



**Notice of a public meeting of
Area Planning Sub-Committee**

- To:** Councillors Galvin (Chair), Flinders (Vice-Chair),
Shepherd, Cannon, Craghill, Crawshaw, Dew, Fenton,
Gillies, Hunter and Mercer
- Date:** Wednesday, 20 March 2019
- Time:** 5.00 pm
- Venue:** The George Hudson Board Room - 1st Floor West
Offices (F045)

A G E N D A

Sub Committee Site Visits

The mini-bus for the sub-committee will leave from Memorial Gardens at 10.00am on Tuesday 19 March 2019.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on this agenda.

2. Minutes (Pages 3 - 16)

To approve and sign the minutes of the last two meetings of the Area Planning Sub-Committee held on 10 January 2019 and 7 February 2019.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officers on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00pm on Tuesday 19 March 2019**.

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Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if sound recorded, this will be uploaded onto the Council's website following the meeting.

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4. Plans List

To determine the following planning applications:

**a) Millthorpe School, Nunthorpe Avenue, York (Pages 17 - 46)
YO23 1PF [18/01162/FUL]**

Construction of a 3G sports pitch with associated lighting, fencing and parking. (Micklegate) **[site visit]**

**b) The Groundsmans House (No 24) And Land (Pages 47 - 76)
To Rear Mount Vale Drive, York
[18/01655/FULM]**

Erection of 12no. dwellings within the grounds of The Mount School with access and servicing off Mount Vale Drive following demolition of dwelling at 24 Mount Vale Drive. (Micklegate) **[site visit]**

- c) **Former Lowfield School, Dijon Avenue, York [18/02925/FULM]** (Pages 77 - 94)
Erection of 5no. apartments, 5no. two bedroom housing units, 6no. three bedroom housing units, 3no. four bedroom housing units and a shared common house/amenity block and associated infrastructure to form community housing development. (Westfield) **[site visit]**
- d) **108 Tudor Road, York, YO24 3AZ [19/00128/GRG3]** (Pages 95 - 100)
Construction of 2 parking spaces to rear served by new vehicular access from Tudor Road. (Westfield) **[site visit]**
- e) **Proposed Residential Development Site, Shilton, Garth Close, Earswick, York [18/01923/OUT]** (Pages 101 - 118)
Outline application for the erection of 2no. Dwellings. (Strensall) **[site visit]**
- f) **London Ebor Developments Plc, Millfield Business Centre, Millfield Lane, Nether Poppleton, York [16/02545/FULM]** (Pages 119 - 132)
Change of use from warehouse (use class B8) to gym (use class D2) (Rural West York) **[site visit]**
- g) **London Ebor Developments Plc, Millfield Business Centre, Millfield Lane, Nether Poppleton, York [18/02080/FULM]** (Pages 133 - 148)
Change of use from existing offices and warehouse to adventure play park (class D2). (Rural West York) **[site visit]**
- h) **Lincoln Court, Ascot Way, York [19/00083/FULM]** (Pages 149 - 176)
Three storey extension to accommodate 15no. new flats with associated alterations to internal layout of existing flats (creating 10 new flats in total), single storey front extension to form new main entrance, erection of plant room to side, reconfiguration of parking provision and associated landscaping works including

new boundary fencing. (Westfield)

5. Appeals Performance and Decision Summaries (Pages 177 - 196)

This report informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2018, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

6. Planning Enforcement Cases - Update (Pages 197 - 200)

The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

7. Urgent Business

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

Democracy Officer:

Chris Elliott

Contact details:

- Telephone – (01904) 553631
- Email – Christopher.elliott@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 (Polish)
własnym języku.

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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AREA PLANNING SUB COMMITTEE**SITE VISITS****Tuesday 19 March 2019**

**The mini-bus for Members of the sub-committee will leave from
Memorial Gardens at 10.00**

TIME (Approx)	SITE	ITEM
10:10	Millthorpe School (Philadelphia Terrace/Ovington Terrace entrance)	4a
10:45	The Groundsmans House (No 24) And Land To Rear Mount Vale Drive	4b
11:25	Former Lowfield School Dijon Avenue	4c
11:50	108 Tudor Road	4d
12:45	London Ebor Developments Plc Millfield Business Centre Millfield Lane Nether Poppleton	4f and g
13:20	Proposed Residential Development Site Shilton Garth Close Earswick	4e

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	10 January 2019
Present	Councillors Galvin (Chair), Flinders (Vice-Chair), Cannon, Crawshaw, Gillies, Mercer, Shepherd, Cullwick (as a substitute for Cllr Fenton) and Richardson (as a substitute for Cllr Dew)
Apologies	Councillors Craghill, Dew, Fenton and Hunter

57. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda. None were declared.

58. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

59. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

60. Windsor House, 22 Ascot Way, York, YO24 4QZ [18/02177/FUL]

Members considered a full application from Mr Stephen King for the erection of a sub station and associated parking at Windsor House, 22 Ascot Way.

Officers informed the committee of an additional condition suggested by Public Protection to address the concerns regarding noise coming from the apparatus. It was

recommended that the following should replace the original noise condition:

- Details of all machinery, plant and equipment to be installed in or located on the premises shall be submitted to the local planning authority for approval prior to the construction beyond foundation level. These details shall include average sound levels (LAeq), octave band noise levels and information on existing background noise levels at the location. If the machinery, plant and equipment increases the existing background noise levels across any of the octave band frequencies then details of proposed noise mitigation measures shall be submitted for the approval of the local planning authority. 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.

Officers were in attendance to introduce the application and answer questions on the application.

