

COMMITTEE REPORT

Date: 20 March 2019 **Ward:** Westfield
Team: Major and **Parish:** No Parish
 Commercial Team

Reference: 19/00083/FULM
Application at: Lincoln Court Ascot Way York
For: Three storey extension to accommodate 15no. new flats with associated alterations to internal layout of existing flats (creating 10 new flats in total), 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: 25 April 2019
Recommendation: Approve after referral to Sec. of State

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.

1.2 Planning permission is sought for the erection of a three storey extension along with associated internal alterations to the layout of existing flats to provide 15no. extra care apartments with communal facilities (10no. new flats in total), together with a single storey extension of the site frontage to provide a reorganised reception area, reconfiguration of the parking areas, and provision of a bin store.

1.3 To the west of the site are existing two storey residential properties (Kingsway West) and to the south the site abuts Ascot Way. There is an open grassed area with four car parking spaces separating the gable end of the building with Ascot Way.

1.4 To the east, the site is currently adjacent to Windsor House, which has approval to be demolished and replaced with the Centre of Excellence. It is noted that Windsor House provided the boiler that served Lincoln Court (any necessary boiler and other services will be provided in the extended/refurbished Lincoln Court).

1.5 To the north, the site abuts the Hob Moor playing fields which also contain the Multi Use Games Area (MUGA). It is understood that the MUGA is not connected to the School, by use or ownership and it is a City of York Council owned and operated facility. In order to provide the required number of bedrooms contained within the

extension, the red line boundary of the application site extends beyond the existing Lincoln Court curtilage, and incorporates part of the existing playing field and MUGA.

1.6 The existing Lincoln Court building currently provides sheltered housing (supporting independent living for older people) in the form of 26no. flats (22 x 1 bedroom flats and 4 x bedsits). It employs two part time members of staff.

1.7 18 of the existing one bedroom flats will be retained as existing, with the creation of 15 x 1 bedroom flats within the new extension. Within the existing building the proposals will also seek 1 x guest bedroom suite (following conversion of 1 x 1 bedroom flat) and an additional 2 x 1 bedroom flats following the conversion of the 4 no. bedsits. Overall, there will be 10 additional flats, taking the total number of flats within Lincoln Court (as proposed) to 36 flats.

1.8 Recently, permission was approved on 21 December 2018 for the redevelopment and extension to Lincoln Court. This scheme was designed to minimise the impact on existing tenants, with the majority of the new communal areas within the proposed extension. However, subsequently it has been decided that the building will be vacated during building works and this has presented an opportunity to provide a more integrated scheme, and enable the existing apartments to be refurbished. Additionally, the boiler serving Lincoln Court is housed in Windsor House, and as this will be cleared to make way for the Centre of Excellence, the revised proposals presented an opportunity to relocate the boiler, to address residents concerns and reduce services running through the building.

1.9 The opportunity to re-consider the approved scheme has also allowed other benefits to be facilitated, including all new flats will being wheelchair accessible, meeting the needs of wheelchair users, improved location of the mobility buggy store to support tenants mobility, a guest suite offering family and friends of residents to stay overnight when visiting, additional laundry capacity, an additional meeting and consultation space for integration within the local community. The footprint of the extension has been increased to accommodate these additional facilities and services.

1.10 The key main differences between the approved scheme and the now proposed scheme include:

- increase in footprint of the extension, mainly additional accommodation and relocation of stairway to the north eastern side of proposed extension, resulting in the extension being closer to the boundary
- single storey ground floor infill between existing building and extension. This will provide the plant/boiler room.
- altered design/arrangement of the lounge/dining area with secure lobby to the front.

- photovoltaic panels will be installed on part of the southern facing roofslope of the existing building.
- Alterations to the car parking layout and provision of standard and ambulant/disabled spaces
- relocation of the bin store- this has also been amended during the course of the application so it would be positioned on the boundary with the Centre of Excellence (Windsor House) rather than on the eastern facing gable end of the existing building.

1.11 There have been a number of enabling works already undertaken on site, including the loss of hedgerows along the site boundaries (permitted under Ref: 18/01467/GRG3) due to bird nesting season and a Natural England licence has been applied for to appropriately deal with the bat roost.

