



Notice of a public meeting of

Planning Committee B

- To:** Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
- Date:** Wednesday, 13 March 2024
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

- 1. Declarations of Interest** (Pages 1 - 2)
At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]
- 2. Minutes** (Pages 3 - 6)
To approve and sign the minutes of the last Planning Committee B meeting held on 07 February 2024.
- 3. Public Participation**
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Monday, 11 March 2024.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

- a) **The Environment Agency, Ground Floor, The Hub Station, Wellington Row, York** (Pages 7 - 20)
Change of use of ground floor office space (Sui Generis) to 'Recovery Hub' community centre (Use Class E). [Micklegate Ward]

- b) **Muddy Boots, The Gardens, Boroughbridge Road, York, YO26 6QD** (Pages 21 - 42)
Change of use of land to open air recreational space and erection of 2no. Tipis with associated access and landscaping. [Rural West York Ward]

- c) **34 Tranby Avenue, Osbaldwick, York, YO10 3NB** (Pages 43 - 56)

Single storey front/rear extensions and two storey side extension.
[Osbaldwick and Derwent Ward]

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: jane.meller@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	7 February 2024
Present	Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Fenton, Melly, Orrell, Vassie and Warters
Apologies	None
Officers Present	Gareth Arnold, Development Manager Sandra Branigan, Senior Solicitor

64. Declarations of Interest (4.31 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

Cllr Warters noted, for transparency reasons, that he had called-in the item on the agenda.

65. Minutes (4.32 pm)

Resolved: That the minutes of the last meeting held on 17 January 2024 were approved as a correct record.

66. Public Participation (4.32 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

67. Plans List (4.32 pm)

Members considered a report of the Development Manager, relating to the following planning application, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**2a) 27 Bedale Avenue, Osbaldwick, York, YO10 3NG
[23/02323/FUL] (4.32 pm)**

Members considered a full application by Mr A Sullivan for the change of use from small house in multiple occupation use (class C4) to large house in multiple occupation (Sui Generis use).

The Development Manager gave a presentation on the plans and provided an update which noted a revised floor plan, ref 639.001B, had been submitted which showed a revised layout to the bin and cycle store. It also included a recommended additional condition and informative as follows:

Recommended Additional condition and informative

7 Prior to the bringing into use of the development hereby approved a dropped kerb and vehicle crossing shall be constructed in front of the garage.

Reason: To provide a safe means of access.

INFORMATIVE:CONDITION 7 -

You are advised that prior to starting on site consent will be required from the Highway Authority under the Highways Act 1980 for the dropped kerb and vehicle crossing required under condition 7.

For further information please contact:

*Vehicle Crossings - Section 184 (01904) 551550 -
streetworks@york.gov.uk*

In response to questions from Members, it was reported that:

- The application was submitted for seven occupants and that was considered by officers to be reasonable.
- Parking observations had been taken during the morning, daytime and evening.
- It was not possible to oblige residents to park in the designated spaces and to use the bin store, however, it was possible to ensure these were available for use.
- It would be difficult to independently manoeuvre parked vehicles, if more than two parked on the hard standing at the front of the house.

- There were no minimum sizes for communal spaces included in planning documents. However, licensing regulations did have minimum requirements. [It was agreed to provide the licensing guidance to Members via email.]
- Cycle access was down the side of the house and through the gate.

Following debate, Cllr Melly proposed the officer recommendation to approve the application. This was seconded by Cllr Baxter. On being put to a vote, with six votes in favour and 3 against, it was:

Resolved: That the application be approved subject to the update tabled at the meeting and outlined above.

Reason: The change of use from a small 6 bedroomed HMO (C4 use) to large 7 bedroomed HMO (sui generis) would not have significant impact on the amenity of existing and future occupants of the property or neighbouring residents. Adequate car parking, cycle storage and bin storage provision would be provided. As such the proposals comply with policy in the NPPF and with Publication draft Local Plan (2018) policies D1 and T1 in relation to housing provision, protection of amenity and sustainable access.

Cllr B Burton, Chair

[The meeting started at 4.30 pm and finished at 5.07 pm].

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COMMITTEE REPORT

Date: 13 March 2024 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning
Panel

Reference: 24/00046/GRG3
Application at: The Environment Agency Ground Floor The Hub Station
Wellington Row York
For: Change of use of ground floor office space (Sui Generis) to
'Recovery Hub' community centre (Use Class E)
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 20 March 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 The host property is a two-storey grade II listed building originally constructed in the early 20th century as an electricity substation. It is situated in the Central Historic Core conservation area next to Lendal Bridge on the west bank of the River Ouse.

1.2 The building was previously in use as a public drop-in centre/exhibition space with ancillary office accommodation used by the Environment Agency and has been vacant since September 2022.

1.3 Permission is sought to repurpose the existing ground floor space as part of a community centre 'Recovery Hub' operating from the whole property, including the first floor, which already sits in the relevant use class. This application therefore relates to change of use class for the ground floor only. Works to the building would be restricted to renewal of interior décor. There are no proposed changes to the fabric of the building.

1.4 The proposed new use of the property as 'York Recovery Hub' is to serve as a venue to enable people with both direct and indirect lived experience of substance use disorders to have an important role in helping more York residents enter, establish and sustain recovery. 'The Recovery Hub' would be used to host:

- a wide range of activities to support social connections, improvements in health and wellbeing and confidence in life in recovery, including employment

- mutual aid group meetings, including for family members affected by someone else's substance use
- opportunities to meet and find out about local services / employers
- access to counselling / therapy groups / recovery coaching, drawing on a range of approaches to recovery.

1.5 The Hub would be open 7 days a week from 7am-10pm.

1.6 The application is reported to the Planning Committee under Art.13 5.1 f. of the Constitution because it is made by the Council, and an objection has been received.

2.0 POLICY CONTEXT

The National Planning Policy Framework (2023)

2.1 The National Planning Policy Framework (2023) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

2.2 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2.3 Paragraph 97 outlines the need to provide social, recreational and cultural facilities and services that the community needs and that planning decisions should support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; guard against the unnecessary loss of valued facilities and services and ensure that established facilities and services are able to develop.

2.4 Paragraph 135 states that planning policies and decisions should ensure that developments will achieve a number of aims including - create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

Publication Draft Local Plan 2018

2.5 The Publication Draft City of York Local Plan 2018 (DLP2018) was submitted for examination on 25 May 2018. Modifications were consulted on in February 2023 following examination. A further Hearing session will take place in March 2024. It is expected the plan will be adopted in Summer 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

Relevant Policies:

HW2 New Community Facilities

T1 Sustainable Access

2.6 DLP2018 policy HW2 requires the Council to support applications for new community facilities when an existing deficit or future need has been identified. Where appropriate, facilities should be designed to be adaptable and multi-purpose, in order to future-proof services and enable a wide range of community uses. Any new or expanded facilities must be accessible and well-served by public transport, footpaths and cycle routes. Reducing the pressures on statutory services by supporting people to better manage their own health and wellbeing is a key national and local priority. This is contingent upon individuals having access to the necessary facilities and support networks to meet their needs. Community-based solutions to health and wellbeing, such as joining clubs, attending peer-support groups or volunteering, are now acknowledged as effective and necessary alternatives to traditional health and social care interventions.

2.7 DLP2018 policy T1 states that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.

Crime and Disorder Act 1998

2.8 Section 17 of the Act contains a duty on the authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substances in its area; and
- (c) re-offending in its area; and
- (d) serious violence in its area.

3.0 CONSULTATIONS

North Yorkshire Police Designing out Crime Officer

3.1 There is a policing concern that the change of use will bring about a change to the dynamics of the area to the detriment of the established community, which has happened where similar schemes have been set up in the city. It is considered that this change of use might attract a criminal element looking to prey on vulnerable service users and/or it being a draw for crime and antisocial behaviour. The area under Lendal Bridge is out of the way and sheltered from the elements and groups loitering here could be a problem for passers-by, and the local businesses. It is recommended that there be a robust management policy to deal with crime and disorder issues, not just inside the premises but also for its immediate vicinity. It should include a means to raise issues with the management of the scheme by the established community in the area, so that problems are dealt with in a timely manner and do not escalate. It is requested that this be conditioned.

Public Protection

3.2 No objections subject to conditions.

Micklegate Planning Panel

3.3 No objections.

4.0 REPRESENTATIONS

4.1 67 letters of support from the wider community have been received with 1 objection from the York Rowing Club. The comments are summarised below:

4.2 Support comments:

- York in Recovery provide an essential and life saving service to a marginalised and stigmatised group in our city. The recovery hub prototyped at the CVS has proven how impactful it can be for a community group to have physical space, and this space will allow the group to have a proper home and just get on and continue to do the incredible work they already do.
- A recovery hub has been planned for the last 10 years and this application represents a long overdue and much needed resource for the recovery community

- The hub would help the principle of addiction recovery being a visible and accepted mainstream aspect of civic life and would help to change public perception
- The work of the recovery hub will offer much needed access to vital recovery services and longer term community support
- It is good to see that York in Recovery have a settled place for the invaluable work they do
- recovery cafés have been in operation for a number of years so the work and support offered is well established
- The premises will offer a safe space for like-minded people in recovery
- York in Recovery offers a link between professional services and peer led support and is run by a dedicated team who are recognised nationally as a great resource within the city
- There is an extreme need for addiction resources in York - this will improve care for people and reduce the knock-on work load for General Practice.
- To reject such a proposal only serves to further ostracise a disadvantaged community.
- This space will link in with the York neurodiversity community
- York in Recovery plays a vital role in health and recovery for local residents
- A permanent central location is important to continue the work of York in Recovery
- York in Recovery has established itself as a valid contributor to the restoration and building of welfare for its vulnerable members. The premises under consideration shall enhance the possibilities of York in Recovery in fulfilling this irreplaceable social role.
- York in recovery helps to take the burden from the NHS by helping to avoid health problems caused by addiction.
- The provide a necessary and irreplaceable service to the community which actively saves lives on a daily basis. What is particularly relevant to this application are the number of different community drop ins that they run: not just the cafes but also exercise classes, craft groups, cooking classes, and more besides. Each of these adds so much to the wellness of everyone that attends and also in so doing works as a preventative measure for people accessing council and NHS services. The recent expansion of provision really demonstrates how much this service is needed and valued by the community.
- CYC funding to support The Recovery hub is already in place to secure a permanent home for YIR.
- Well located in a quiet central location and would not affect other businesses.
- Change of use would not affect the listed building

4.3 Objection comments:

- The rowing club have not received any information or communication from the applicant or City of York Council
- Some of the rowing club members are vulnerable and there is concern that proposals will affect the club's amenities
- No consultation regarding proposed mitigation to prevent issues of anti-social behaviour
- Consultation has not been in accordance with the Council's Statement of Community Involvement

5.0 APPRAISAL

KEY ISSUES:-

Principle of change of use
Impact on amenity

PRINCIPLE OF CHANGE OF USE

5.1 Proposals relate to the change of use of the ground floor to enable the whole of the building to be used as a community centre for use by York in Recovery (YiR) which is an established organisation which provides peer led support for individuals recovering from addiction to drugs and alcohol. The 'Recovery Hub' would provide a permanent home for the organisation who currently provide drop in sessions at various premises, including the three Recovery Cafes at Clementhorpe Community Centre, Acomb Garth Health Centre, and St Bedes Pastoral Centre every week. It is envisaged that the Hub would provide a much-needed central space for individuals to access a number of support groups and leisure activities over and above the existing facilities.