In response to member questions regarding anti-social behaviour in the area, Officers identified the following mitigations to reduce the risk of anti-social behaviour and improve the security on site:

- Additional lighting to illuminate the area
- CCTV cameras to be installed

Cllr Waller, the ward Councillor, addressed the committee regarding the application. Cllr Waller informed the committee of the security concerns raised by residents and noted that it would be important to have the security measures identified to help address this and was also pleased with the revised noise condition.

It was moved and seconded that the application be approved and it was therefore:

Resolved: That the application be approved subject to the conditions listed in the report and the amended noise condition noted in the update.

Reason: The proposal is modest in scale and would not give rise to any material harm to the visual amenity of the

wider street scene. At the same time, any environmental impacts or risk of anti-social behaviour can be mitigated by planning conditions attached to any planning permission. For these reasons the proposal was considered acceptable by Members.

**61. The Limefields, Scoreby Lane, Scoreby, York, YO41 1NR
[18/02103/FUL]**

Members considered a full application from Mr Ben Smith for the conversion of a former agricultural building to a dwelling.

Mr Mark Newby, agent for the applicant, spoke in support of the application and highlighted the following points for the committee:

- That the redundant building would be converted to a dwelling and not a holiday let as suggested by some objectors
- That the development was appropriate and would not impact the openness of the green belt
- That there had been no objections from highways officers and no expected increase to the volume of vehicle movements
- That the design of the property and distance to neighbouring properties was such that there would be no detrimental impact to the local amenity
- That a new suitably sized treatment plant would be installed to service the proposed dwelling and there had been no objections from the drainage officer.

Mr Graham Cheyne also spoke in support of the application and emphasised that this development was intended as a family home and not a holiday let.

Mr Paul Rowntree spoke in objection to the application and made the following points to the committee:

- The size of the curtilage is unclear and doesn't comply with several parts of policy GB3
- The storage facilities for the property would be lost and it would be inevitable that new structures would be required
- Current properties have dedicated drains from septic tanks to a distant pond to take waste water away safely. The proposed water treatment solution was alarming due to being on the watershed of the Derwent and Ouse, the

drainage report doesn't address the lack of drainage during wet periods.

- That the swallow population residing in the barn would be displaced and as there is no alternative solution offered, it would be a loss to the local amenity.
- That four en-suite bedrooms and open living space resembled a holiday let and the applicant owns a holiday letting company. Residents would welcome another family, however a holiday let would fundamentally damage this unique rural community and set a dangerous precedent.

Cllr Mark Warters also spoke in objection and made the point that as there is no clearly defined curtilage, policy GB3 (points [vi] and [vii]), are not satisfied. Cllr Warters also drew attention to a high court ruling from 2012 in which the residing judge ruled that 'the use of a dwelling for commercial use or letting amounts to a material change of use and required planning permission'. Cllr Warters believed the committee, if minded to approve the application, should ensure that it is clearly designated as a residential dwelling and not as a commercial holiday let, allowing for future enforcement should this not be the case.

Officers then clarified this point by highlighting that the application does not refer to holiday let use and if the applicant did wish to use it as a holiday let, there would be no requirement for a change of use application as they are both classed as residential dwellings and fall within the same use class .

In response to Member questions, the Council's Flood Risk Engineer clarified that as there is no material change to the existing building, the surface water drainage would not be affected. Cllr Richardson asked a number of questions in relation to how the drainage system would operate which were answered by the Flood Risk Engineer

Members questioned whether a condition could be added to restrict the property to C3 use, officers stated that it was possible but specific reasons would need to be provided.

Some Members felt that despite being a similar footprint, it was not clear, under paragraph 4.7 (ii), that the development could be completed 'without major or complete reconstruction' and would therefore not be supporting the application.

It was moved and seconded that the application be refused on the grounds of being inappropriate development under policy GB3. The motion fell by 5 votes to 4.

It was then moved by Cllr Gillies and seconded by Cllr Galvin that approval be granted and the motion was passed by 5 votes to 4, it was therefore:

Resolved: That the application be approved subject to the conditions listed in the report.

Reason: The conversion of the building would not have a detrimental impact upon the character of the area, on residential amenity or upon the openness of the Green Belt. As such the application accords with the NPPF 2018 paragraphs 143 to 145, policy GB1 of the publication Draft Local Plan 2018 and policies GB1, GB3 and GP1 of the Development Control Local Plan 2005.

Cllr J Galvin, Chair

[The meeting started at 4.30 pm and finished at 5.25 pm].

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Meeting	Area Planning Sub-Committee
Date	7 February 2019
Present	Councillors Galvin (Chair), Flinders (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Hunter, Mercer and Shepherd
Apologies	Councillor Gillies

62. Declarations of Interest

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda. None were declared.

63. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 6 December 2018 be approved and then signed by the Chair as a correct record.

64. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

65. Plans List

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**65a) Hazelwood Guest House, 24 - 25 Portland Street, York,
YO31 7EH [18/02444/FUL]**

Members considered a full application from Mr Matt Cullen for the change of use from hotel (class C1) to 8 flats (class C3) with management office and single storey extension to the side/rear.

Officers provided an update to Members of the Sub-Committee highlighting the following points:

- That 5 additional letters of objection had been received including a new issue of 'noise disturbance from rooms across party walls'.
- That the site is to be removed from the Residents' Parking Zone.

Mr Roger Lake addressed the committee regarding the application and processes. Mr Lake highlighted that it was difficult to follow planning applications and it was unclear when certain documents had been received by the planning authority. Mr Lake was concerned that people inexperienced with planning applications would struggle to have their say.