1.12 The application is accompanied by proposals to off-set the loss of the small area of playing fields and MUGA. This includes providing static multi-station fitness facilities in West-Bank Park and Chesney Fields/Foxwood Lane playing areas.

1.13 The MUGA and playing fields of Hob Moor are allocated as educational establishment (including playing fields) in Local Plan Proposals Map. The site is located outside any conservation area; it is located within Flood Zone 1 where there is a low probability of risk of flooding.

Planning History

1.14 The relevant planning history for this site and surrounding developments that are either impacted by this proposal or have an impact upon the application include:

Relevant planning history at Lincoln Court

18/01872/FULM Three storey rear extension to accommodate 10no. new flats 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; Application approved 21 December 2018

Relevant planning history at Windsor House

18/01467/GRG3 Erection of part single storey part two storey centre for disabled children and their families following the demolition of existing care home with associated parking, access and landscaping works (includes part of Hob Moor School site); Application Approved 7 January 2019

2.0 POLICY CONTEXT

2.1 PUBLICATION DRAFT LOCAL PLAN 2018

D1	Placemaking
D11	Extensions and Alterations to Existing Buildings
H9	Older People's Specialist Housing
H10	Affordable Housing
G15	Protection of Open Space and Playing Fields
HW3	Built Sports Facilities
ENV5	Sustainable Drainage

2.2 DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

GP1	Design
GP15A	Development and Flood Risk
H14	Accessible Housing-wheelchair access
H4A	Affordable housing

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (DCSD) (Ecology)

3.1 To the north of Lincoln Court along the boundary with Hob Moor School is a mature, out grown hedgerow dominated by native species including Hawthorn and Alder; an old field boundary shown on the first edition OS Map. This hedgerow will act as a green corridor connecting the wider area to Hob Moor Local Nature Reserve and is considered to be of value to commuting and foraging bats, as well as birds, Hedgehogs and other wildlife.

3.2 This hedgerow and two trees will be removed to accommodate the three storey extension to Lincoln Court. It is also noted that the complete removal of the western boundary vegetation is intended, subject to agreement with neighbours. The Design and Access Statement indicates that the landscape proposals will be developed to incorporate native mixed species hedging and trees planted along the inside of the relocated fence line. Because the replacement planting has not been quantified it is assumed that there will be an overall net loss in biodiversity as a result of removing this hedgerow and vegetation. The new landscaping should be secured through a planning condition.

3.3 A Common Pipistrelle bat roost has been identified on the north side of the three-storey Lincoln Court building. As it is this end of the building which will be extended the bat roost will be destroyed and it will be necessary to obtain a European Protected Species Mitigation (EPSM) licence from Natural England and to undertake standard mitigation measures including the provision of alternative roosting sites (e.g.

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bat boxes) and supervision of any dismantling or building works in the area of the roost.

3.4 At least two 'bat tubes' or other integrated features providing a roosting crevice for bats must be constructed within the fabric of the new building extension to provide permanent replacement roosting habitat.

3.5 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

3.6 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 are as follows:

1. that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
2. that there is no satisfactory alternative; and
3. that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

3.7 With regards to test 3, the building currently supports a small number of roosting common pipistrelle bats (maximum of one in a transitory night roost) which are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the provision of integrated features such as bat tube/boxes in the new building extension will maintain roosting opportunities on site. Therefore the third test for maintenance of favourable conservation status is met.

Highways Network Management

3.8 Any views will be reported verbally at the meeting.

Public Protection

3.9 Recommends conditions in respect to land contamination.

Flood Risk Management Team

3.10 Verbally confirmed that the condition previously imposed requiring details of foul and surface water drainage are acceptable and should be re-imposed.

Public Realm

3.11 The MUGA is rarely used, suffers from fire damage and an uneven surface. It is not used for any formal activity by community groups or sports clubs; it is an informal youth play amenity. The scheme will encroach onto the MUGA site and as a result the facility will no longer be available for use.

3.12 Local consultation with young people in 2018 highlighted that many young people do not visit the MUGA due to the state it is in and do not feel safe is visiting.

3.13 There is scope to invest in youth fitness facilities such as the installation of 1no. multi-station outdoor fitness equipment in West-Bank Park and two in the vicinity of Chesney Field/Foxwood Lane playing areas, to continue to encourage young people to be physically active. These can be installed prior to the completion of the Lincoln Court proposals.

