to undue overlooking that would warrant refusal.

4.20 Toward Albany Street, the part of the terrace parallel to Bright Street has its rear elevation 15.8m from rear yards and 22.5m to the rear elevation of the terrace. In the surrounding terraces separation distances are around 10m, rear elevation to rear yard and elevation to elevation varies from 16m to 18m. Again, despite the second floor level in places, the separation proposed is considered to be reasonable.

4.21 The window of flat 12 in the gable end facing 24 Albany Street is 12m from the rear building line, 5.3m from the rear of the plot (there is presently a single storey extension covering most of the plot). On the grounds that rear windows on terraced houses are commonly able to look into neighbouring yards, it is considered that the proximity of this window would not lead to undue overlooking.

#### *Overshadowing*

4.22 The plans have been revised, reducing the height of the three-storey areas fronting Bright Street and Hanover Street by around 1m, thus ridge levels would be between 10.4m and 10.6m. The houses on Hanover Street are to the south of the proposed building; as such they would not suffer overshadowing.

4.23 To ascertain whether loss of light/overshadowing would occur over the houses on Bright Street, measurements have been taken from around halfway up the ground floor windows on houses (1.5m) and from the centre of the road (2m from ground level). As a guide if angles of 25 degrees and 43 degrees respectively can travel from these points without interruption from the proposed building, it can be assumed a loss of light would not occur. The two lines both encroach the proposed building, in particular from the windows of the houses on Bright Street, the 25 degree line falls below the proposed eaves level. On this basis it can be assumed that the proposed building will block some light from the front rooms of the houses on Bright Street. However, as a consequence of the existing building, which was taller than the proposed development these dwellings already suffer a loss of light. As the three-storey element is on a similar footprint to where the original school building stood, the level of overshadowing/light loss would be less than that which occurs presently. As such it is concluded that the houses on Bright Street would not suffer from an undue loss of light.

### *Overdominance*

4.24 The proposed building, in part, would be around 1.5m higher than the surrounding terraces. This is considered not to lead to a development would be overdominant, in relation to the existing school building; the proposed development would be less dominant.

### *Sustainability*

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

4.26 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.

4.27 To ensure the development is carried out in accordance with the sustainability statement, a suitably worded condition could be attached to an approval. Overall it is considered the development would be reasonably sustainable.

### *Highway safety*

4.28 Car parking is provided within the internal courtyard and on street parking would be available to residents and visitors, as per the terraced houses around. The creation of some internal parking will mitigate the amount of on street parking that would occur. It is noted the location is near local facilities and a bus route into the city centre. 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.

4.29 Policy T4 of the City of York Draft Local Plan seeks to maintain and promote cycle use.

4.30 Secure covered cycle parking has been provided on site, at a rate of 1 per unit. This is considered to be an acceptable provision.

### *Flood risk*

4.31 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.



4.32 The revised plans do not demonstrate that flats 4 and 5 would achieve the required finished floor level; the level for these houses is annotated as 11.450. As such these dwellings would not reasonably be protected from flood risk and the development would not be in accordance with condition 10 of the outline approval. This is an oversight and it is expected that by the time of committee meeting a revised floor plan will annotate how the development can achieve the required floor levels.

4.33 No details of how the development would incorporate resistant and resilient flood measures has been provided. If permission were granted a suitably worded condition could require such measures to be implemented. The introduction of soft landscaping will reduce surface water run off and the Flood Risk Assessment submitted at outline stage demonstrated that residential development of the site would not add to the flood risk of the surrounding area.

## **5.0 CONCLUSION**

5.1 It is considered that the proposed scheme would be of a reasonable appearance and there would be no undue harm caused to residential amenity and highway safety. Outstanding issues regarding sustainability and flood risk could be covered by appropriately worded conditions.

5.2 The objection to the scheme is the mix of housing proposed. The units are all small one and two bedroom flats. Given the size of the site it is considered that a more appropriate mix of housing should be proposed that reflects the need identified in the Strategic Housing Market Assessment.

## **6.0 RECOMMENDATION:** Refuse

1 The Local Planning Authority considers that the proposed mix of dwellings is inadequate and could be improved given the size of the site. The proposal would therefore fail to assist in delivering the type of dwellings which the Strategic Housing Market Assessment identifies as being required in the city.

To allow the proposal would therefore be contrary to policy PPS3: Housing which advises that Local Planning Authorities should adopt an evidence based approach to housing delivery, as York's adopted Strategic Housing Market Assessment identifies 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, and over 60% of households are looking for houses rather than flats. And also policy H3c of the City of York Draft Local Plan which asks for a mix of housing on all sites.

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