5.2 The organisation is well regarded within the local community and is understood to provide invaluable support to those in recovery. It is noted that there is a significant amount of support for providing a permanent home for the organisation, with a large number of support comments submitted in relation to this application. The first floor already has the relevant permission for use as a community centre, and the proposed change of use would be similar to the existing community / exhibition centre use. The proposals would not require any alterations to the building

other than internal redecoration, and it is noted that the premises on Wellington Row are within a relatively quiet location. The comments of the Designing out Crime Officer are noted. The venue is close to the area under Lendal Bridge which is not subject to over-looking and groups loitering here could be a problem for passers-by and the local businesses.

5.3 It is understood that Council funding is in place for the hub for the next few years, but that in time it would need to be self-funding so that potential income streams would also form part of the wider use. Such uses may be in the form a café or dry bar. Such uses would fall within the proposed Class E use and would not require any further planning permissions, however details relating to noise and extraction of odours can be secured via condition in the event of future café use. Similar food and drink establishments are already evident in the area, and the potential to provide similar provisions would not be out of keeping with the city centre location or deemed to cause any adverse impact to the local area.

5.4 The Hub would be located in a central and sustainable location within the city, with easy access by various transport modes including walking, cycling and public transport. Given the central location the proposals would satisfy the requirements for sustainable access as per DLP2018 policy T1.

5.5 Taking account of the submitted information and comments in support the application, the proposal to convert the building to a Recovery Hub would support the Government's aim of providing social and recreational facilities and services that the community requires to improve health and social wellbeing as required by NPPF paragraph 97 and DLP2018 policy HW2.

IMPACT ON AMENITY

5.6 The Hub would be located in a quiet location with separate access to both the ground and first floor from the front elevation on Wellington Row. It is considered to be suited to the various different groups that would use the Hub. Although the building is attached to The Quirky Café and Bar, its access points are located away from the adjoining business which is accessed from Lendal Bridge. As such the premises would largely be separate from the adjoining business and would have no detrimental impact on the amenity of existing customers. Nearby residential accommodation exists above local businesses and in North Street. The building would primarily be used as a community centre providing support groups and leisure activities such as yoga/Pilates which are not considered to have a detrimental

impact on the residential, leisure facilities and businesses which are within proximity of the building.

5.7 The York Rowing Club has submitted an objection with regard to anti-social behaviour and a lack of information outlining potential mitigation measures to overcome any impact on amenity. The comments of the Designing out Crime Officer are noted. The venue is close to the area under Lendal Bridge which, whilst well-lit, is out of the way and groups loitering here could be a problem for passers-by and the local businesses. The Perky Peacock café and bar within the Barker Tower is accessed from under Lendal Bridge or via steps from the city walls. The Hub would be run by experienced and dedicated staff and it is also understood that the facility would be overseen by a co-ordinator within the Council's Public Health department whilst it establishes itself. In addition, York in Recovery are an established organisation that continues to run a number of support groups through a number of businesses in York, many of whom have written in support of the work and professionalism of staff with no comments regarding instances of anti-social behaviour. The facility may have beneficial impacts as there would be an active community dedicated to helping those in recovery, however a management plan, secured by condition, is recommended.

5.8 Subject to conditions the change of use of the building to a recovery community centre would not have a significant detrimental impact on the amenity of the community and as such the proposals comply with paragraph 135 of the NPPF which seeks to create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.9 Given the largely commercial nature of the surroundings it is not considered that the proposed change of use would impact upon the character and appearance of the conservation area.

6.0 CONCLUSION

6.1 Having due regard to the duty under s.17 of the Crime and Disorder Act, the proposal to convert the building to a Recovery Hub would support the Government's aim of providing social and recreational facilities and services that the community requires to improve health and social wellbeing as required by NPPF paragraphs 97 and 135(f) and DLP2018 policy HW2. Proposals also satisfy the requirements for sustainable transport in compliance with DLP2018 policy T1 and would not have an adverse impact on amenity in accordance with NPPF paragraph 135 (f).

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Floor Plan - Drg. No: E00920

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

3 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. 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+ A1 2019, associated inclusive of any acoustic feature corrections with tonal, impulsive, distinctive or intermittent characteristics.

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

4 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply

with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

5 Prior to the first use of the premises as a community centre a management plan shall be submitted to the local planning authority for its written approval. The management plan shall include details of the policy for dealing with any crime, disorder or anti-social behaviour activities within the premises and its immediate vicinity and shall include a means for local businesses and residents to raise issues with the community centre management.

Reason: In the interests of the environmental qualities of the area and to manage any impact from the proposed use on the functioning of businesses and activities in the area.

8.0 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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Case Officer: Elizabeth Potter

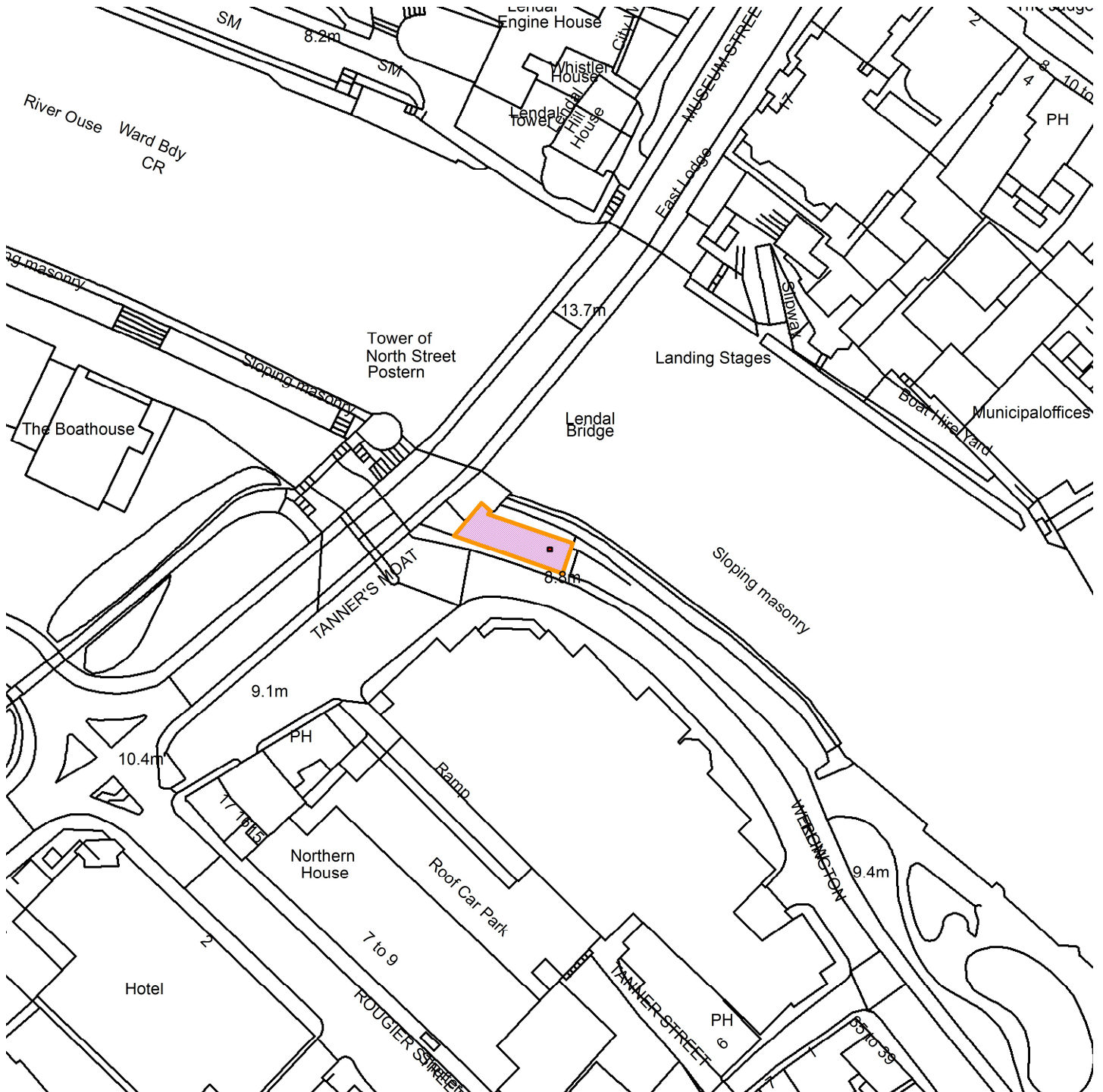
Tel No: 01904 551477

The Hub Station, Wellington Row ,York

24/0046/GRG3



GIS by ESRI (UK)