EXTERNAL

Sport England

3.14 Sport England objects to the encroachment onto the playing fields of Hob Moor School and the loss of an existing Multi-Use Games Area (MUGA). The Council has not provided any evidence through a Built Facility Strategy or Playing Pitch Strategy that this MUGA is surplus to requirements.

3.15 The proposals for static multi station fitness equipment proposed as the mitigation for the MUGA is not considered to be in line with Exception E4 of the Playing Fields policy, which requires like for like replacement.

3.16 The application does not accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 97 of the NPPF.

This position may be reconsidered if the following information could be provided:

1. Confirmation over whether or not the MUGA will be replaced as part of development if so:
2. Details of the design, layout and location of the replacement facility, which we suggest meets our design guidance to ensure that it is fit for purpose.
3. Confirmation whether the replacement MUGA will be made available for use before the existing MUGA is developed.

4. Confirmation whether the replacement MUGA will be subject to community use agreement.

3.17 Additional comments were previously raised with Sport England concerning that the proposal does not prejudice the use of the existing MUGA by virtue of the noise it could generate when in sporting use and the close proximity of the MUGA to the proposals.

3.18 Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State, via the National Planning Casework Unit.

Yorkshire Water

3.19 The submitted Flood Risk Assessment will require clarification; it is not possible, at present to agree the discharge rate indicated in the report; however this can be dealt with via condition.

Ainsty (2008) Internal Drainage Board

3.20 No objections in principle subject to a details surface water drainage scheme being conditions as part of any planning permission.

Publicity and Notification

Councillor Waller (Ward Councillor for Westfield Ward)

3.21 Residents are concerns about the loss of communal garden space for Lincoln Court resulting in little opportunity for residents to sit out in good weather. The Centre of Excellence has a considerable amount of outdoor space and it would be unreasonable not to apply the same values to Lincoln Court. Communal areas within the building are also compromised.

3.22 Cumulative impact of increasing development within vicinity/within ward such as Hob Stone, Newbury Avenue garages, Windsor House and these are putting pressure on an already overloaded road network.

3.23 Parking is an issue with narrow roads around Lincoln Court and from the Kingsway West approach. The total amount of on-site parking space should be commensurate with the requirements of the enlarged building.

3.24 Outstanding issues with Sport England and the loss of the MUGA; there has been a huge reduction to space for recreation in the Ward, and the views of Sport England should be taken seriously within the planning decision making process.

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3.25 Fire safety issues such as the location of the bin store and the narrow gap to the rear of the building which could restrict access.

3.26 Location of storage area for waste and recycling bins which could get jammed behind a row of parked cars, making them being emptied difficult and potentially they could be left out of the storage area.

Foxwood Residents Association

3.27 Whilst the application site does not fall within the area represented by the Foxwood Residents Association, they have direct interest in Chesney Field, which is the proposed location one of the 'alternative' provisions of sports facilities. The Residents Association consider that the MUGA fulfilled a clear need for an 'off the streets' facility for 8-13 year olds to play ball games.

3.28 The decline of the MUGA is of the Council's making and is started to decline in casual use about 6 years ago. The Council stopped organising events there and reduced maintenance standards.

3.29 The original intention was that the MUGA (provided as part of the PFI contract) be incorporated into the school playing field allowing it to be secured. This hasn't happened and security issues have arisen as it is not naturally overlooked. We consider that a modern-all weather games area for children elsewhere in the neighbourhood would be a desirable consequence of the Lincoln Court proposals.

3.30 A fitness trail or equipment is unlikely to appeal to the 8-13 year age group that the MUGA was intended to serve with West Bank Park is too distant from the Kingsway community.

3.31 We are unclear as to the future of Chesneys Field and any additional sport facilities should be consulted on. There is also limited support for a fitness trail in the area (local Councillors undertook a door to door opinion survey). Many felt that any provision should be on the Thanet Road Sports Area side for Foxwood Lane.

3.32 Discussion should be entered into with Acorn Rugby Club with a partnership agreement to provide either a fitness trail (inside the railings surrounding their ground) or an all weather games area with an 'access and use' in line with Sport England requirements.