Ms Jude Warsop then addressed the committee in objection to the application. Ms Warsop made the following points with regard to the application:

- That the proposal, with 8 new flats and potential for 11 new residents with staff and visitors would have a detrimental impact on their community.
- The change from C3 to C3B use significantly alters the proposal
- The development is too dense and incomparable to that of the hotel that currently exists in this space
- The committee report states that there were no comments from the Design Conservation Sustainable Team, however the CAAP minutes from 5 December stated that they did object and that it was regrettable that the properties were not being returned to family homes and that the proposal did not fit the area, making section 4.12 and 4.13 of the report incorrect.
- Public Protection have approved this development, under the proposal for full time supervision to control noise issues, the plans state that full time supervision is not mandatory.
- Local Development Plan section HH8 states that planning permission will only be granted for the conversion of dwellings to flats where it would not have an adverse effect

on the neighbouring amenity. This proposal does not fulfil this test.

Mr Martin Legg then spoke in objection to the application. Mr Legg made the following comments:

- The development is too big and is out of proportion for the street
- The use of these properties should return to family homes
- The committee report fails to apply the draft SPD on 'sub division of dwellings'.
- The 2005 Local Plan states that approval should not be granted where it may cause an adverse effect on neighbouring amenity, this has not been considered.

Matt Cullen and Colin Swaine, the developers, then spoke in support of the application. Mr Swaine highlighted that the developers (Merston) only develop properties in partnership with local authorities where a need has been identified. The company specialise in supported living accommodation. In response to Member questions Mr Cullen and Mr Swaine informed the committee that:

- with the proposed user groups, a lift would not be necessary due to residents not having physical disabilities.
- The back of the property will be redeveloped to include an outdoor amenity space for residents.
- There will be a recycling area in the courtyard and parking will be sufficient for staff expected on site.

Mr Andy Kenny, Independent Support, then spoke in support of the application, making the following points:

- That Independent Support are an experienced provider of supported living schemes for adults with a range of needs.
- That this scheme has been designed alongside City of York Council's Adult Social Care Commissioners for people with Autism or Asperges, to develop independence as a short term measure prior to moving into their own accommodation in the community.

In response to Member questions Mr Kenny made the following points:

- Should the proposal go ahead, Independent Support would engage with the local community and apologised for having not engaged with residents before this point.

- It has been agreed with York that a very specific client group has been identified and any other client groups would not be acceptable.
- Based on experience of supported living facilities, it would not be expected that noise would be any more significant than usual residential flats, the client group would have no history of alcohol or substance misuse or Anti-Social Behaviour.
- That the parking on site would be sufficient for carers and workers on site and due to the central location, would not expect all staff to drive.
- Based on the needs of the client group, high volume of professionals would not be expected on site in addition to carers, the focus of the facility is on increasing independence.

In response to the speakers, officers clarified that the Design Conservation Sustainable Team had no comments to make, the comments in the CAAP minutes were comments from the advisory panel themselves.

Some members were satisfied that the mitigations with regard to parking, including the removal of the property from the Resident Parking Scheme and the fact that it was already a guesthouse, satisfied the concerns regarding increased traffic or difficulty parking. Members were also satisfied that the level of noise created by this development would not impact the community.

Other members still had concerns regarding the level of amenity space and were not convinced that the development was comparable with the current guesthouse. It was suggested by the committee that an informative be added to guide future managers of the property to engage with the community and local residents.

Members felt that this was a welcome development, considering the clear need for further supported accommodation in the City.

It was moved and seconded that the application be approved. It was therefore:

Resolved: That approval be granted subject to the conditions listed in the report and the additional informative regarding future community engagement.

Reason: The proposed use is considered to support the Government's objective to boost the supply of homes and address the needs of groups with specific housing requirements (para.59 NPPF) and contribute to the achievement of sustainable development through supporting strong, vibrant and healthy communities and by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations (para.8 NPPF). Changes to the use of the property and minor extension to the rear are considered to preserve the character and appearance of the Conservation Area. The proposal meets relevant policy within the Local Plan and NPPF and is therefore recommended for approval subject to planning conditions.

**65b) Club Salvation, George Hudson Street, York, YO1 6JL
[18/01866/FULM]**

This application was withdrawn by the applicant prior to the meeting.

**65c) Club Salvation, George Hudson Street, York, YO1 6JL
[18/01867/LBC]**

This application was withdrawn by the applicant prior to the meeting.

**65d) Fishergate County Garage, 14 Heslington Lane, York, YO10
4LR [18/01480/FUL]**

Members considered a full application from Yorbuild Ltd for a variation of condition 2 (approved plans) of permitted application 16/02665/FUL (Conversion of garage into 1 dwelling) to alter position of rooflights, omit enclosed yard to rear to provide bedroom with roof terrace, incorporation of vehicle turntable, alterations to first floor windows with associated internal alterations (retrospective).

Officers informed the committee that references to 'Condition 1' in conditions 5, 7 and 8, should read 'Condition 2'.

Mr Hammill, the applicant, then spoke in support of the application. Mr Hammill highlighted that all officer

recommendations for changes have been implemented and apologised that the committee are reviewing a retrospective application, however the applicant could not wait any longer prior to starting the development. Mr Hammill also highlighted that the property is listed for a number of awards for design and build.

Members did raise concerns in paragraph 4.22 relating to the chimney that had been constructed and is not included in the application. Planning Officers highlighted that this element of the application was discussed with the agent at the time of the site visit however the submitted revised plans did not show the chimney and officers have to assess the plans that are submitted. In response to Member questions, Officers advised that the chimney would require planning permission. Some Members were displeased with this omission from the application.

It was moved and seconded that the application be approved and it was therefore:

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The alterations shown in the revised proposed plans, rather than what has been constructed, are considered to be acceptable. Subject to conditions it is considered there would not be any further impact to the residential amenity of the occupants of the neighbouring dwellings. Subject to the development being built in accordance with the approved plans the proposed rooflights and timber garage door would not result in harm to the setting and character of the conservation area.