Scale : 1:1089

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	04 March 2024
SLA Number	Not Set

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Planning Committee B

24/00046/GRG3

Ground Floor The Hub Station Wellington Row

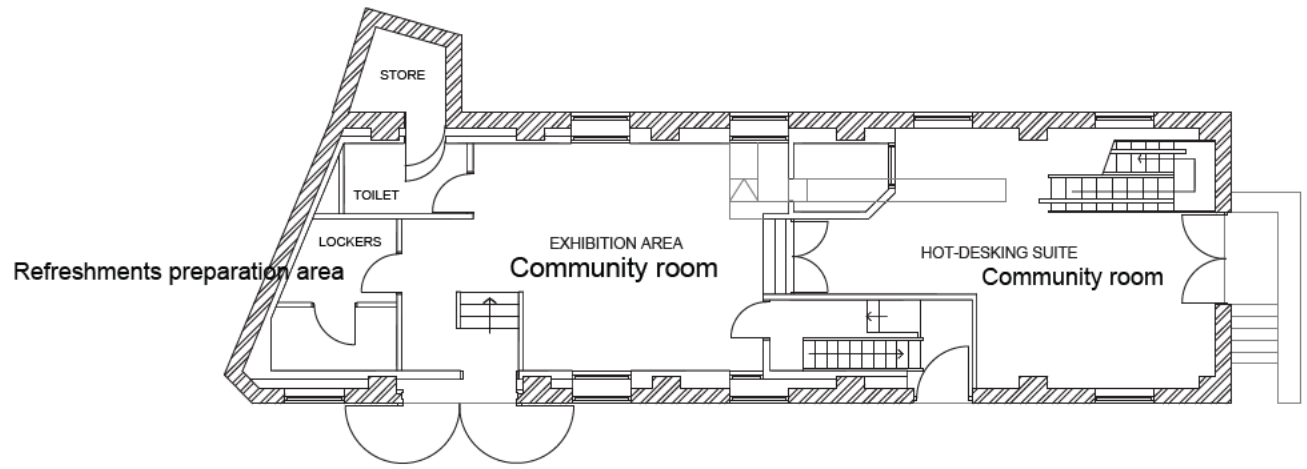
PROPOSED GROUND FLOOR PLAN

All dimensions must be checked on site and not scaled from this drawing

RESIDUAL DESIGN RISKS- CDM REGS ARE IDENTIFIED WITH THIS SYMBOL  SEE DESIGN RISK SHEET OR LAYOUT

REVISION NOTES

-



GROUND FLOOR

NB: All areas given are approximate

Planning Committee Meeting 23 March 2017

A			
Rev	Date	Revision	By
Job Title			
E00920 Lendal Bridge Wellington Row The Hub Station Ground Floor Plan			
Drawn	Checked	Authorised	
Date	NOV 2012	Scale@A3	1:100
Issue Status:			
Planning			
Drawing Number		Revision	
E00920			

COMMITTEE REPORT

Date: 13 March 2024 **Ward:** Rural West York
Team: West Area **Parish:** Upper Poppleton Parish
Council
Reference: 23/00999/FUL
Application at: Muddy Boots The Gardens Boroughbridge Road York YO26
6QD
For: Change of use of land to open air recreational space and
erection of 2no. Tipis with associated access and landscaping
By: Mr and Mrs Nimmo
Application Type: Full Application
Target Date: 12 October 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is Muddy Boots Nursery, where a former agricultural building has been converted and is in use as a children's pre-school nursery providing general childcare. Adjacent to the nursery buildings, the application site includes an existing outdoor play area enclosed by post and rail fencing and an open field to the south-west. The site area is approx. 1.54 hectares. The application site is located in the Green Belt. Access to the site is from the A59 via a shared private drive serving the nursery and two adjacent houses.

1.2 The proposals relate to the change of use of land to form an open-air recreational space and the erection of two tipis, with associated access and landscaping. The tipis would be erected on a temporary basis for a period of 5 years.

1.3 The two adjoining tipis would be located in the north-east part of the field, adjacent to the nursery building and existing outdoor play area. The tipis are of a relatively large scale, mass and footprint. The tipis would be approx. 7.4m in total height, and approx. 6.8m in height to the head of the canvas part of the tents. The tipis would be approx. 10.3m in length. With the sides down, the total width of the tipis would be approx. 20.6m, and with the sides up, the total width of the tipis would be approx. 26m. The applicant has confirmed that there would be no fixed play equipment on the site, with only natural resources used for activities such as den

building, assault courses, bug hunts etc. Toilet provision for the forest school would be via two portable toilets located adjacent to the north field boundary. At the time of the site visit, a single tipi or cone shaped tent was in situ in the field to the south-west of the nursery building, with two portable toilets adjacent.

1.4 The purpose of the proposals is to enhance the existing nursery provision with the opportunity for outdoor play in a 'forest school' setting. The tipi structures are intended to provide an interesting and exciting place for children to learn and explore. The proposals would enable 16 children from the Muddy Boots nursery in Acomb to travel by minibus to attend sessions at the forest school. This would in turn create additional early years and childcare places in the Acomb nursery setting.

1.5 It is noted that the number of children on the Boroughbridge Road nursery site is limited to 90 by condition 13 of planning permission 16/02090/FUL. This requirement is intended to safeguard the amenities of local residents, ensure that the use of the site is not intensified to such an extent as to have an unacceptable impact on the local highway network and to maintain safe access and egress to and from and within the site.

Site history

Ref. 15/01836/FUL Conversion, extension and change of use of outbuildings and adjacent land to pre-school nursery (use class D1), associated car and cycle parking and widening of access, permitted 19.02.2016.

Ref. 16/02090/FUL Variation of condition 2 of permitted application 15/01836/FUL to alter the roof design and incorporate PV panels, add an external emergency escape staircase, changes to fenestration and relocate the cycle store, permitted 16.11.2016.

Ref. 20/02294/FUL Erection of two detached buildings for use as outdoor classrooms, refused 15.03.2021.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.1 Key chapters and sections of the NPPF are as follows;

Achieving sustainable development (chapter 2)

Decision-making (chapter 4)

Promoting healthy and safe communities (chapter 8)

Achieving well-designed and beautiful places (chapter 12)

Protecting Green Belt land (chapter 13)

Conserving and enhancing the natural environment (chapter 15)

UPPER POPPLETON AND NETHER POPPLETON NEIGHBOURHOOD PLAN

2.2 The Development Plan for Upper/Nether Poppleton is the Upper Poppleton and Nether Poppleton Neighbourhood Plan which came into force with effect from 19 July 2017. Section 38(6) of the Planning and Compensation Act 2004 and NPPF at paragraph 12 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. Green Belt Policy PNP1 is relevant here.

REGIONAL SPATIAL STRATEGY FOR YORKSHIRE AND HUMBER

2.3 Whilst the Regional Spatial Strategy for Yorkshire and Humber, May 2008, (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York.

PUBLICATION DRAFT LOCAL PLAN (2018)

2.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. Modifications were consulted on in February 2023 following examination, a further Hearing Session will take place in March 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF. The following policies are relevant;

HW4: Childcare Provision

ED6: Preschool, Primary and Secondary Education

D1: Placemaking

D2: Landscape and Setting

GI1: Green Infrastructure

GB1: Development in the Green Belt

POPPLETON VILLAGE DESIGN STATEMENT (VDS)

2.5 Adopted in August 2003, the VDS includes design guidelines and advises that to maintain the village's rural character/atmosphere, there should be green and open land between Poppleton and York.

3.0 CONSULTATIONS

INTERNAL

Landscape Architect

3.1 No objections were raised to the proposals. A detailed landscape scheme would be required as a condition of consent.

Countryside and Ecology Officer

3.2 Advised that the application site and an appropriate buffer are subject to a Preliminary Ecological Appraisal (PEA) that would include recommendations for design options to avoid significant effects on important ecological features, identify mitigation measures as far as possible and identify enhancement opportunities and where further surveys for specific habitats and/or species are required.

3.3 Following the submission of the PEA, the Countryside and Ecology Officer raised no objections to the proposals, subject to conditions of consent relating to; biodiversity enhancements, including the provision of bat boxes, bird boxes, hedgehog enhancements and hedgehog improvement planting; a management plan to prevent the further spread of an invasive non-native species, Himalayan Balsam, which is present within the application site; and precautionary measures to ensure that nesting birds are protected from harm during construction.

Education Support Service and Quality Improvement Advisory Team

3.4 Support the application as it will enable the recently approved tender for the creation of an additional 16 early years and childcare places to be awarded. Muddy Boots was identified as the preferred provider to deliver high quality provision with a forest school approach including a focus on children with special educational needs. Part of the requirements of awarding this tender was obtaining planning application for the erection of tipis to provide the forest school provision.

Highway Network Management

3.5 No highway concerns were raised.

EXTERNAL

Upper Poppleton Parish Council

3.6 No objections.

Ainsty Internal Drainage Board

3.7 Response advising that the Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events. The main concern raised is the disposal of any surface water from the two tipis which, collectively, are approximately 200m² in size, together with any new impermeable hard surfaces. The proposals include the discharge any surface water from the development into soakaways. However, on reviewing permitted application ref. AOD/16/00242, the Board notes that soakaways were not viable due to the ground conditions and that the applicant therefore connected into the mains combined sewer. Soakaways may not therefore be viable for the application site adjacent to the nursery building.

3.8 The Board advised that details of surface water drainage for the application site require to be confirmed. The suitability and capacity of soakaways should be ascertained and if this is not proven or the location is considered to be detrimental, alternative proposals for surface water drainage, including attenuation, will require to be considered.

4.0 REPRESENTATIONS

4.1 Comments of support were received from interested parties which are summarised as follows;

- Children benefit from the forest school experience where they are learning outdoors in the fresh air and this has a positive impact on their social and emotional well-being.
- The forest school helps develop children's confidence and social skills with a wide range of outdoor activities shared with other children, such as spotting wildlife, foraging for berries and building a campfire.

- The forest school enables children to experience the joy of playing outdoors, where they can develop an appreciation of nature and explore a large green open space together with their peers.

