

COMMITTEE REPORT

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

Reference: 18/01467/GRG3
Application at: Windsor House 22 Ascot Way York YO24 4QZ
For: 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)
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 10 December 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 Windsor House comprises a two storey brick built former elderly persons home situated within a modest site to the south of the Acomb District Centre. Planning permission is sought for the erection of a two storey Centre of Excellence for the provision of care and support services for disabled children and their families within the cleared site and partially within the existing site of the neighbouring Hob Moor Primary School. The facility would replace the existing facility at The Glen in Clifton which does not fit present standards. It would provide a range of services including respite care, an office base for the children's support team as well as office and meeting space where service users can receive one- to one assistance.

1.2 A further planning application ref:- 18/01475/GRG3 for the layout of replacement playing field space is for consideration on the current agenda. The application has been amended subsequent to receipt to address concerns in respect of the impact of the proposal upon the safety and convenience of highway users on the local network.

2.0 POLICY CONTEXT

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

D1 Place Making
HW4 Provision of Community Facilities
G15 Loss of Playing Fields

2.2 York Development Control Local Plan (2005) Policies:

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection in principle to the proposal subject to any permission being conditioned to control cooking odours, lighting and noise from audible plant. It should be further conditioned to require provision of an electric vehicle charging point and the submission of a CEMP or Construction Environmental Management Plan in respect of the construction of the proposed development.

Design, Conservation and Sustainable Development(Ecology)

3.2 Raise no objection in principle to the proposal subject to any permission being conditioned to require the provision of biodiversity enhancements as part of the overall scheme together with the protection of nesting birds during the construction period.

Highway Network Management

3.3 Raise no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a sustainable travel plan and a method of works statement in respect of the construction of the development.

Strategic Flood Risk Management

3.4 Any comments will be reported verbally at the meeting.

EXTERNAL

Yorkshire Water Services

3.5 Any comments will be reported verbally at the meeting.

Ainsty (2008) Internal Drainage Board

3.6 Raise no objection to the proposal.

Sport England

3.7 Initially objected to the proposal but withdrew their objection following on from receipt of full details of the proposed replacement playing field provision within the site.

Publicity and Representations

3.8 Two letters of representation and a 32 signature petition have been received raising the following issues:-

* Objection to the loss of the existing MUGA to the rear of the site taking account of the general deficiency in open space in the local area;

- * Objection to further loss of playing field from within the Hob Moor School site;
- * Concern in respect of the impact of additional traffic generated by the proposal upon the safety and convenience of highway users on the local network and suggesting that nearby Kingsway West carriageway be widened by removing the verge;
- * Concern in respect of the potential for additional on-street parking arising from the proposal and suggesting that additional parking bays be provided.
- * Concern in respect of cumulative impacts arising from construction of the proposal in combination with other developments taking place in the direct vicinity.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE

- Principle of the Development;
- Impact upon the visual amenity of the wider street scene;
- Residential amenity
- Impact upon the safety and convenience of highway users on the local network;
- Loss of open space and playing fields in the locality.

LOCAL PLAN

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

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

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

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

PRINCIPLE OF THE DEVELOPMENT

4.4 The proposal would provide a range of services including respite care, an office base for the children's support team as well as office and meeting space where service users can receive one- to one assistance. The development would contain 8 bedrooms with a further bedroom to allow for a parental stay. The existing site was formerly occupied by a residential care home catering for the vulnerable elderly. This has now closed and would be partially replaced by the extension to the Lincoln Court Extra Care development adjacent ref 18/01872/FULM which is considered on the current agenda.

4.5 Policy HW4 of the Publication Draft City of York Local Plan (2018) indicates that the Council will support new development which helps meet the need for childcare provision. New or replacement childcare facilities should be located in areas of identified need and located in accessible locations. Paragraph 92 of the NPPF requires that Local Planning Authorities should plan positively for the provision of community facilities and other services that enhance the sustainability of local communities. It is felt that the proposal falls within the requirements of both Policy HW4 and paragraph 92 of the NPPF.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.6 Central Government Planning Policy as outlined in paragraph 127c) of the National Planning Policy Framework indicates that planning policies and decisions should ensure that developments are sympathetic to local character and history including the surrounding built environment and landscape history. Policy D1 of the Publication Draft City of York Local Plan (2018) "Place making" indicates that development proposals will be supported where they improve poor existing urban environments and enhance York's special qualities. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

4.7 The proposed scheme envisages the erection of a part single part two storey structure with a low pitch roof centred around a courtyard on the cleared site of Windsor House and partially within the site of the adjacent school. It is proposed to use a palette of light coloured brick together with timber cladding and a standing seam metal roof. It is felt that the proposed building would enhance the visual amenity of the wider street scene and would blend in with the landscaped area to the east within the grounds of Hob Moor School. The scheme further includes an extensive area of additional landscape planting to the north and north east to provide an external amenity area geared to the needs of service users.