65e) 16 Ashwood Glade, Haxby, York, YO32 3GQ [18/02094/FUL]

Members considered a full application from Mr and Mrs Jagger for the erection of a single storey side and rear extension.

Officers provided an update to Members of the committee, highlighting that:

- Yorkshire Water and the Environment Agency have withdrawn their objections to the proposal following changes by the applicant.

- The Flood Risk Drainage Engineer has requested an additional condition relating to surface water drainage.

Following the withdrawal of objections and the additional condition, it was moved and seconded that approval be granted. It was therefore:

Resolved: That approval be granted subject to the conditions listed in the report.

Reason: The removal of the detached annex from the scheme has significantly reduced the visual impact on neighbours to the north. The replacement of a pitched roof on the proposed extension with a flat roof and removal of the feature chimney considerably reduces the overall visual impact upon the general surroundings and it is considered that they will respect the general character of the building and area and will have no adverse effect on the amenity of neighbouring residents. It is considered the proposals comply with national planning guidance, as contained in the NPPF, Publication Draft York Local Plan 2018, City of York Council Development Local Plan 2005 and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

65f) 33 Burton Green, York, YO30 6JZ [18/01443/CLU]

Members considered an application for the Certificate of Lawful Existing Use from Rev. Christopher Cullwick. This report had come to the committee as the applicant was a Councillor at City of York Council.

In response to Member questions, Officers clarified that the application would not have come to the committee, had the applicant not been a Councillor.

It was moved and seconded that approval be granted and it was therefore:

Resolved: That approval be granted

Reason: The local planning authority are satisfied that, on the balance of probability, the property would have been

in use as a House in Multiple Occupation (use class C4) for up to 3 occupants on 20 April 2012, prior to the introduction of an Article 4 Directive removing permitted development rights for changes of use between Use Class C3 (Dwelling houses) and C4 (Houses in Multiple Occupation) and remains so on the date of this application.

Cllr J Galvin, Chair

[The meeting started at 16:30 and finished at 17:35].

COMMITTEE REPORT

Date: 20.03.2019 **Ward:** Micklegate
Team: Major and Commercial Team **Parish:** Micklegate Planning Panel

Reference: 18/01162/FUL
Application at: Millthorpe School, Nunthorpe Avenue, York YO23 1PF
For: Construction of a 3G sports pitch with associated lighting, fencing and parking
By: Mr Alex Collins
Application Type: Full Application
Target Date: 27 March 2019
Recommendation: Approve

1.0 PROPOSAL

THE SITE

1.1 The application site comprises an area of school playing fields to the south of the sports hall within Millthorpe Secondary School in the South Bank area of the city. The site also includes the single width vehicle access road into the school from Philadelphia Terrace and an area of land behind the gymnasium. This land behind the gymnasium contains eighteen mature trees, mostly Sycamore, with a large quantity of brambles in the herbaceous layer. A small site area is identified near Southlands Road. The total site area measures 9,729 sqm.

1.2 Public views of the site are restricted by the brick boundary wall with runs along the entire length of the school playing field where it borders Ovington Terrace to the west and Southbank Avenue to the south. A belt of mature trees runs the full length of the school boundary, behind the brick wall on Ovington Terrace. A single line of trees runs behind the wall on Southbank Avenue. The trees are deciduous so particularly in winter, as well as in summer, the openness of the site can be appreciated. There are views of the school buildings from the access.

1.3 There are level changes within and around the site. Land rises up from Albermarle Road, along Philadelphia Terrace towards the school entrance. Ovington Terrace is relatively flat before Southbank Avenue drops down towards Bishopthorpe Road. Nunthorpe Grove to the east of the application site drops from a north direction before rising up towards Southbank Avenue. Within the school site, from Philadelphia Terrace, and the gymnasium and sports hall, the playing fields drop down to a lower plateau; sitting 1m below street level from Ovington Terrace and 3.4m below the internal access road and gymnasium.

PROPOSAL

Application Reference Number: 18/01162/FUL

1.4 The proposal is for a fenced and flood lit artificial grass pitch (AGP), car parking and associated works at the school, including new drainage for the pitch, earth works, widening of the access from Philadelphia Terrace and additional cycle storage. The AGP would measure 82m by 50m plus a safety margin of 3m on all sides resulting in a total enclosure of 88m by 56m plus goal recesses and hardstanding. The pitch is not a full size adult pitch, but an U13/14 size pitch for 11 a side matches. It can also be used for other sports and would be marked out for three smaller cross pitch play/training areas separated by retractable nylon nets. 3G refers to 'third generation' artificial grass pitch with longer pile and rubber crumb dressing. It is the preferred surface for football. It is not suitable for hockey.

1.5 At the western corner of the pitch would be a container for the storage of AGP maintenance equipment. The pitch would be surrounded by moss green powder coated welded mesh fence 4.5m in height with access gates and recesses for goal storage. There would be 8no. 13m high galvanised steel 'raise and lower' floodlighting columns, four on each side of the pitch. Since the original submission, revised plans now also show a 3m high close boarded timber noise barrier fence along the south-western boundary of the pitch.

1.6 A new 40no. space car park would be provided adjacent to the pitch. The existing single width access road from Philadelphia Terrace would be widened to 5m to enable two-way access into the school site and ramped down to this new car park. Additional cycle storage is proposed. New drainage from the car park and beneath the pitch would be provided connected to a now soakaway trench adjacent to the pitch.