Letters of Objection

3.33 Four letters of objection have been received in total from neighbouring residents raising the following concerns;

- siting of bin store directly underneath bedroom window creates smell and noise issues and could attract vermin (which is already a problem)
- it is a possible fire risk
- parking issues- struggle to get parked in own street as a result of people that live on Kingsway West concerned about constant passing of heavy goods vehicles.
- reduction to privacy to rear of No. 87 Kingsway following removal of trees to rear and results in bright lights from the flats and overlooking to occur
- removal of a gate and creation of footpath to the rear will result in security concerns allowing free access to garden and house
- disruption and parking issues during and after construction.
- loss of the enclosed play area will mean children will have no where to play safely and could increase anti-social behaviour.
- little or no regard for local residents opinion; the development is too big of the area
- would like assurances that the 'restorative' planting will include quick and tall growing trees or shrubs to restore privacy and block light pollution.
- Previous application failed to incorporate the Sport England requested conditions requiring the MUGA to be provided elsewhere in the neighbourhood.
- car parking provision on site is inadequate the existing car park is often full to overflowing as it caters for residents, visitors, staff and increasing number of deliveries. There is an opportunity to provide additional car parking spaces to the south of the site.
- no details provided of changes to boundary fences; tall hedges should be retained and maintained. Any new fencing should be designed to allow easy access for wildlife.
- disappointing that the Council does not intend to undertake improvement to the single access road to Ascot Way. Cumulative impacts of developments have increased pressures on the relatively narrow carriageways.
- larger footprint at the expense of garden space
- the resultant building will be overbearing and restrict sunlight to adjacent buildings and gardens.
- The modernisation of the existing flats are welcomed.

4.0 APPRAISAL

4.1 Key Issues

- Principle of the development;
- Loss of existing sport facilities;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the visual amenity of the wider street scene;
- Impact upon the Highway network and parking;
- Flood risk and Drainage;
- Landscaping and boundary treatment (address objections);

- Ecology;
- Waste and recycling (address objection-relocation of bin store).

NATIONAL PLANNING POLICY FRAMEWORK

4.2 The revised National Planning Policy Framework (NPPF) (February 2019) sets out the government's planning policies for England and how these are expected to be applied.

4.3 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 10 advises that at the heart of the Framework there is a presumption in favour of sustainable development. Paragraph 11 set out that this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, permission should be granted unless:

- i. the application policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.4 Section 5 of the NPPF seeks to deliver a sufficient supply of homes and specifically paragraph 61 states that:

“...the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own home).”

4.5 Section 8 of the NPPF promotes healthy and safe communities and within paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

4.6 Furthermore, paragraph 97 continues states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

4.6 Section 12 of the Framework seeks to achieve well-designed places with the creation of high quality buildings and places being fundamental to what the planning and development process should achieve.

Publication Draft Local Plan (2018)

4.8 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 the 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).

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

4.10 Specific Publication Draft Local Plan policies relevant to this application include:

Policy H9 Older Person Specialist Housing

4.11 This policy demonstrates the Council's commitment to meeting the specific housing needs of the aging population and people with disabilities or additional mobility requirements. The specific housing needs and aspirations of older people and the ability for them to exercise choice and control over meeting these needs will vary. Whilst the majority of older people will live in mainstream housing there will be a need for new specialist accommodation provision such as sheltered housing and extra care provision. The policy highlights the importance of ensuring that residents can live independently as far as possible by ensuring it is located close to facilities and services or that they are accessible by public transport.

4.12 The evidence base relevant to this application includes:

- Strategic Housing Market Assessment (SHMA) 2016
- Local Plan Evidence Base: Open Space and Green Infrastructure September 2014
- Built Sports Facilities Strategy 2013
- Playing Pitch Strategy 2013

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Development Control Local Plan (2005)

4.13 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. 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.

ASSESSMENT

Principle of the development

4.14 The Council has a commitment to meeting the specific housing needs of the aging population and people with disabilities or additional mobility issues. The Council will seek to ensure that residents can live independently as far as possible by ensuring it is located close to facilities and services or that they are accessible by public transport.

4.15 The proposal seeks planning permission for the erection of an additional 10 flats at an existing sheltered housing accommodation building. This housing type supports independent living for older people, which is seen as necessary to meet an identified need in the 2016 Strategic Housing Market Assessment (SHMA) within the immediate area.