5.0 APPRAISAL

Key Issues

5.1 The key issues are; i) whether the proposal would be inappropriate development in the Green Belt having regard to the Framework including the effect on openness; ii) If the development is inappropriate, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Green Belt

5.2 Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 states that substantial weight should be given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Policy GB1 Development in the Green Belt of the DLP 2018 reflects Green Belt policy in the NPPF.

5.3 Paragraph 154 of the NPPF states that the construction of new buildings is inappropriate unless they fall into one of six exceptions, including b) the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and does not conflict with the purposes of including land within it.

5.4 NPPF paragraph 155 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include e) material

changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

5.5 The Upper Poppleton and Nether Poppleton Neighbourhood Plan 2017, paragraph 4.1.2 considers that the general extent of the Green Belt land surrounding the villages of Upper Poppleton and Nether Poppleton forms an important part of the special open and agricultural character of the setting of the nationally significant historic city of York.

5.6 With regard to the current proposals, the use of the field in itself for outdoor recreation would not necessarily harm openness or be inappropriate. However, the erection of two adjoining tipis of a significant height, mass and footprint in the field would appear visually intrusive within the open agricultural landscape setting. As such the proposals would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. Therefore, the proposals constitute inappropriate development which is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Provision of Pre-School Facilities

5.7 The NPPF does not contain specific policies relating to nurseries. However, at paragraph 97, within the section 'promoting healthy and safe communities', it states that planning decisions should (among other things) ensure that established facilities and services are able to develop and modernise, and are retained for the benefit of the community.

5.8 DLP Policy HW4: Childcare Provision states that development proposals for new or expanded childcare provision will be supported by the Council where that helps meet the city's need for childcare provision. Applications for new childcare provision should be accompanied by an assessment that demonstrates the need for additional childcare provision in the locality. Any proposed new or replacement childcare facilities should be sited in accessible locations within or near to the areas of identified need, they should be well-served by public transport, and be easily accessible by walking and by bike.

5.9 DLP 2018 Policy ED6: Preschool, Primary and Secondary Education states that the provision of sufficient modern educational facilities for the delivery of preschool, primary and secondary school education to meet an identified need and address deficiencies in existing facilities will be facilitated.

5.10 The proposed forest school would accommodate up to 16 children from either the nursery on site or from the Muddy Boots nursery in Acomb. Children from the Acomb nursery would travel by mini bus to the forest school, freeing up capacity for additional children to attend the Acomb nursery. It is noted that there is a shortage of early years/childcare provision in the Acomb area. The forest school would operate during daytime nursery hours, and not after dark, from Monday to Friday each week throughout the year with the exception of Bank Holidays and the period between Christmas and New Year when the nurseries are closed.

5.11 Muddy Boots Nurseries have been awarded a grant by City of York Council for capital works associated with the creation of 16 new full-time equivalent early years and childcare places in the local vicinity of Lowfield Green. It is anticipated there will be parental demand for childcare arising from a new sustainable development in the Lowfield Green area. As a provider with several nursery sites in York, Muddy Boots Nurseries can deliver the additional places through some structural changes, including the new forest school, as part of a wider package of works.

Natural Environment

5.12 NPPF Chapter 15: Conserving and enhancing the natural environment, paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by: b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. In the glossary, the best and most versatile agricultural land is defined as land in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

5.13 The application site area is approx. 1.54 hectares. The agricultural land that would be the subject of the proposed change of use to form an open-air recreational space has an ALC of Grade 2 – very good quality agricultural land. This is defined as land with minor limitations that affect crop yield, cultivations or harvesting. A wide range of agricultural and horticultural crops can usually be grown. Given the proposed change of use would be to an outdoor recreational space and the site area is relatively small, it is considered that the proposals would not lead to a significant loss of agricultural land. The change of use would not stop the land being put into agricultural use in the future.

Very Special Circumstances

5.14 The NPPF states that inappropriate development should not be approved except in very special circumstances justifying an exception to Green Belt policy. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.15 The agent has put forward the following arguments in support of the application.

5.16 In terms of the need for childcare and pre-school facilities, with reference to the Childcare Act 2006, Section 6, the local authority has a duty to secure sufficient childcare to meet the needs of parents to enable them to take up or remain in work, or to undertake education or training to obtain work. The Council's Annual Childcare Sufficiency Assessment 2022 shows there has been a reduction in childcare providers and nursery places in the York area over the previous 2 years. The Acomb Ward was identified as an area with some unmet demand for childcare. Access to childcare for a child with SEND or additional needs has been affected by a number of factors, including the reduction in the number of nursery places in the York area partly due to providers capping places due to recruitment and retention issues.

5.17 City of York Council identified a need for early years and childcare provision arising from the Lowfield Green development in Acomb. Muddy Boots Nurseries have been awarded a grant by the Council for the provision of 16 new full time equivalent early years and childcare places in the local vicinity of Lowfield Green, with a focus on prioritising and encouraging places for children with SEND and other vulnerable children aged 0-5 years. The creation of a forest school at the Poppleton nursery would enable 16 children from the Acomb nursery site to attend sessions at the forest school once a week on a rota basis. The forest school provision is a means of meeting the identified need for childcare and pre-school facilities in the Acomb area.

5.18 Alternative locations were reviewed to establish whether there are other childcare providers that could accommodate the additional nursery places within the area specified by the Council for the purposes of the grant funding. The Council's Education Support Service considered that many of the existing childcare providers within the required catchment area are unable to offer the full day care provision across the whole year, or are at full capacity with a limited number of places

available that would be insufficient to meet the additional need likely to arise from the Lowfield Green housing development.

5.19 With regard to education and learning, the forest school would be a natural but practical space offering an enhanced learning environment for children, providing opportunities to explore the outdoors, develop a connection with nature and improve a range of skills from personal, social and emotional, to physical development and communication. The forest school would enable children to develop an interest in the great outdoors and respect for the environment.

5.20 In terms of inclusivity, the forest school would be of benefit to children for Special Educational Needs and Disabilities (SEND) and vulnerable children, creating learning and development opportunities for those children who are particularly in need of specific intervention. Small group work would take place within the outdoor environment, particularly for children getting ready for school. The forest school would enable the nurseries to teach and care for children in a wider variety of spaces and contexts, vital especially for SEND children where additional support is needed to meet children's needs.

THE PLANNING BALANCE

5.21 The application would support an established local business and the local economy by creating new or enhanced job prospects. The additional childcare provision would enable working parents to take up or remain in work. The overall the benefit to the local economy is likely to be small.

5.22 The proposed open air recreational space and adjoining tipis forming the forest school would improve the facilities for general childcare provision in the area. It is noted that there is a shortage of early years and childcare provision in the Acomb area which the forest school is intended to serve. As 16 additional childcare places would be created at the forest school, there is a public benefit associated with meeting an identified educational need.

5.23 The additional capacity provided by the recreational space and tipis forming the forest school would be of benefit to children with special educational needs and disabilities and those considered vulnerable and as a result there is a public benefit in terms of meeting specific educational and social needs.

5.24 Further housing developments in the area may bring about the need for additional nursery provision. However, current applications should not be judged against the possibility of future need.

5.25 Against the public benefits of the proposals, in meeting identified educational and social needs with additional childcare provision, is the harm to the Green Belt due to inappropriateness, conflict with the purposes of the Green Belt and impact on openness. In the planning balance, whilst giving substantial weight to the harm to the Green Belt as stated in the NPPF, it is considered that in this instance, the harm is clearly outweighed by other considerations.

5.26 The application is not considered to result in harm to neighbour amenity or have any material highway issues over and above existing. Drainage matters are the subject of an informative.

6.0 CONCLUSION

6.1 The change of use of the field to form an open-air recreational space is not considered inappropriate in the Green Belt as this element of the proposals would preserve openness and would not conflict with the purposes of including land within the Green Belt. Given the relatively large scale and mass of the two adjoining tipis and their location within the field, the tipis would have an impact on openness and are therefore considered inappropriate development that is harmful to the Green Belt as set out in section 13 of the National Planning Policy Framework. However, the tipis form part of the proposed forest school that would enable the creation of 16 new early years and childcare places in the Acomb Ward where there is an identified need for additional early years/childcare provision. Therefore, it is considered that very special circumstances exist that clearly outweigh harm to the Green Belt due to inappropriateness and impact on openness.

7.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Drawing no. ASK(2)_003 revision B, Site plan proposed

Drawing no. PWP750 103 revision 01, Tipi details

Product specification sheet: Indirect combustion mobile space heater model EC85,

received 31.01.2024

Product specification sheet: Chemical toilet, received 31.01.2024

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

3 Within three months of commencement of development a detailed landscape scheme shall be submitted to the Local Planning Authority for approval in writing. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seed mixes, sowing rates, mowing and maintenance regimes. The approved scheme shall be implemented within a period of twelve months from the start of development. Any trees or plants which within a period of ten years from the substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme is integral to the amenity of the development.

4 A biodiversity enhancement plan/drawing shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of works. The contents of the plan shall include, but not be limited to the recommendations set-out in the Preliminary Ecological Appraisal, provided by Wold Ecology, dated July 2023. The approved works shall be carried out in accordance with details shown on the approved enhancement plan/drawing.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 180 d) of the NPPF (2023) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

5 Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control, and removal of Himalayan balsam on site. Management measures shall be carried out strictly in accordance with the approved scheme.

Reason: To ensure that an adequate means of eradicating or containing the spread of an invasive non-native species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended), and to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

6 No vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful and detailed check of suitable habitats for active nests immediately before the works commence. Written confirmation should be submitted to the local planning authority, detailing where works within suitable habitats have been undertaken within the nesting bird period, the outcome of checking surveys, and identify requirements for protection measures.

Reason: To ensure that nesting 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 The opening hours of the use shall be restricted to 07.30 to 18.00 Monday to Friday. It shall not be open on Saturdays or Sundays.

Reason: To align with the opening hours of the nursery and to protect neighbouring residential amenity.