1.7 The facility would be available for the schools in the South Bank Academy Trust including Millthorpe, Scarcroft and Knavesmire, other local schools and local sports clubs requiring a floodlit all-weather surface for training and competitive sport. Being an artificial pitch with flood lighting, the pitch will extend the 'playing day' and allow for continued use during all but the most inclement weather. Proposed plans show that the existing athletics track can still be accommodated on these playing fields, although it will be reorientated and require the removal of a small cluster of trees.

1.8 The proposed hours of use have been revised since submission. The applicant is seeking opening hours between 1st September until 30th April of 08:00 to 22:00 Monday to Thursday, 08:00 to 21:00 on Fridays, 09:00 to 20:00 on Saturdays and 10:00 to 20:00 on Sundays. From 1st May to 31st August, the hours of use would be reduced to 20:00 in the evenings every day.

2.0 POLICY CONTEXT

2.2 Policies:

York Local Plan Publication Draft (February 2018)

Application Reference Number: 18/01162/FUL

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DP2: Sustainable development
HW3: Built Sport Facilities
ED6: Education
ED8: Community access to sports and cultural facilities on education sites
G15: Protection of open space and playing fields
T7: Minimising and accommodating generated trips
D1: Placemaking

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

GP1: Design
NE1: Trees
HE10: Archaeology
ED1: Education

3.0 CONSULTATIONS

CONSULTATION PRIOR TO PLANNING APPLICATION SUBMISSION

3.1 The applicant and representatives from the Council's school services have undertaken consultation with local community about the expansion of Scarcroft School and the need to provide additional outside sports facilities. A number of options have been presented to the community for comment, including the provision of an artificial sports pitch on Scarcroft Green or at the Nunthorpe Avenue end of the Millthorpe School site.

3.2 Officers are advised that in July 2016, the South Bank MAT with CYC undertook 6 weeks of consultation with the local community, including a public meeting, on options for creating additional play space for the school. It is understood that 110 local residents attended the meeting with ward Councillors and representatives of the Council. Four solutions were presented including using part of the Scarcroft school car park as a playground, providing a fenced area on Scarcroft Green next to the school, providing an artificial pitch at Millthorpe School and providing replacement car parking for Scarcroft staff at Millthorpe School. The fenced area on Scarcroft Green proved highly contentious and was dropped but the other options have been pursued as solutions to meet Government requirements.

INTERNAL

School Services

3.3 Verbal advice from school services is that that the expansion of Scarcroft School would not have been approved by the Department for Education (DfE) without the additional outdoor space provision secured through the planning permission

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18/00379/FUL and the funding secured from CYC for the AGP. The AGP must be provided on the Millthorpe site and during consultation it was deemed the best location, as is proposed in this application.. The additional play space at Scarcroft School and the AGP will bring the provision much closer to the DfE's outdoor play space recommendations and in line with most other primary schools in the city.

Strategic Planning

3.4 Given the advanced stage of the Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the National Planning Policy Framework, officers advise that the policy requirements of the emerging Plan can be applied.

3.5 Both the City of York Local Plan Evidence Base Study: Open Space and Green Infrastructure Update (September 2017) and The Active York Built Sports Facilities Strategy (2013) evidence bases have shown that there is a deficit of outdoor sports facility provision in the Micklegate Ward and in particular there is a need for 3G pitches. This application would help to address that deficit and provide the City with additional AGP. The proposal is in line with policy HW3 and GI5 of the emerging Local Plan. No policy objection to the proposals.

Design, Conservation and Sustainable Development (Landscape architect)

3.6 The original scheme was not supported due to the loss of trees behind the gymnasium which are worthy of a TPO. The belt of trees around the perimeter of the site are also worthy of TPOs due to their contribution to the amenity of the surrounding streets and setting of the school. The reorientation of the running track to accommodate the AGP results in the removal of a few trees in the southwest corner of the playing field. Whilst this loss is not to be encouraged, given the value of the proposed facility, the proposed development outweighs the limited impact on the integrity of this woodland belt.

3.7 Following revisions to plans whereby the second car park behind the gymnasium was removed from the application and the trees thus retained, the officer has advised that the scheme can now be supported providing a condition is attached to agree an Arboricultural Method Statement to protect the existing trees around the perimeter of the works.

Design, Conservation and Sustainable Development (Ecology)

3.8 The main habitat within the site is existing amenity grassland, managed and used as sports pitch/playing field, and is considered to be of low ecological value. The boundary vegetation, comprising of mature and semi-mature trees, rough grassland and tall ruderal is of greater value. Two ponds within the wider site boundary tested negative by eDNA for Great Crested Newt. The trees on site were assessed as having

none/negligible and low-high potential bat roost potential. Those proposed for removal (original scheme) were assessed as having low potential and whilst their loss was regrettable it was not objected. The introduction of additional artificial light might mean bats and other nocturnal animals are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. However the impact of lighting is an emerging and complex area of research with many knowledge gaps remaining.

3.9 Some of the mature trees on the western boundary may be affected by light spill from new floodlighting but the use of a timer system will help reduce the impact on foraging and commuting bats. The application is supported subject to the attachment of conditions for provision of bird and bat boxes and works to trees in relation to protecting bats.

Design, Conservation and Sustainable Development (Archaeology)

3.10 The heritage project officer considered there may be archaeological deposits on site, including potential Roman burials. Since the original submission, the developer has undertaken two pieces of archaeological investigation; a geophysical survey followed by limited evaluation to test the disturbance of the site. The results suggest that no significant archaeological resource is present across the playing field area following the stripping and levelling of the site. The natural clay is situated c.0.3m below the current ground level. A watching brief will be required to cover all areas of groundworks for proposed areas of parking around the school given the possibility of encountering human remains. This can be conditioned.