4.16 The proposals also involve the conversion of four existing bedsits within the existing building to provide two additional one bedroom flats. Furthermore, the existing flats within Lincoln Court will be refurbished.

4.17 Lincoln Court is located within an existing residential area, within the Westfield Ward. The site lies within a sustainable location, with access to local services and facilities and public transport; Ascot Way being served by bus routes No's. 24 and 26, and the site is well placed for residents to live independently, as far as possible.

4.18 The apartments are intended as additional to the Authority's overall rented stock and the nature and extent of the communal facilities take the development outside of the usual 'right-to-buy' provisions within the housing legislation.

4.19 The provision of providing accommodation for a specified group in York, is welcomed, and will assist in delivering the specialist accommodation to address an identified need, in a sustainable location.

Loss of existing sport facilities

4.20 The NPPF sets out that existing open space, sports and recreational buildings and land, including playing fields, should not be built on. There are exceptions to this, which includes an assessment demonstrating it is surplus to requirements, it would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location or where the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. Policy HW3 of the 2018 Draft Plan reiterates national planning policy. Policy GI5 of the 2018 Draft Plan states that development will not be permitted unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost.

4.21 There have been material changes to the application following the approval of the previous scheme for Lincoln Court, which provided alternative provision within the locality for the loss of the area of playing field and the MUGA. Provision of an additional playing field was secured at Hob Moor School, however the playing field is unable to be implemented and made available for use within the programme requirements of the redevelopment of Lincoln Court. The previous approval required that the playing field be made available for use before the new housing was occupied. However, the playing fields will still be provided due to a condition linking it with the redevelopment of Windsor House.

4.22 The proposal encroaches onto the playing fields of the Hob Moor School and the MUGA. The application has been accompanied by a statement from the applicants setting out that in order to replace the MUGA and playing fields; they would provide three static outdoor multi-station fitness facilities, in two locations, West-Bank Park and Chesney Fields/Foxwood Lane playing areas. There are contrasting views in respect to the MUGA, the applicant's state that that this is not a connected sports facility to the school, and there has never been any formal or organised informal sporting activity on it. It has been primarily used to 'hang out', however young people no longer use the site as they do not consider it safe.

4.23 Sport England have objected to the proposals citing that the offer of multi-station fitness trails do not offer like-for-like replacement facility of equivalent or better quality (in terms of sporting capacity) and quality in a suitable location. Local residents, local councillors, and resident's associations have objected to the loss of the MUGA, citing that there is a decline in sporting facilities across the ward, the multi-station fitness trails would not serve the target age of users of the MUGA (8-13year olds) and the proposed locations would not serve the existing community that the MUGA currently serves.

4.24 The approval to deliver enhanced re-development for Lincoln Court is to be considered by the City of York Council Executive on 18 March 2019. This Executive report sets out why the previous scheme is no longer viable. If the recommendation of the report is accepted, then a commitment is made for alternative recreational facilities to mitigate the loss of the MUGA, this will involve consultation with Sport

England and the Westfield Ward community. The alternative facilities will be further agreed by the City of York Executive and will be subject to budget approval. The applicants are concerned that they do not want to create another facility that is in an inappropriate location, encourages anti-social behaviour and is rarely used. Further update will be provided to Members at the sub-committee meeting.

4.25 Paragraph 4.29 of the SHMA (2016) states that the largest population growth will be in people aged 60 and over. It is estimated that there will be 63,100 people aged 60 and over in 2032. This is an increase of 17,300 from 2012, representing growth of 38%. The population aged 75 and over is projected to increase by an even greater population, 59%, driven by improving life expectancy. The key findings of the SHMA in terms of Specialist housing needs is that within the overall need for housing there will potentially be a need to provide some specialist (supported) housing. This is particularly in response to an ageing population and the higher levels of disability experience by older persons.

4.26 There is an identified need for the type of specialist accommodation proposed, and containing the development within the curtilage of the existing Lincoln Court site could potentially result in the loss of three or more flats. This would put pressure on other developments in the locality and across the district to meet the identified need. It has been confirmed that the MUGA, although smaller, will continue to be used in the same manner as it is now (as an informal area) until proposals for its replacement have undergone relevant consultation and permission secured. It is noted that the playing fields, which had been secured under the initial application, would also be provided following the implementation of the consent for the redevelopment of Windsor House.

