

## COMMITTEE REPORT

**Date:** 6 December 2018      **Ward:** Westfield  
**Team:** Major and      **Parish:** No Parish  
Commercial Team

**Reference:** 18/01872/FULM  
**Application at:** Lincoln Court Ascot Way York  
**For:** Three storey rear extension to accommodate 10no. extra-care apartments with communal facilities, single storey front extension to form new main entrance, erection of plant room to side, reconfiguration of parking provision and associated landscaping works including new boundary fencing  
**By:** City of York Council  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 14 December 2018  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 Lincoln Court comprises a part two/part three storey brick built development of extra-care housing for the elderly dating to the early 1970s lying within a suburban residential area to the south of the Acomb District Centre. Planning permission is sought for the erection of a three storey extension to provide a further 10 apartments with communal facilities, together with a single storey extension on the site frontage to provide a reorganised reception area with plant room with associated reconfiguration of the parking area.

### 2.0 POLICY CONTEXT

#### 2.1 Publication Draft City of York Local Plan (2018) Policies

D1 Place Making  
H9 Older People's Specialist Housing  
H10 Affordable Housing  
G15 Protection of Open Space and Playing Fields  
ENV5 Sustainable Drainage

#### 2.2 York Development Control Local Plan (2005) Policies

CGP15A Development and Flood Risk  
CYGP1 Design  
CYH14 Accessible housing - wheelchair access  
CYH4A Affordable Housing

## 3.0 CONSULTATIONS

### INTERNAL

#### Design, Conservation and Sustainable Development

3.1 Any views will be reported verbally at the meeting.

#### Highway Network Management

3.2 Any views will be reported orally at the meeting

#### Public Protection

3.3 Raise no objection to the proposal subject to any permission being conditioned to require the investigation and remediation of any land contamination and the provision of and electric car charging point.

### EXTERNAL

#### Ainsty (2008) Internal Drainage Board

3.4 Raise no objection in principle to the proposal subject to a detailed surface water drainage scheme being conditioned as part of any planning permission.

#### Sport England

3.5 Initially objected to the proposal on the grounds that it would inhibit the use of the adjacent Multi-Use Games Area (MUGA) by reason of its close proximity to the site boundary. Sport England subsequently withdrew their objection following clarification that the MUGA was in fact disused and had been for a significant period of time.

#### Publicity and Notification

3.7 One letter of objection and a 32 signature petition has been received in respect of the proposal raising the following planning issues:-

- \* Concern in respect of increased traffic levels from visitors arising from the proposal upon the local highway network and suggesting that Kingsway West should be widened in part by removing the verge;
- \* Concern in respect of an increased risk of on-street parking from visitors arising from the proposal upon adjoining roads and suggesting that additional parking should be provided;
- \* Concern in respect of a loss of green space and play space in the locality particularly in view of an existing substantial absence in the locality.

- \* Concern in respect of cumulative impacts from traffic and construction disturbance taken together with other intended proposals in the locality;
- \* Concern in respect of the impact arising from construction traffic accessing and egressing the proposal on the local highway network

## **4.0 APPRAISAL**

### KEY CONSIDERATIONS

#### 4.1 KEY CONSIDERATIONS INCLUDE

- \* Principle of the development;
- \* Impact upon the residential amenity of neighbouring properties;
- \* Impact upon the visual amenity of the wider street scene;
- \* Impact upon the safety and convenience of highway users;
- \* Impact upon open space provision in the locality.

### LOCAL PLAN

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

### PRINCIPLE OF THE DEVELOPMENT

4.4 Policy H9 of the Publication Draft City of York Local Plan indicates that developments specifically designed to meet the accommodation needs of elderly people will be supported where they meet an identified need, are designed to meet the specific requirements of residents and are sustainably located. Where the development falls within Use Class C3 then affordable housing provision should be made in line with Policy H10 of the Plan.

4.5 The proposal seeks planning permission for the erection of an additional 10 extra care apartments for occupation by the vulnerable elderly directly to the north of the existing building. The proposal is seen as necessary to help meet a need identified in the 2016 Strategic Housing Market Assessment (SHMA) within the immediate area. The apartments are intended as additional to the Authority's overall rented stock and the nature and extent of the communal facilities takes the development outside of the usual "right to buy" provisions within the housing legislation. The existing development comprises some 22 apartments and employs two staff including a warden.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF THE ADJOINING PROPERTIES

4.6 Central Government Planning Policy as outlined in paragraph 127 indicates that planning decisions should ensure that new developments give rise to a high standard of amenity for all new and existing occupants of land and buildings. At the same time Policy D1 of the Publication Draft City of York Local Plan (as amended) indicates that development proposals should secure the residential amenity of neighbouring properties.

4.7 The proposal envisages the erection of a three storey extension, partially over the site of an existing lounge area, which would be demolished, comprising 10 apartments with a further single storey reception extension on the main street frontage. The proposal would lie to the north of the existing building partly within an existing garden area and partly within the adjoining school grounds. A development of existing housing lies directly to the west which would be partially shielded from the new development by the retained three storey element of the existing complex. There would however be some impact upon the amenity of the most northerly of the adjacent properties which projects beyond the line of the retained element of the existing scheme. It would be some 18 metres distant from the new development at the closest point and in terms of daylighting and sunlight measurement there would not be any overshadowing of the building itself. There would be some loss of sunlight from the rear part of the adjacent garden particularly during afternoons in spring and autumn but the impact would be no more significant than that experienced by the adjoining properties from the existing development. In terms of the direct physical relationship the ridge height of the new development would be some 1.6 m metres higher than that of the adjacent properties. This reflects that of the existing development and is not felt on balance to be over-bearing within the context of the wider pattern of development in the locality. The existing boundary is

also heavily landscaped with mature hedging within the boundaries of the adjacent properties. The development is therefore felt on balance to be acceptable in terms of paragraph 127 of the NPPF and Policy D1 of the Publication Draft Local Plan.

## IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.8 Central Government Planning Policy as outlined in paragraph 127c) of the National Planning Policy Framework indicates that planning policies and decisions should ensure that developments are sympathetic to local character and history including the surrounding built environment and landscape history. Paragraph 127 b) at the same time indicates that planning decisions should result in developments that are visually attractive as a result of good layout and e) indicates that decisions should also optimise the potential of the site incorporating appropriate open and green space. At the same time Policy D1 of the Publication Draft City of York Local Plan (2018) "Place making" indicates that development proposals should enhance and complement the character and appearance of the wider townscape.

4.9 Lincoln Court comprises a three storey brick built complex of extra care apartments for the elderly with a low pitched roof dating to the 1970s. The proposal envisages the erection of extensions to the main street elevation to the south east facing the former Windsor House to provide a modernised reception area and plant room with a 10 apartment extension to the north east within the existing garden area maintaining the existing building line. The proposed extension would be constructed in an palette of materials to closely match the existing with a light coloured brick, an interlocking concrete tile roof to match the existing with colour coated white upvc windows and doors. The existing pattern of scale and massing of the building would be maintained along with the existing building line. The external amenity area would be reconfigured to encompass a series of small informal grassed areas with a block work path circling the exterior of the building.

## IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.10 Concerns have been raised by objectors in respect of the potential for increased traffic generation and on-street parking as a result of the proposal. The proposal envisages the layout of 16 parking spaces and an ambulance bay with 2 disabled spaces included. The site comprises extra-care housing used by frail and vulnerable elderly people who are generally unable to drive with the available parking spaces internal to the site used by visitors. The level of provision is consistent with the standards set down within the Authority's maximum Adopted Standards which specifies one per four units with 2 spaces for a warden and not materially different from that existing which comprises 12 spaces. In terms of traffic generation existing levels are low comprising largely visitors to the apartment occupiers. There would be some four cycle spaces provided within the site to cater for the needs of staff and residents with no provision at present on site. The current

proposal would not lead to a material increase in traffic generation over and above existing levels.

## IMPACT UPON OPEN SPACE PROVISION IN THE LOCALITY

4.11 Concerns have been expressed by objectors in respect of the impact of the proposal in respect of open space provision in the locality with a general lack in all categories identified with no ready public access to the open space within the adjacent school site. Particular concern is expressed in relation to the loss of the existing disused MUGA. The proposal envisages the erection of extensions to the existing extra care housing development broadly within the existing site. In order to secure an appropriate degree of external amenity space there would be a modest extension to the existing site to the north east into the area of Hob Moor School. Sport England initially also objected to the proposal on the grounds of loss of the adjacent MUGA. The objection was withdrawn following submission of evidence that the MUGA was disused and that alternative provision was available in the locality. At the same time alternative provision is proposed within the Hob Moor School site to compensate for the area of playing field to be lost. That proposal is also on the current agenda for consideration ref:- 14/01475/GRG3. It is recommended in that case that a community use agreement be sought.

## 5.0 CONCLUSION

5.1 Lincoln Court comprises a part two/ part three storey brick built development of extra-care housing for the elderly dating to the early 1970s lying within an area of suburban housing to the south of the Acomb District Centre. Planning permission is sought for the erection of a three storey extension to provide a further 10 apartments with communal facilities, together with a single storey extension on the site frontage to provide a reorganised reception area with plant room with associated reconfiguration of the parking area. It is considered that the proposal would not give rise to an adverse impact upon the visual amenity of the wider street scene, the residential amenity of neighbouring properties or the safety and convenience of highway users. As a consequence it is felt that the requirements of Policies D1, H9 and GI5 of the Publication Draft Local Plan are complied with. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:-51500/UG; 51500\_ELEV\_01; 51500\_ELEV\_02; 51500\_FP; NPS-A-00-011-P3.0; NPS-A-00-012-P3.0;NPS-A-00-025-P3.0;NPS-A-00-026-P3.0; NPS-A-00-027-P3.0; NPS-A-00-030-P3.0; NPS-A-00-031-P3.0; NPS-A-00-032-P.3.0; NPS-A-00-036-P.3.0

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences beyond foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

5 The development shall not be occupied 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. 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 in the interests of the character and appearance of the area.

6 Prior to the development commencing beyond foundation level details of the

cycle parking areas, 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 cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

7 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

8 Prior to occupation, each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

9 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

10 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval prior to the development being first occupied. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately



maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

11. The development hereby permitted shall not be commenced until the playing field applied for under planning permission 18/01475/GRG3 has been implemented and made available for use by the school and community.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Local Plan Policy.

12. The premises shall be used for extra care apartments for a primary occupant aged 60 years and over and for no other purpose, including any other purpose in Class C3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: The nature of the development as extra care Housing with communal facilities means that it is not able to comply with the requirements of Policies H10 (affordable housing) and DM1 (Infrastructure and Developer Contributions) of the Publication Draft City of York Local Plan 2018.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought clarification of the relationship with the adjacent disused MUGA/school playing field.

#### **2. DEMOLITION AND CONSTRUCTION:-**

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

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

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