8 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or The Town and Country Planning (General Permitted Development) Order 2015 as amended or as may be subsequently amended, the land and buildings subject to this application shall only be used for the purposes of providing a children's day nursery.

Reason: To ensure that the impact of any alternative use of the site on highway safety and the free-flow of traffic from potential alternative uses which would otherwise be allowed through permitted development rights can first be formally considered by the Local Planning Authority.

8.0 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:

- In discussion with the applicant and agent, revised proposals were submitted including details of very special circumstances in support of the application.

2. NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess nesting bird activity.

3. HEDGEHOGS

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 hedgehogs.

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. <https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

4. WILDLIFE AND LIGHTING

When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new bat roosting and bird nesting features are installed, on trees, soft landscaping, and 'green' linear features, such as hedges. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance: <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

5. SUSTAINABLE DRAINAGE METHODS

The Internal Drainage Board has indicated that the local watercourses are subject to high flows during storm events. In terms of surface water drainage, the applicant should, where practical, seek to use sustainable drainage methods at the property, in order to reduce the rate of surface water run-off into the local watercourses.

Contact details:

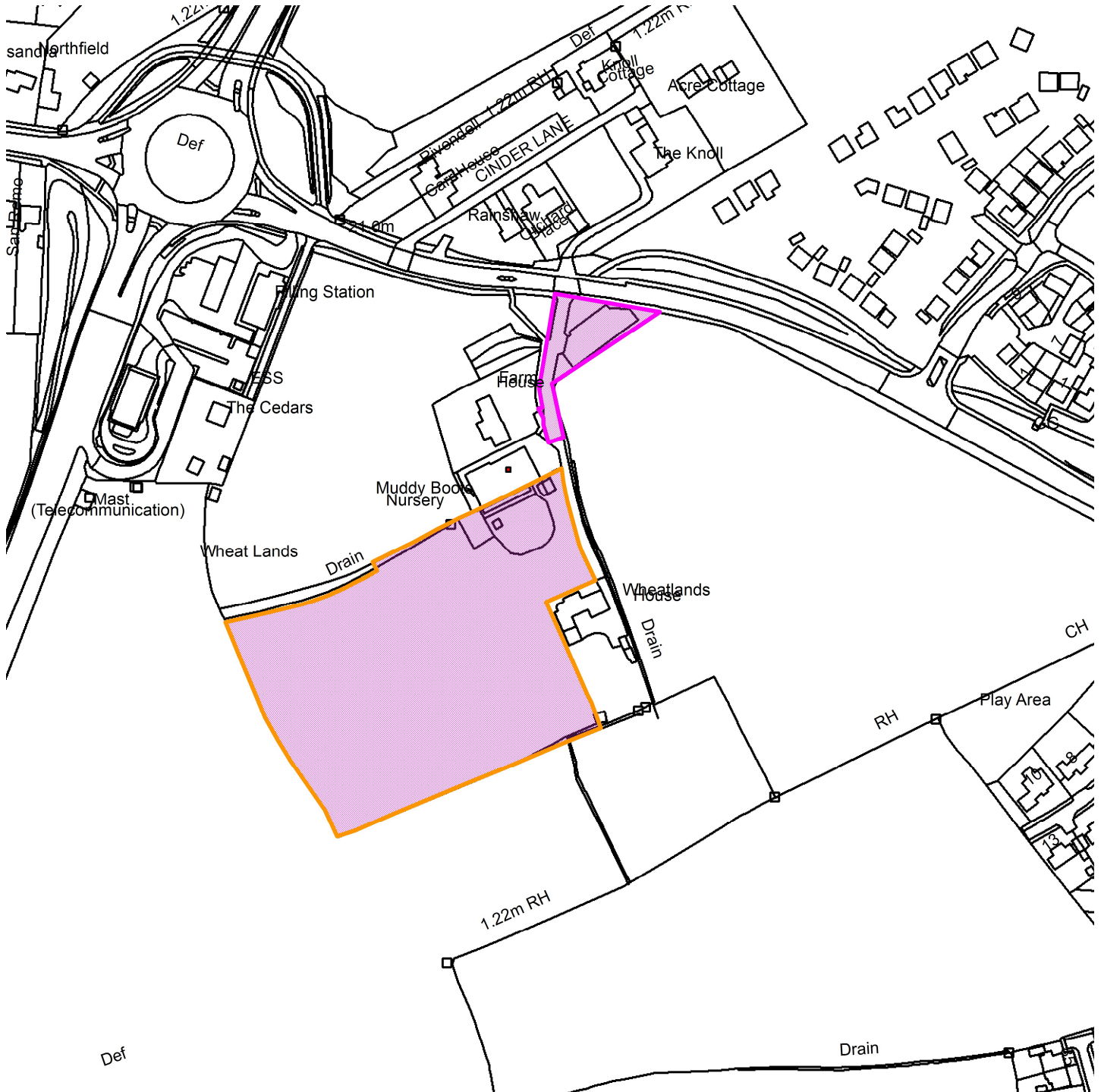
Case Officer: Sandra Duffill

Tel No: 01904 551672

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23/00999/FUL

Muddy Boots The Gardens Boroughbridge Road York YO26 6QD



Scale : 1:2723

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	04 March 2024
SLA Number	Not Set

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Planning Committee B

23/00999/FUL

Muddy Boots The Gardens Boroughbridge Road

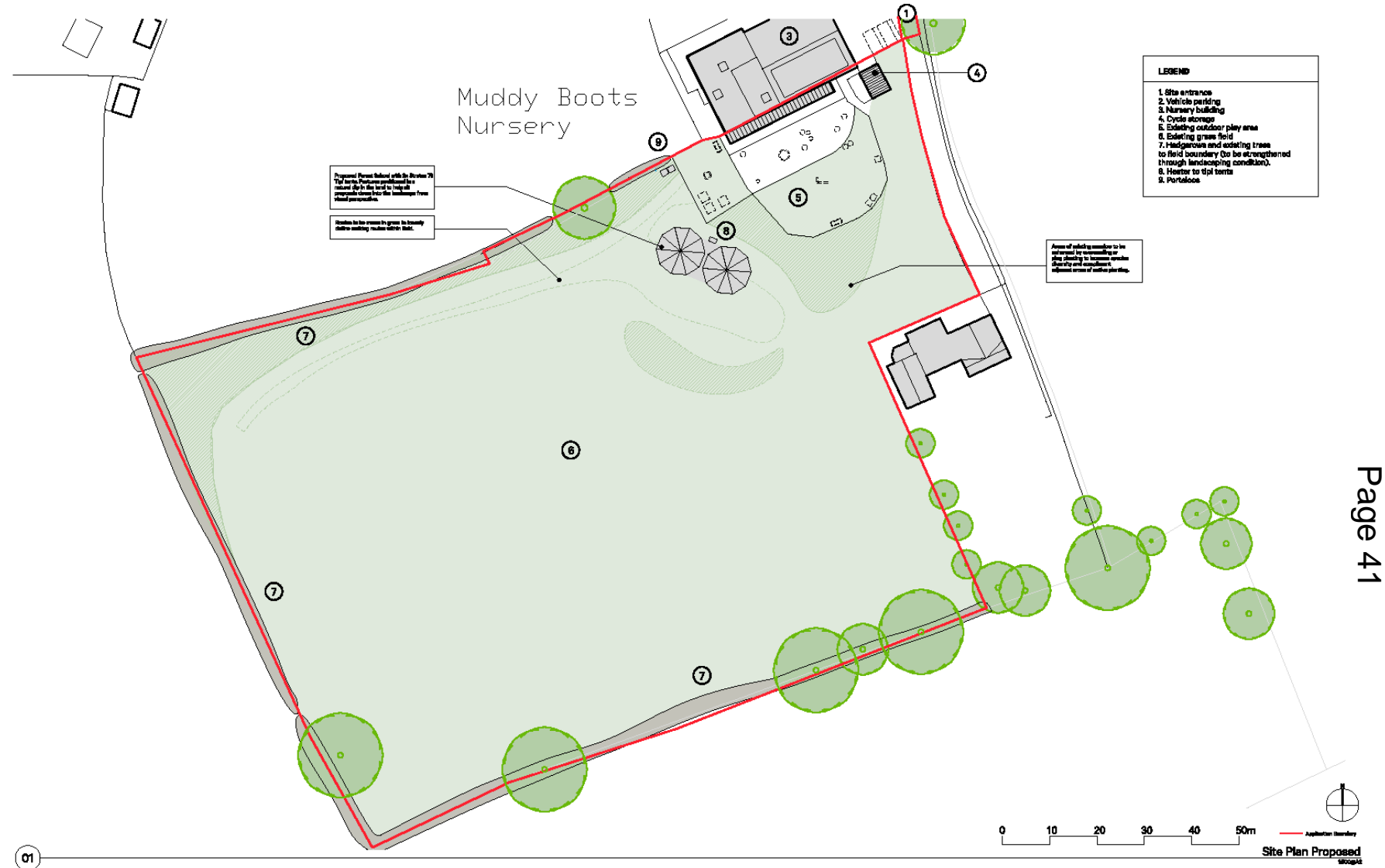
Existing site plan



- LEGEND**
- 1. Site entrance
 - 2. Vehicle parking
 - 3. Nursery building
 - 4. Cycle storage
 - 5. Existing outdoor play area
 - 6. Existing grass field
 - 7. Hedge and existing trees to field boundary

ArkieBoyce. 10100 10100 10100 10100 10100	Notes	Revisions	Revisions	Project Muddy Boots, Peabaince	Project No. 23090
	1. New building, Nursery office, storage and 2. Existing outdoor play area 3. Existing grass field 4. Existing hedge and trees to field boundary 5. Existing grass field	1. New building, Nursery office, storage and 2. Existing outdoor play area 3. Existing grass field 4. Existing hedge and trees to field boundary 5. Existing grass field	A. Proposed floor plan B. Proposed floor plan C. Proposed floor plan	1. New building, Nursery office, storage and 2. Existing outdoor play area 3. Existing grass field 4. Existing hedge and trees to field boundary 5. Existing grass field	Client Muddy Boots Date November 2023 Drawing Title Site Plan Existing Status 10100/10100/10100 Scale 1/500 @ A2 Drawing UK. ARCHD/02

Proposed site plan



ArkieBoycs.