IMPACT ON ADJACENT RESIDENTIAL AMENITY

4.8 In terms of the relationship with the adjacent Extra Care Housing development at Lincoln Court to the North West it would be some 14 metres distant at its closest point with dense landscape planting at the site boundary. The adjacent section of Lincoln Court would comprise a plant room and the nature of the relationship is therefore felt to be acceptable. Waste would be stored in a small building to the south east of the main complex and would be collected via the main access. The location would not give rise to any harm to residential amenity. A bungalow lies a short distance to the south east on Ascot Way. The relationship between the two is not a direct one and would be softened by the proposed landscaping of the site boundary.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.9 Concern has been expressed by objectors in terms of the potential for increased on street parking arising from the proposal together with the effect of increased traffic generation upon unsuitable local roads. The surrounding highway network is narrow and does not generally follow the most Modern standards. The site contains 13 spaces with a further two disabled spaces with a loading/drop off point. The layout of the parking/access area has been redesigned to improve its accessibility and to relocate the cycle parking area for 10 spaces. A significant amount of the parking demand associated with the site would be from office based staff who would be visiting service users in their own homes with the overall parking level consistent with that outlined in the Authority's Adopted Standards which allows for a provision of 7 spaces. Service users accessing the respite care facility would be dropped off at the site with little longer term parking generated. Some service users would also be delivered and collected by minibus. It is envisaged that a total of 42 individuals would be employed at the (FTE) with a total of 15 staff on site at any one time. The site is also located close to main bus route with the No 24 service passing the site on an hourly basis. The site is also well located in respect of access to cycle routes both towards the City Centre and the Acomb District Centre with a main route crossing Hob Moor to the south east..

4.10 In terms of traffic generation overall levels would be modest with inbound and outbound traffic evenly distributed through the day. It is felt that total additional generation would be modest (approximately an additional 18 trips). The proposal is therefore felt to be acceptable in highway terms.

LOSS OF OPEN SPACE AND PLAYING FIELD IN THE LOCALITY

4.11 Policy G15 of the Publication Draft City of York Local Plan indicates that development would not be permitted which would result in the loss of environmental or recreational importance unless suitable alternative provision can be made in the immediate locality. The proposal involves the development of an area presently in

use as playing field by Hob Moor Primary School. A scheme to provide suitable alternative provision elsewhere within the school site is also on the current agenda ref:-18/01475/GRG3. That would be subject to a requirement for a Community Use Agreement. Sport England previously objected to the proposal on the grounds of loss of open space but are now satisfied that the proposed replacement provision is of an appropriate standard. It is therefore felt that the requirements of Policy G15 of the Publication Draft Local Plan have therefore been complied with.

5.0 CONCLUSION

5.1 Windsor House comprises a two storey brick built former elderly persons home situated within a modest site to the south of the Acomb District Centre. Planning permission is sought for the erection of a two storey Centre of Excellence for the provision of care and support services for disabled children and their families within the cleared site and partially within the existing site of the neighbouring Hob Moor Primary School. A further planning application ref:- 18/01475/GRG3 for the layout of replacement playing field space is for consideration on this agenda.. It is felt that the proposal is acceptable in terms of its impact upon the visual amenity of the wider street scene. The proposed alternative playing field provision is acceptable and no material harm would be caused to the safety and convenience of highway users on the surrounding network. It is felt that the proposal would be consistent with the requirements of Policy D1, G15 and HW4 of the Publication Draft City of York Local Plan and the proposal is therefore acceptable in planning terms.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Drawing Refs:-YSB-GDA-V1-00-DR-A-90_20-0004_P01_; YSB-GDA-V1-01-DR-A-90_20-0001_P01_ ; YSB-GDA-V1-R1-DR-A-90_20-0001_P01_ ;YSB-GDA-V1-ZZ-DR-A-90_20-0001_P01_ ; YSB-GDA-V1-ZZ-DR-A-90_20-0002_P01_ ; 4119-CAD-XX-XX-DR-E-1000 ;CEY-AJP-XX-00-DR-C-0001-P01 -

:: IT(17)079_(9-)L101_PL1_ ;IT(17)079_(9-)L102_PL1_ ;IT(17)079_(9-)L201_PL1_ ; IT(17)079_(9-)L202_PL1 ;YSB-GDA-V1-00-DR-A-90_20-0003_P01;; IT (17)079_(9_)L001_T1_ ; IT(17)079_(9-)L101_T10_ ; IT(17)079_(9-)L102_T4 ; IT(17)079_TRN009.

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 building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been

Application Reference Number: 18/01467/GRG3

Item No: 4e

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.

4 LC4 Land contamination - unexpected contam

5 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.

6 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.

7 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.

8 Prior to first occupation or use of the development hereby approved four 'bat tubes' or other features providing a roosting crevice for bats must be constructed within the fabric of the building

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 (2018) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

9 Before the occupation of the development 1 Electric Vehicle Recharging Point shall be provided in a position and to a specification to be first approved in writing by the Council.

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 Framework (NPPF).

10 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.

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

11 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 approved 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.

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

12 DRAIN1 Drainage details to be agreed

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

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

14 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme

which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

15 Prior to the development commencing beyond foundation level details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

16 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- a dilapidation survey jointly undertaken with the local highway authority
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site from the main arterial routes
- how pedestrians are to be safely routed past the site
- how access to the PROW is to be maintained
- details of any implications to the highway of demolition and waste removal vehicle operation
- where contractors will park to avoid affecting the highway
- how large vehicles will service the site
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

17 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Formation of access/ egress including tie-in to Public Right of Way (As shown indicatively on Proposed Site Plan),

Provision of at level pedestrian crossing located to suit bus stop requirements

Reason: In the interests of the safe and free passage of highway users.

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 proposed access and parking layout.

2. 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.

3 HIGHWAY WORKS:-

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 278 Kavin Stoddart

4 UTILITIES:-

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

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