Highways Network Management

3.11 The original Transport Assessment was inadequate and the officer has worked with the applicant with the intention of securing a robust travel assessment supported by a traffic count to ensure that there is sufficient parking on site for the users of the AGP and the traffic generation will not have an adverse impact on the local highway network. Following various submissions, the officer concludes that the scheme can only be supported with conditions to secure a minimum 20 minute break between bookings, sole use of the new AGP car park for users of the pitch, a car park management plan, traffic regulation order for additional 'no waiting restrictions at any time' to create formal passing places on Philadelphia Terrace, Ovington Terrace and Albemarle Road.

Flood Risk Management

3.12 From a flood risk and drainage viewpoint the revised drainage layout and submitted drainage details are satisfactory and the application can be supported.

Public Protection (PP)

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3.13 The noise assessment was reviewed by PP. Whilst noise would be less than that defined as a statutory nuisance, if the noise levels are above 30dB within bedrooms up until 2300hours and residents wish to use the bedrooms before 2300hours, then sleep disturbance may occur and this could have an adverse impact on residential amenity. The officer suggested that the hours of use be reduced.

3.14 The applicant submitted an additional noise report (received 29.10.2018) with revised hours of use and the erection of a noise barrier. PP reported that the approach of combining the installation of the noise barrier and the varied hours of use with earlier closure in summer months was supported. The proposed flood lighting and revised lighting spillage plot demonstrates that the lighting scheme is acceptable in terms of impact on residential amenity.

3.15 No information has been supplied on the potential for contaminated land to be found on site but that the standard condition on the reporting of unexpected contamination should be attached to any permission. Other conditions advised including construction hours and the provision of an electric vehicle recharging point.

Public Health

3.16 Officers support the proposals as there is no loss of existing sport provision. A Playing Pitch and Build Sports Facilities Strategies for York assessment is underway and it will identify shortage of AGP space in the city. Public Health is supportive of 3G as the preferred surface for this pitch. The proposed revised hours are broadly in line with other similar facilities on community and school sites across the city. The investment in sports facilities is supported and seen as very positive for the South Bank Academy Trust. The facility benefits the local community to maintain and increase their physical activity levels and for voluntary sports clubs to benefit from year round training opportunities. A community use agreement for the facility should be conditioned and should specify the number of hours it should be available and having a pricing policy in line with other similar facilities.

EXTERNAL

Sport England

3.17 The proposal is for an artificial grass pitch (AGP) that will be used for football. Sport England has sought the views of the Football Association (The FA) and the England Cricket Board (ECB). The FA have confirmed full support for the proposal and note there are a number of clubs nearby who may want to use the facility as there is an undersupply of AGPs in York and therefore the proposal will meet a demand.

3.18 The AGP will be available for community use and this is welcomed. A large number of sporting facilities are located on school sites and making these available to

sports clubs can offer significant benefits to both the school and the local clubs. Community use will also bring sufficient benefits to the development of sport as to outweigh the detriment caused by the loss of the grass playing field. The application meets exception five of our adopted Playing Fields Policy. The application is supported subject to a condition to secure community use of the facility.

Environment Agency

3.19 No response received.

Yorkshire Water

3.20 Yorkshire Water state that they have no comments on the proposal.

Ainsty Internal Drainage Board

3.21 The IDB have no comments to make.

Micklegate Planning Panel

3.22 The Panel object to the proposal in terms of traffic, noise impact, loss of trees and light pollution. Evening hours should be reduced to 8pm, access on bicycle and foot should be encouraged, and access should be from both Ovington Terrace and Nunthorpe Avenue. The Ovington Terrace wall should be replaced at its current maximum height along its length to reduce noise impact. The woodland should be retained and new trees and shrubs planted. Lighting should be modern, light efficient and non-polluting. The Panel request that the pitches be provided at the Focus College instead.

Neighbours/interest parties

3.23 Neighbours have been consulted three times by letter and or site notice. The first two were on the application proposals, the third consultation on proposed additional sections of no waiting restrictions ('yellow lines') to provide passing places on selected streets close to the site.

Initial period of consultation (Summer 2018)

3.24 The comments received largely relate to the original submission. They should be read in the context that a leaflet was distributed in the local area containing inaccurate information including that the proposal was for 'three floodlit pitches which will be rented out to clubs as far away as Leeds' and a 'massive grassy area will be concreted over'. The title of the leaflet was 'Stop the Mega Millthorpe MUGA!' It has not been possible to separate objections based on inaccurate information to those responding to the details in the application but it has been clear from comments that

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there has been misinformation circulating. The total number of neighbours objecting has been reported, but this leaflet and the circulation of inaccurate information should be borne in mind.

3.25 One petition from 27 residents on Nunthorpe Avenue objecting to the scheme has also been received. However some of these people have also objected separately so should be reduced to 23 individuals.

Comments in support

3.26 The following comments have been received in support of the scheme from local residents, staff at Millthorpe and York High School and other interested parties. Active York, York City Football Club Foundation, and Ovingham Cricket Club have also written in support of the scheme. In total, 35 neighbours/interested parties have commented in support (11 of these live in the streets immediately bordering the proposal). A summary of comments in support are as follows:

- The pitch will benefit local school children and residents.
- Schools need to invest in modern facilities to prevent decline and to match provision at other schools in the city.
- Most of the school field and trees will remain intact and this is welcomed.
- The pitches will provide significant opportunities for sport, health and wellbeing for young people at the two schools and other members of the community. The facility will be safe and secure and help foster a life long love of sport for children.
- Additional sports will be accessible.
- High quality all weather surfaces are essential for training for local clubs and to enable year round play which Little Knavesmire and the school cannot currently provide.
The existing parking at the school is inadequate and staff have to double park causing issues for deliveries, bin men and potential emergency services. Extra parking will reduce the need to park on local streets.