Date	By

Date	By

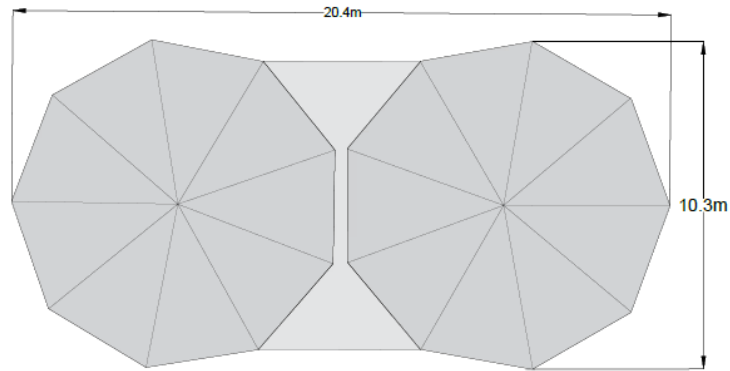
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Proposed Tipi

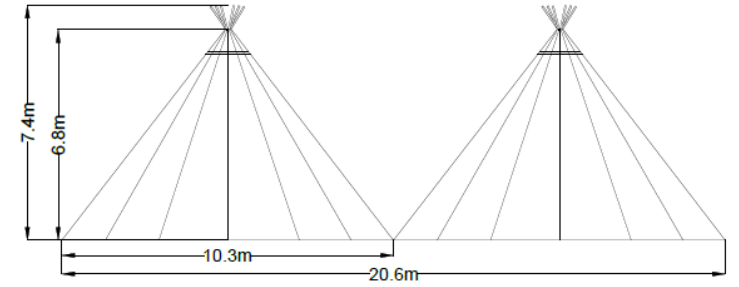
2x STRATUS 72 TIPI PLAN

1:100



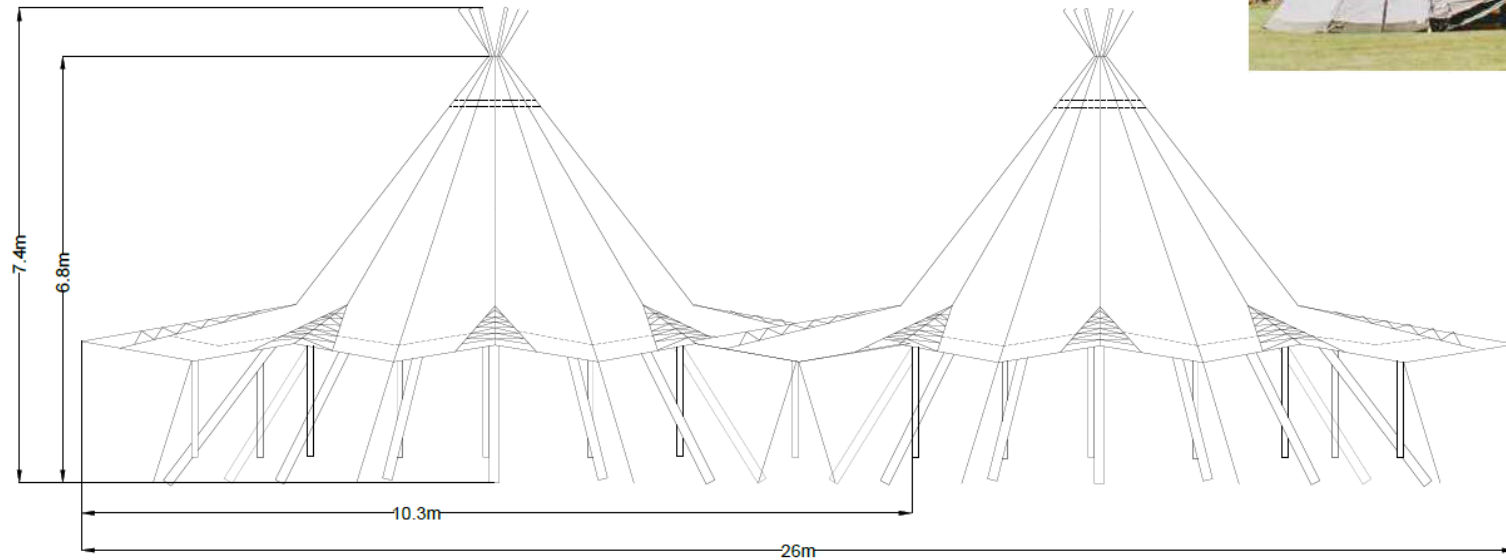
STRATUS 72 TIPI ELEVATION - CLOSED

1:100



STRATUS 72 TIPI ELEVATION - SIDES UP

1:50



TIPI IMAGE



Project: Muddy Boots, York		Client: Andrew & Anna Nimmo										
Title: Tipi Details		Drawn: SH	CHK'd: LW	App'd: SH								
Drawing Number: PWP750 103	Revision: 01	Drawing Scale: Various Scales @ A2			01	09/01/23	Updated in line with planning comments	SH	LW	SH		
				00	19/02/23	Issued for Planning	SH	LW	SH			
				Rev	Date	Detail	Drawn	CHK'd	App'd			

- Notes:**
1. Not for construction all dimensions to be confirmed on site
 2. Based on information provided by Tipipi www.tipipi.com
 3. Build up/footings to engineers specification.
 4. Contractor to be fully satisfied with locations of services prior to excavations.
 5. All existing trees to be protected to BS 5837.

PWP Design Ltd
Unit 1, Whiteley Court
Pool Road
Osley
LS21 1FR
0113 4572508
info@pwpdesign.co.uk



COMMITTEE REPORT

Date: 13 March 2024 **Ward:** Osbaldwick And Derwent
Team: East Area **Parish:** Osbaldwick Parish
Council
Reference: 24/00121/FUL
Application at: 34 Tranby Avenue Osbaldwick York YO10 3NB
For: Single storey front/rear extensions and two storey side extension
By: Mr Room
Application Type: Full Application
Target Date: 26 March 2024
Recommendation: Householder Approval

1.0 PROPOSALThe Site

1.1. The host dwelling is a circa 1930s brick-built semi-detached two storey dwellinghouse with a tiled hipped roof: comprising of lower and upper bay windows to the principal elevation, two windows to the side elevation; including a downpipe to the side elevation.

1.2. The dwellinghouse is setback from the highway by a grass verge, footpath, vehicle driveway, front garden and a low brick wall boundary treatment. To the rear of the dwellinghouse, is a single storey enlargement in a poor condition and a detached outbuilding which is brick-built with a corrugated roof.

1.3. The surrounding dwellinghouses are of a similar appearance; brick-built, circa 1930s with hipped roof, bay windows, front garden, driveway and low brick wall boundary treatment.

The Proposed Development

1.4. The application seeks planning permission for a two-storey side extension with hipped roof, internal garage space with a protruding mono pitch roof and a single storey rear extension with mono pitch roof; the proposal includes the demolition of the rear outbuilding, which does not require planning permission.

1.5. The two-storey side extension would create; ground floor internal garage space and a family room; first floor bedrooms, one bedroom with an ensuite and a separate bathroom. The single storey rear extension would create a kitchen space.

The two-storey side extension will create a fenestration of window openings and a door opening to the side elevation; one window opening to the ground floor and two window openings to the first floor. Proposed materials for the windows and doors are UPVC.

1.6. The two-storey side extension will have a width of approximately 3.8m; the total length will be approximately 11.5m including the protruding ground floor garage space; at the rear the total width will be approximately 8.6m including the rear single storey extension; and the total height; including the roof heights, will not exceed the height of the existing dwellinghouse.

1.7. The rear single storey extension will attach to the two-storey side extension at the rear; aligning to the footprint of the two-storey extension and thereby the single storey enlargement will not protrude beyond the length of the two-storey side extension. The curtilage boundary at the rear; will be approximately a 9.5m distance away from the building line of both the rear single storey extension and two-storey side extension. There will be an approximate distance of 1m from the northward's curtilage boundary to the building line of the proposed two-storey side extension.

Call-in

1.8. The application has been called-in by Councillor Warters due to highway safety concerns due to reduced off-street parking and the potential for a change of use to a shared house (HMO).

2.0 POLICY CONTEXT

National Planning Policy Framework (NPPF)

2.1. The relevant sections of the NPPF for the determination of this planning application are:

Section 9 – Promoting Sustainable Transport
Section 12 – Achieving well designed places

City of York Draft Local Plan (2018)

2.2. The Draft Local Plan 2018 was submitted for examination on 25 May 2018. The examination is still ongoing with an additional hearing expected to take place in March 2024. The Draft Plan policies can be afforded weight in accordance with

paragraph 48 of the NPPF. Draft policies relevant to the determination of this application are:

Draft Policy D11 – Extensions and Alterations to existing buildings
Draft Policy T1 – Sustainable Access

House Extensions and Alterations Supplementary Planning Document (SPD)

2.3. The Supplementary Planning Document 'House Extensions and Alterations', dated December 2012 ('the SPD') is a material planning consideration relevant to the determination of this application.

2.4. The SPD provides guidance relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

3.0 CONSULTATIONS

Parish Council

3.1. Strongly object to the overdevelopment of the plot, with the reduction of parking provision and potential for increased occupancy levels.

4.0 REPRESENTATIONS

4.1. No representations have been received at the time of writing this report.

5.0 APPRAISAL

Key issues

5.1. The key issues which need to be considered in the determination of this planning application are as follows:

- Visual impact on the dwelling and surrounding area
- Neighbouring amenity

- Highway Impact
- Access
- Planning Use

Visual impact on the dwelling and surrounding area

5.2. The proposal displays a visual appearance which is similar to the surrounding area, whereby neighbouring dwellinghouses conform to a congruous design, scale and size; materials consist of brick construction and tile roofing; key design features consist of; hipped roofs, bay windows, paved (and/or) permeable driveways, front gardens and low brick wall boundary treatments; the proposal will retain these features.