4.27 Objections of Sport England, Cllr Waller and objectors have been taken into account in respect to the loss of the playing pitch and the MUGA, weight in the assessment of this application has been given to the requirement to provide specialist residential accommodation to meet an identified need. The MUGA will be retained in a similar form to the present situation which would not preclude its use and there are plans in place to see this being replaced in some form in the future. A new playing pitch is to be provided linked to the re-development of Windsor House. It is therefore considered that the partial loss of the MUGA and some of the playing field associated with Hob Moor School, given the replacement and potential replacement facilities secured, is outweighed in the planning balance by the provision of residential accommodation for older people.

Impact upon the residential amenity of neighbouring properties

4.28 The proposals involve the demolition of the existing lounge area on the north side of the existing building partly within the existing garden area and partly within the adjoining school grounds and multi use games area. The replacement extension will

form a three storey extension. Additionally, there will be a single storey reception entrance and lounge area on the main street frontage.

4.29 A development of existing housing lies directly to the west which would be partially shielded from the new development by the existing three storey building. There would however be some impact upon the amenity of the most northerly of the adjacent properties (most notably No. 81 and 83 Kingsway West) which projects beyond the line of the retained element of the existing building. The part of the proposed extension positioned opposite No. 81 would have a single storey element (containing the plant/service room) rather than being three storey like the remainder of the extension. The extension was previously designed without the single storey element. No. 81 Kingsway West has a projecting single storey extension. The main window on the rear elevation serves a kitchen. There is a distance of 17m (approx.) from this kitchen window to the proposed development. The distance is reduced to 14m in respect to the projecting extension, however as this is a non-habitable there would be little impact. With a distance of 17m between the proposed single storey element and this neighbouring property, it is not considered that there would be any detrimental impact upon daylight and sunlight or overshadowing of this neighbouring property.

4.30 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 experienced by the adjoining properties from the existing development. An objection has been received from occupiers of No. 87 Kingsway West regarding overlooking and lights from the development, however this property is adjacent to the existing Lincoln Court building, with the development only comprising of internal alterations; therefore the proposals would result in limited impact to this adjacent property over and above the existing situation.

4.31 In terms of direct physical relationship the ridge height of the new development would in line with the existing ridge height of the existing Lincoln Court building and on balance, is not considered to be over-bearing within the context of the wider pattern of development in the locality.

Impact upon the visual amenity of the wider street scene

4.32 The extensions would be constructed in a palette of materials to closely match the existing with brick and render for the façade and concrete tiles for its roof. A condition shall require samples of all external materials to be used in the construction of the extensions to be submitted.

4.33 The existing scale and massing of the building would be maintained along with the existing building line.

4.34 There would be some reduction to the private amenity area retained under the approved scheme. However there would still be informal areas for residents to access and the reduction to amenity areas would be compensated for by improved living accommodation and provision of additional sheltered living accommodation. Refusal on the loss of communal amenity could not be justified in this regards.

Impact upon the Highway network and parking (inc cumulative impact)

4.35 Objections have been received relating to the lack of parking provisions provided by the proposals, the impact of this and other developments on the local highway network and increased traffic generation. There are currently 12 existing parking spaces within the development; however none of these are ambulant/disabled and there is no cycle parking provision. The proposals seek to now provide 16 parking spaces in total; 13 of these will be standard size, with 3 being of ambulant/disabled sized. The level of provision for the number of units and taking into account staff levels, the parking provision within the site is consistent with the Council's maximum parking standards, for this type of accommodation. In terms of traffic generation, existing levels are low comprising of mostly visitors to the apartment occupiers. In addition, four cycle spaces will be provided internally as well as a store for mobility scooters to provide a range of methods for residents to live independently.

4.36 Notwithstanding the car and cycle parking provision, Lincoln Court is sited in a sustainable location with access to public transport.

4.37 Whilst the extensions and internal reconfiguration will result in the addition of 10 new residents overall, the level of servicing and visitors typically expected for independent living accommodation is unlikely to result in a significant increase in traffic generation over and above the existing levels.