Objections

3.27 A total of 130 neighbours have objected to the planning application. The following issues have been raised:

- Perceived inadequate consultation before the application submission and since.
- The location for the AGP is now in a more invasive location than previously proposed.
- The scheme does not provide practical extra outdoor play space for pupils of Scarcroft School as it is too far away. Millthorpe School have sufficient play space for pupil numbers.

- The facility is seen as a commercial venture for the MAT and / or Millthorpe School.
- Neighbours accept school use of the grounds, but not wider community use.
- Many residents state they would not object to the AGP if it were only used by children/local residents/with reduced hours. There should be respite in the school holidays.
- Children do not need the latest technology and an artificial pitch with floodlighting etc. to take part in sport and lead healthy lifestyles.
- There are other floodlit pitches in the city that residents can access, including York College, Energise or the approved facility south-east of Askham Bar Park and Ride near Bishopthorpe. Could a flood lit facility on Little Knavesmire near the Pavilion not be provided?
- Increased and unacceptable levels of noise from use of the pitch and from the parking areas. Use of the facility until 22:00 hours will cause sleep disturbance particularly for children and shift workers.
- The anticipated noise is above the WHO recommended threshold of 50dB, being 60 dB. It is a theoretical report, not based on fact. Existing sporting events at the school are noisy but infrequent so are tolerated. Such events every day are not considered acceptable.
- Light pollution from the flood lights disturbing local residents and causing harm to wildlife. The flood lights will harm outlook for residents and general visual amenity.
- Artificial light and noise, particularly unpredictable noise, is particularly bad for physical and mental health. The health benefits of the facility for users do not mitigate for the unacceptable impact on local residents from the facility.
- Cumulative and increased impact of noise and disturbance to residents of the area combined with additional events on the Racecourse (eg. music concerts and race days etc.)
- Lack of transport assessment and travel plan to support the scheme. There should be further encouragement of sustainable travel choices.
- Increase in traffic and congestion. Inconvenience for local residents who wish to park on street near their properties. There are already problems; this proposal will exacerbate it further. Safety concerns for local residents, school children, cyclists (Philadelphia Terrace is a main cycle route). Increased damage to property and parked vehicles.
- Albemarle Road, Ovington Terrace and Philadelphia Terrace are all essentially single carriageway due to parked cars. The junction at Ovington Terrace and Philadelphia Terrace causes a backlog when two cars are coming from opposing directions. There are 90 degree blind turns along these streets. The streets are unsuitable for minibuses and coaches. The entrance to the site is unsuitable. School drop off and collection times are particularly hazardous.
- Access to the pitch should also be from Nunthorpe Avenue out of school hours.

- 83 additional car parking spaces on site seem excessive.
- Other schools which benefit from artificial pitches have good access from main roads, already ample parking and are not so close to residential properties. An alternative location should be considered.
- Increase in air pollution and corresponding health problems from the additional traffic.
- Loss of trees, loss of wildlife habitat within the site and wider impact on the wildlife in Scarcroft allotments.
- Inadequate drainage for the proposed car parks and MUGA.
- Concerns about security with increased use of the school site outside of school hours.
- Unsocial activities (noise, drinking, speeding) from users of the pitch following play. Existing community uses at the school are largely indoors.
- The comments in support of the proposals are largely not from local residents.

Reconsultation

3.28 A further period of consultation was taken on the proposed sections of 'no waiting' (double yellow line) restrictions (February 2019) advised as being necessary by the Council's highway engineers in conjunction with the revised Transport Assessment. In total, 20 neighbours objected (6 are new objectors who have not previously commented) and 3 offered support. In addition to the above issues raised, the following points were made:

- Inadequate and overspill parking for the AGP will result in parking in the surrounding streets. There is little resident parking anyway; any further reduction is not supported.
- Resident parking zones elsewhere on South Bank have increased on-street parking and congestion on 'free parking' streets.
- Philadelphia Terrace residents already have to park in neighbouring streets; currently 15 spaces for 24 houses. Further reduction is not supported.
- Local streets can not accommodate further increase in traffic, they are already congested.
- There is no mention of teams arriving by bus and how these vehicles will be accommodated.
- Currently residents can park outside their property after 6pm. The AGP use until 10pm and overspill will mean even this is not possible either for residents or their friends and relatives.
- Questioning of the assumptions and conclusions in the Transport Assessment and lack of reference to the Council's transport objectives.
- Requirement for sections of double yellow lines on the surrounding streets indicates that the proposed development has an unacceptable impact on local residents (in addition to other concerns; noise, lighting etc).

- Opposition to any resident parking zone and financial implications which may be required as a result of overspill parking from the development.
- Support for the resident parking zone proposals which should be considered instead / as well as double yellow lines.
- The Transport Assessment's scale and technical detail indicate that the proposals are a 'done deal'.
- The waiting areas/passing places will not resolve the issue of congestion or drivers trying to pass on a single width road.
- TA does not recognise the expensive damage to cars in the vicinity of the site prior to the proposals.
- Yellow lines 'formalise existing habits': Therefore there are no improvements at all with simply a further reduction in parking available to local residents.
- Double yellow lines should be extended all along the east side of Ovington Terrace, up to and around the junction with Southbank Avenue.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are considered to be:

- Principle of development
- Impact on neighbour amenity
- Highways - access, safety, parking, impact on local streets
- Trees and ecology
- Drainage

The National Planning Policy Framework (February 2019) (NPPF)

4.2 The revised National Planning Policy Framework was republished with very minor modifications on 19th February 2019 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

4.3 Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

4.4 The NPPF sets out the Government's overarching planning policies. Paragraph 7-10 explains that the purpose of planning is to contribute to achieving sustainable development.