5.3. Dwellinghouses within the surrounding area include side enlargements and as such the proposal would not impose any visual imbalance onto the character and setting of the surrounding area; thereby the proposal complies with paragraph 7.1 of the 'House Extension and Alterations' supplementary planning document (2012).

5.4. The two-storey side enlargement would be subservient to the existing dwellinghouse, materials would match those of the existing dwellinghouse, and design features would be in keeping with the original building, for example a hipped roof to match the existing roof. There would not be any significant visual impact on the character and street scene, as such the proposal would comply with paragraph 7.4 of the SPD (2012).

Neighbouring amenity

5.5. With regards to the outlook, there wouldn't be any significant visual impact relating to dominance; as there will be sufficient separation distances between the curtilage boundaries and the proposed side extension; also, the neighbouring properties have similar two-storey side enlargements; as such, the proposal complies with paragraph 5.1 of the 'House Extensions and Alterations' SPD (2012).

5.6. Furthermore, the proposed fenestration will include window openings to the first floor of the side elevation, these window openings would be installed onto non-habitable spaces and as such there wouldn't be any detrimental impact on neighbouring amenity; the ground floor window opening would be installed to a habitable space, however this window opening would be installed to a similar position that matches the existing side elevation window; it is worth noting that the adjacent dwellinghouse has a ground floor window installed to its side elevation; the proposed door opening to the side elevation would be deemed permitted

development; additionally, there is an existing hedge plant boundary treatment in excess of 2m, there is approximately a 1m distance between the hedge boundary and the building line of the proposed enlargement. It is assumed that the hedge boundary treatment will remain in-situ, thereby continuing to provide a privacy screening between the neighbouring dwellinghouses; Altogether, the proposal adheres with paragraph 12.1 and 12.2 of the SPD, paragraph 135 of the NPPF and draft policy D11 of the Draft Local Plan.

Highway Impact

5.7. The proposed two-storey side extension includes an integral garage at approximately 5m in length, and a vehicle driveway at approximately 5.5m in length. A condition is recommended to install a non-protruding garage door i.e., 'roller shutter door' this is to limit vehicles from protruding onto the highway. Additionally, the proposal would create a rear outbuilding for cycle storage.

5.8. The dwelling is not located near to a road junction and in relation to oncoming traffic the highway is visible in both directions with ample distance; as such visibility splays would not be detrimentally affected by the proposed two-storey enlargement.

5.9. Thereby, the proposed development is not considered to have a detrimental impact on highway safety subject to conditions and complies with paragraphs 114 and 116 of the NPPF, Draft Local Plan Policy T1 and paragraph 8.1 of the SPD.

Planning Use

5.10. Following concerns raised with regards to the potential use of the property the applicant has confirmed that a change of use is not included within their proposal. The current use class for the property would be 'C3 Dwellinghouses' which is defined as a single household. The 'Article 4 Direction' restricts permitted development rights for a change of use from single household to a shared household. For a change of use to be considered at the property; a separate full planning application would be required.

6.0 CONCLUSION

6.1. On balance, it is not considered that the proposed two-storey side extension to the dwellinghouse would cause any demonstrable harm to the appearance of the street scene. Neither is it considered that the two-storey side extension would create any significant harm to the amenity of the neighbours in terms of proximity or overlooking. For this reason, the proposal demonstrates compliance with the NPPF, Draft Policies D11, and T1 of the City of York Draft Local Plan and the Council's

Supplementary Planning Document for House Alterations and Extensions
(December 2012).

7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

BO4/2078/02

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

3 The materials to be used externally shall match those of the existing buildings in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning authority the proposed garage element of the extension shall not be converted to living accommodation.

Reason: To ensure that adequate storage / car parking space would be retained in the interest of highway safety.

5 The garage shall be fitted with doors which shall at no time, even whilst being open or shut, protrude forward of the position of the face of the garage door whilst in the closed position.

Reason: To prevent cars projecting into the public highway and obstructing the free passage of road users.

6 Notwithstanding the submitted details prior to the completion of the development details of secure cycle parking for 4 no. cycles, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The extension 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.

8.0 INFORMATIVES:

Contact details:

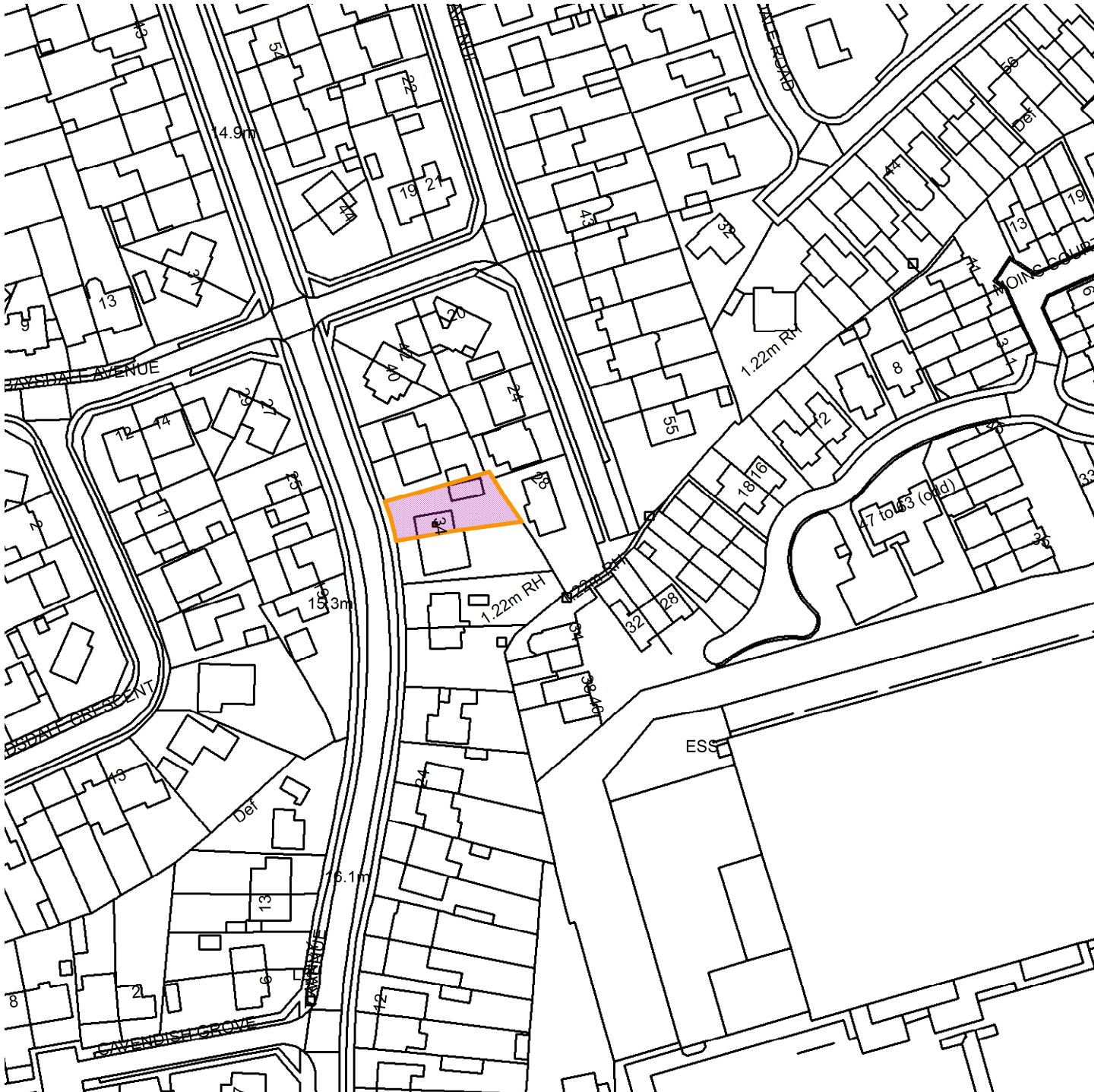
Case Officer: Leon Warsama

Tel No: 01904 552970

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24/00121/FUL

34 Tranby Avenue, Osbaldwick, YO10 3NB



Scale : 1:1361

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	04 March 2024
SLA Number	Not Set

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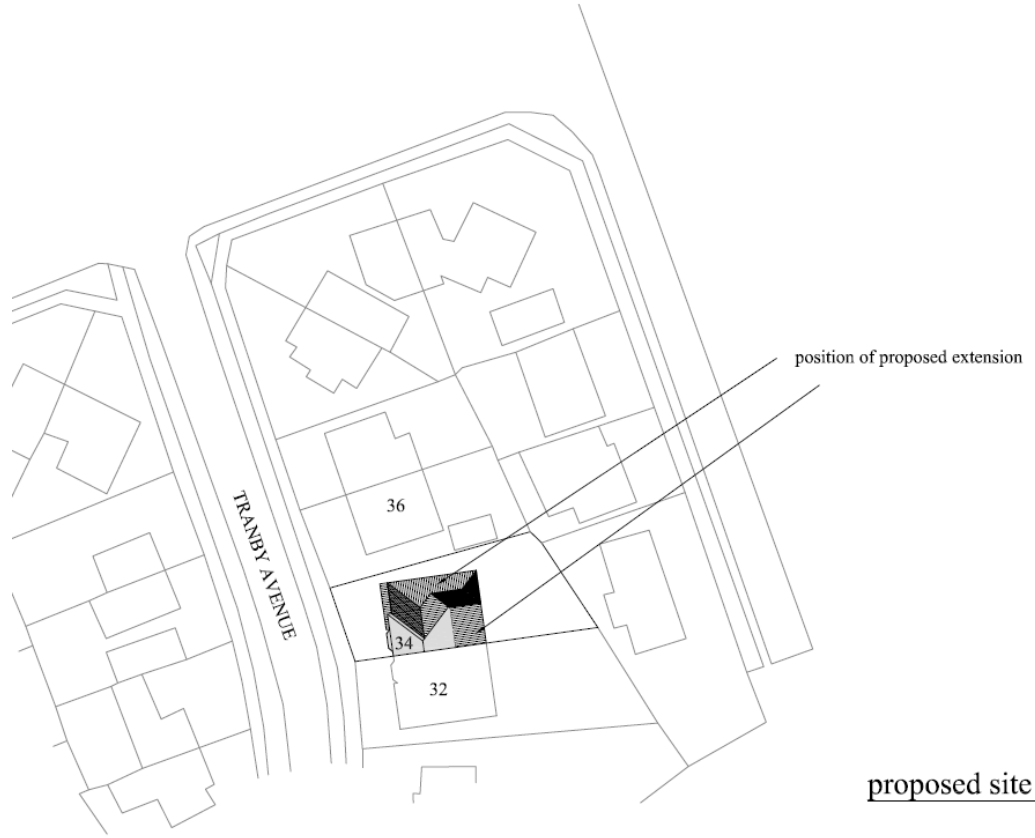