4.38 Two of the car parking spaces located on the southern boundary of the site will be provided with electric vehicle recharging points. The previous application included a condition for all parking spaces to be provided with electric vehicle recharging points; however this is deemed to be excessive for a development of this size and unnecessary. The City Council has an adopted Low Emissions Strategy, which aims to facilitate the uptake of low emission vehicles in York. It identifies that 2% of parking spaces within the development should be served by electric vehicle recharging points. The two indicated to be provided are therefore above the required provision and are acceptable in this instance, and shall be secured via condition.

4.39 It is acknowledged that Ascot Way and Kingsway West and the general locality are served by narrow carriageways, which has been raised by objectors. The issue of narrow carriageways within the locality is a wider highway issue and outside the scope of this application. Further comments include parking displacement, from Kingsway West leading to parking issues in neighbouring cul-de-sac's. This displacement does not appear to be as result of the proposed development and is an

existing situation. Whilst there is concern in respect to the cumulative impact of neighbouring developments permitted in the locality, any highway improvement works can only be secured through the planning process where necessary and commensurate to the scheme involved. As detailed above, the proposal is unlikely to result in a significant increase in traffic generation that would be so detrimental to the surrounding local highway network.

Flood Risk and Drainage

4.40 The site is located within Flood Zone 1 where there is a low probability of flooding. It is noted that the submitted flood risk assessment states that surface water will discharge to public surface water sewer via storage with restricted discharge of 5 litres/second. This discharge rate is not agreed by Yorkshire Water; however they raise no issues to this being dealt with through a condition.

Landscaping and boundary treatment

4.41 The plans do not indicate replacement planting for the loss of the hedgerow and two trees along the shared boundary to the north of Lincoln Court and Hob Moor School playing fields, the hedgerow that will be removed on the western boundary, with properties on Kingsway. The hedgerow to the north has some significant biodiversity and native species implications that are dealt with in the following section. The application details that the landscape proposals will be developed to incorporate native mixed species hedging and trees, however the planting scheme has not yet been detailed; this will be secured through condition.

4.42 Concerns from objectors raise issues in respect to boundary treatments; contrary to some objectors concerns, the replacement boundary treatment is indicated on proposed plans. A condition shall also be imposed that ensures the details of all boundary treatments are submitted.

Ecology

4.43 Native species, such as Hawthorn and Alder dominate a mature hedgerow on the northern boundary with Hob Moor School playing fields. This hedgerow acts as a green corridor connecting the wider area to Hob Moor Local Nature Reserve and is considered to be of value to commuting and foraging bats, as well as birds, Hedgehogs and other wildlife. The proposal seeks the removal of this hedgerow and two trees to accommodate the extension. The replacement planting has not been quantified and therefore it is assumed that there will be an overall net loss in biodiversity as a result of this hedgerow and vegetation. A new landscaping scheme should be secured through a planning condition.

4.44 A Common Pipistrelle bat roost has been identified on the north side of the existing three-storey Lincoln Court building. As it is this end of the building which will be extended the bat roost will be destroyed and it will be necessary to obtain a

European Protected Species Mitigation (EPSM) licence from Natural England and to undertake standard mitigation measures including the provision of alternative roosting sites (e.g. bat boxes) and supervision of any dismantling or building works in the area of the roost.

4.45 At least two 'bat tubes' or other integrated features providing a roosting crevice for bats must be constructed within the fabric of the new building extension to provide permanent replacement roosting habitat. This can be secured via condition.

4.46 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

4.47 The "derogation tests" which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 are as follows:

1. that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
2. that there is no satisfactory alternative; and
3. that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

4.48 With regards to test 3, the building currently supports a small number of roosting common pipistrelle bats (maximum of one in a transitory night roost) which are common and widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the provision of integrated features such as bat tube/boxes in the new building extension will maintain roosting opportunities on site. Therefore the third test for maintenance of favourable conservation status is met.

Waste and recycling

4.49 The plans have been revised in respect to the position of the bin store. Following residents concerns that it was originally placed on the eastern facing gable end of the building, below residential windows giving rise to security, noise and smell issues, the bin store has been repositioned to the eastern site boundary, behind the accessible car park spaces. This location would not impact detrimentally on the

Centre of Excellence and whilst concerns have been raised, there is enough space around the bin stores and car spaces that the waste bins should be easily accessible by operatives and residents.

4.50 The bin store is big enough to accommodate 12 no. 1100 litre containers meeting the Council's requirements for 180 litres of refuse and 165 litres of recycling for each of the 35 properties. As there is a guest bedroom, providing transient occupation, this has not been included in the calculations for storage of waste and recycling materials.

5.0 CONCLUSION

5.1 It is considered that the proposal will deliver older persons residential accommodation to address an identified need, in a sustainable location. The MUGA will be retained in a similar form to the present situation which would not preclude its use and there are plans in place to see this being replaced in some form in the future, The proposals would not see the loss of useable playing pitches, and a new pitch will be provided linked to the development of the adjacent Windsor House site. Members will be updated on this at the meeting but notwithstanding the potential to re-provide the MUGA and the grass pitch it is considered that the identified harm to the provision of sports facilities is outweighed in the planning balance by the provision of older person's accommodation.

5.2 Additionally, the proposals 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. There would be adequate provision for waste and recycling storage areas within the site, and conditions will ensure that biodiversity could be compensated for.

5.3 The unresolved objection from Sport England requires that the application be referred to the Secretary of State under the terms of the The Town and Country Planning (Consultation) (England) Direction 2009.

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIME2 Development start within three years

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

LCRT-WBA-ZZ-XX-DR-A-PL_002 Rev P1 Site Plan as Proposed

LCRT-WBA-ZZ-00-DR-A-PL_100 Rev P1 Level 00 as Proposed

LCRT-WBA-ZZ-01-DR-A-PL_101 Rev P1 Level 01 as Proposed

LCRT-WBA-ZZ-02-DR-A-PL_102 Rev P1 Level 02 as Proposed

LCRT-WBA-ZZ-RF-DR-A-PL_103 Rev P1 Roof Plan as Proposed

LCRT-WBA-ZZ-ZZ-DR-A-PL_200 Rev P1 Elevations as Proposed

LCRT-WBA-ZZ-ZZ-DR-A-PL_201 Rev P1 Elevations as Proposed

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,

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suitability and disposition of species within the site in the interests of the character and appearance of the area and to mitigate for the loss of boundary hedgerows and use native species.

6 Prior to the occupation of any part of the extensions hereby permitted, the cycle parking area as shown on the approved plan Ref: LCRT-WBA-ZZ-00-DR-A-PL Rev P1 shall be provided. This area shall not be used for any purpose other than as detailed on this approved plan.

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 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 the occupation of the extensions hereby permitted, a plan showing the location of the two Electric Vehicle Recharging Points shall be submitted and approved in writing to the Local Planning Authority. The two Electric Vehicle Recharging Points shall be installed as shown on the approved plans. Within 3 months of the first occupation of the facility, an Electric Vehicle Recharging Point Maintenance Plan detailing the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point covering a period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The two Electric Vehicle Recharging Points shall be maintained and operated in accordance with the details provided within the Electric Vehicle Recharging Point Maintenance Plan.

Note: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority. This ties in with a key theme of the NPPF, in that developments should enable future occupiers to make green vehicle choices and it explicitly states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles'.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy

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Framework (NPPF).

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 premises shall be used for housing to support independent living for older people 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 housing to support independent living for older people 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.

12 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

13 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey 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.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

14 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

15 Prior to the occupation of any part of the extensions hereby approved, the waste and recycling stores shall be provided as per the approved plan LCRT-WBA-ZZ-XX-DR-A-PL_002 Rev P1. The store shall not be used for any other purpose than for the storage of waste and recycling.

Reason: In the interests of providing sufficient waste and storage facilities on site to accord with policy WM1 of the Publication Draft City of York Local Plan 2018 and NPPF (February 2019).

16 Works to the north facing end of the existing three-storey building, including works to the roof and soffits, shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure that European Protected Species licence is applied for and, if not, the work can be prevented in advance from undertaking the activities that might

jeopardize the protected species, before the species is harmed.

17 Prior to first occupation or use of the development hereby approved two 'bat tubes' or other integrated features providing a roosting crevice for bats must be constructed within the fabric of the new building extension.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 of the NPPF (2019) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

18 No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

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. INFORMATIVE:

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

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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

3. The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

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