Planning Committee B

24/00121/FUL

34 Tranby Avenue Osbaldwick

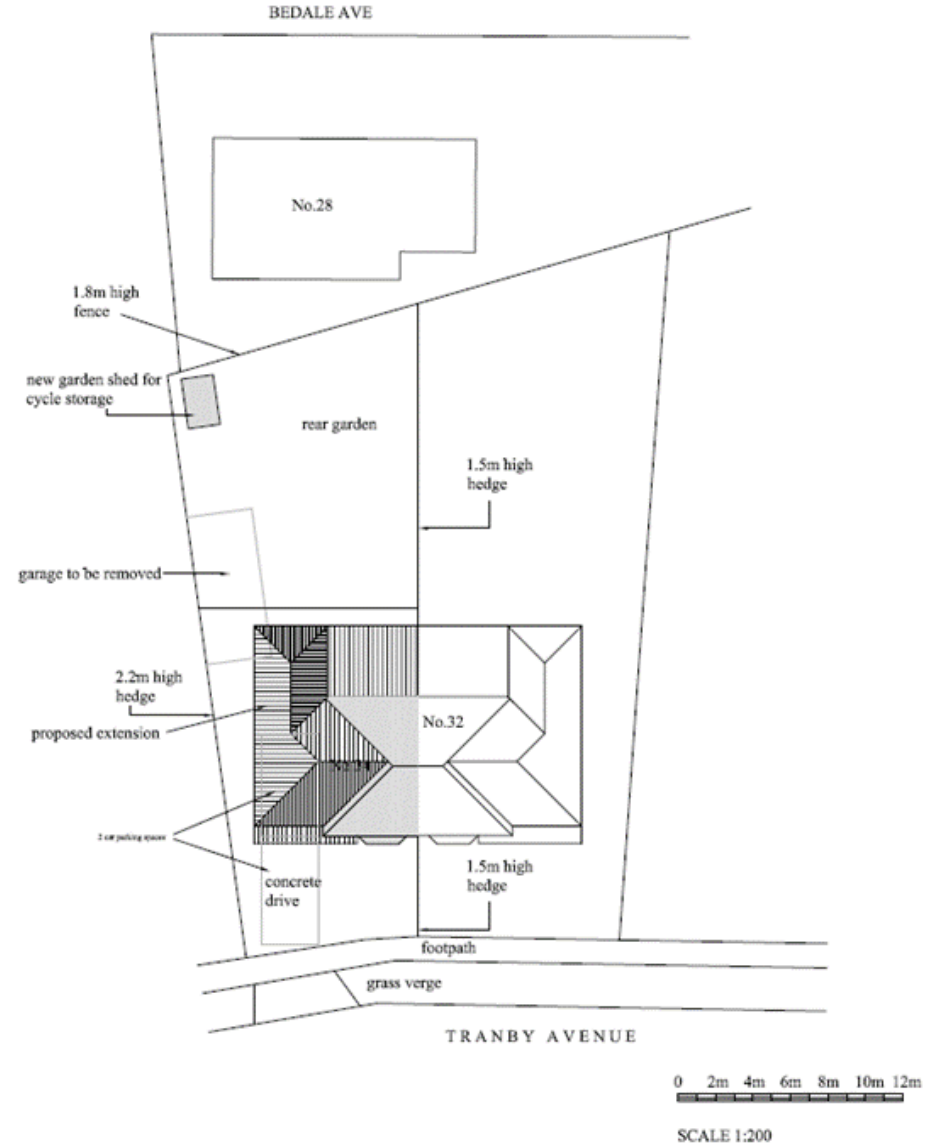
Site Plans



proposed site plan



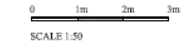
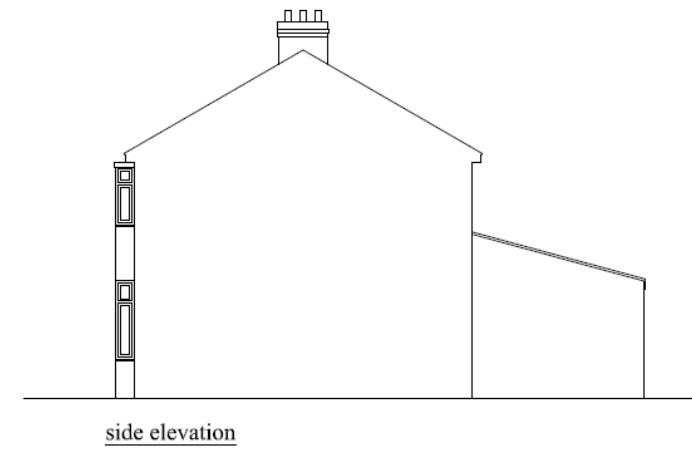
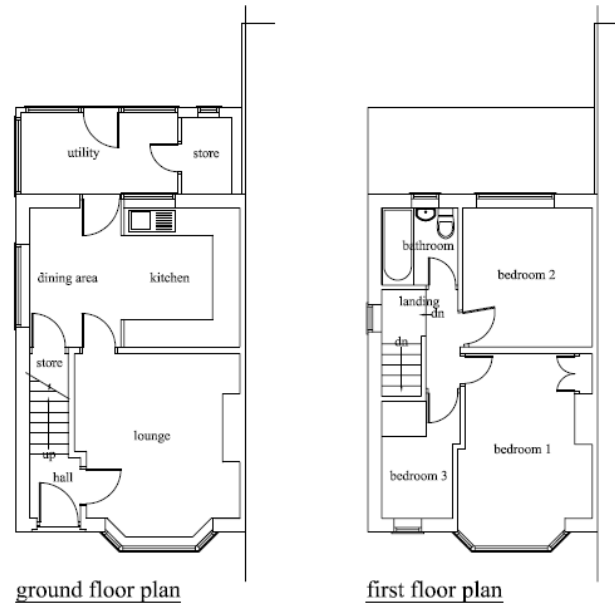
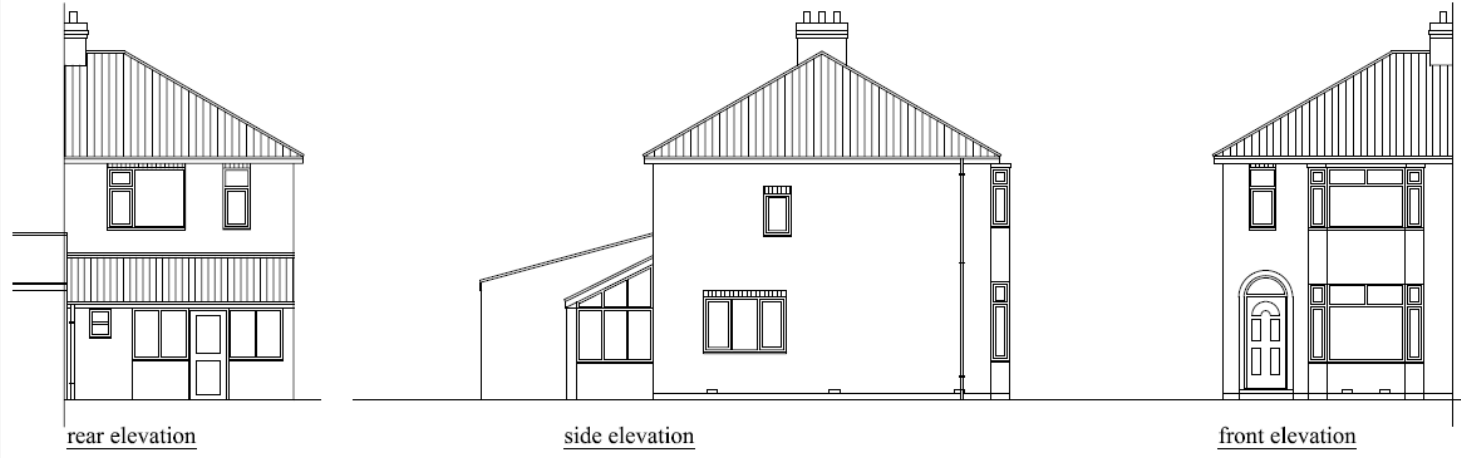
SCALE 1:500



SCALE 1:200

Proposed site plan

Existing drawings



Robert Room <i>Architectural Drawing Services</i> Tel: 01753 851112 mobile: 07703 185089 Fax: 01753 351112 Email: robert.room@robertroomarchitectural.co.uk	
client	
Mr Room	
site	
No.34 Tranby Avenue York	
job	
Erection of a two storey side and rear extension and ground floor rear extension	
drawing	
Existing floor plans and elevations	
date	January 2004
drawn by	Rob Room
scale	1:50
rev	
draw no.	B04 / 2078 / 01

Proposed drawings



Robert Room <i>Architectural Drawing Services</i> Tel: 01759 361112 mobile: 07703 185039 Fax: 01759 361112 Email: robert.room@robertroomarchitectural.co.uk	
client: Mr Room	
site: No.34 Tranby Avenue York	
job: Erection of a two storey side and rear extension and ground floor rear extension	
drawing: Proposed floor plans and elevations	
date: January 2024	drawn by: Rob Room
scale: 1:50	rev:
drwg no.: B04 / 2078 / 02	