4.5 Section 8 promotes healthy and safe communities including development which supports social interaction and promotes healthy lifestyles, such as new sports facilities. Planning decisions should plan positively for the provision and use of shared space, community facilities (including sports venues) and other local services. Sufficient choice of school places should be made available to meet the needs of existing and new communities. Great weight should be given to the need to create, expand or alter schools. However existing open space, sports and recreational land, including playing fields, should not be built on unless ... (b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current use (paragraph 97).

4.6 Section 12 underlines good design stating that the creation of high quality buildings and places is fundamental to planning. Paragraph 127 states that developments should function well and add to the overall quality of the area, be visually attractive and create places which promote health and well being with a high standard of amenity for existing and future users.

4.7 Section 9 promotes sustainable transport. Safe and suitable access to the site must be achieved for all users and any significant impacts from the development on the transport network, or on highway safety, should be mitigated. Development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe. Priority should be given to pedestrian and cycle movements.

York Local Plan Publication Draft (February 2018)

4.8 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF 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).

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

4.10 DP2 Sustainable development sets overarching principles, including facilitating the provision of sufficient educational facilities, ensuring development is in acceptable locations, reduces flood risk and limits environmental nuisance (including light and noise pollution). D1 Placemaking (with update) states that amongst other principles, development should consider residential amenity so that residents living nearby are not unduly affected by noise or disturbance.

4.11 Policy HW3 supports development of built sport facilities for use by residents. Such sports facilities should be co-located with other health and community facilities and schools, where possible, to encourage participation in exercise.

4.12 Policy ED6 on schools states that the provision of sufficient modern, educational facilities to support education and to meet identified need will be facilitated. New or enhanced facilities will be permitted if they are in sustainable locations, would not have a significant adverse impact on the amenities of neighbouring property, and provide community access where there is deficiency in community sports provision. Policy ED8 'Community access to sports and cultural facilities on educational sites' states that community use of new/extended education facilities will be expected and should be incorporated into the design to enable optimal use. Agreement for wider community use will be secured unless a local sufficiency can be demonstrated.

4.13 Policy G15 protects playing fields. Development proposals will not be permitted which would lead to the loss of recreational space unless they will be replaced with facilities of an equal or better standard in terms of quality, quantity and access. Proposals which improve the quality of existing pitches to a high standard and reflect the understanding of the needs of community sport will be supported.

4.14 Policy T7 requires development that could have a significant impact on the transport network to be supported by a transport statement, assessment and possibly a travel plan. Any resultant new traffic generated by new development should be safely accommodated on the local highway network or can be made safe. Measures should be put in place to minimise trip generation, particularly by car.

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

4.15 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

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considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited. The following are noted:

- Policy GP1 'design' seeks appropriate scale of development and protects residential amenity.
- Policy NE1 protects trees of landscape, amenity or nature conservation value.
- HE10 Archaeology requires field evaluation as required for development which disturbs existing ground levels.
- ED1 education supports expansion of schools to meet needs and where of an appropriate scale and sufficient open space and playing fields is provided. Where it is capable of dual use by the community this should be incorporated into the design.

CONSIDERATION

Background to the planning application

4.16 It was agreed at the March 2017 Executive that £1m of basic need funding for a full size multi-use games area (MUGA) should be provided at Millthorpe Secondary School with additional parking spaces, some of which should be available for Scarcroft School staff. The South Bank Multi Academy Trust (MAT) agreed that during the school day the AGP would be available for use by a number of schools in the area including Scarcroft Primary and those in the MAT. The MUGA will enable the Council to meet its statutory duties to provide sufficient school places in this part of York. With the expansion of Scarcroft School from 1.5 form entry to 2 form entry (60 pupils per year group) there is a Government requirement to provide additional outdoor space. Even before the expansion of the school, Scarcroft School was the most deficient in supply of outdoor recreational space for use by the pupils in the city.

4.17 It was agreed, in consultation with the community, that Scarcroft School should be expanded on the existing site rather than elsewhere. However as the school does not have sufficient outdoor space, an AGP should be provided nearby. As well as general use by the school, it would enable Scarcroft to host inter-school competitive matches and improve the quality and range of sports provision (and thereby competitive play) for a number of schools and community teams in this part of York. Therefore the need for the facility is well established, although it should be noted that planning officers have not previously been involved in the proposals for the AGP.

Principle of development

4.18 The proposed site in this application is an area of the main existing playing fields, to the south of Millthorpe School's buildings. As such it is already used for

sporting and recreational use, including junior football, rugby, athletics and rounders. In the centre of the fields is a cricket square, predominantly used by the nearby Ovington Cricket Club. However the provision of the AGP will result in more intensive use of the playing fields, and for longer periods of the day and evening with associated increased traffic, use of floodlighting and potential associated noise as a result of both the schools and wider local community use.

4.19 Planning policy and relevant consultees including Sports England and Public Health all strongly support the development of the AGP at Millthorpe School for both school and wider community use. The pitch provides additional benefits over the existing grassed playing pitch through providing an artificial 3G surface enabling both football and other sports to be played to a competitive level throughout the year. The need for such facilities to be made available for wider community use is a fundamental requirement of the provision of an artificial pitch to encourage healthy, sociable lifestyles. Strategic Planning and Public Health underline that there is a deficiency in supply for such AGP pitches in this part of the city. The NPPF at paragraph 94 advises that great weight should be given to supporting the expansion and alteration of schools. Paragraph 92 states that planning decisions should positively support the provision of shared community facilities to meet social, recreational and cultural facilities to meet need. Thus the need for the facility and its availability for use by the wider community is given great weight in the planning balance by officers. However, a suitable location, design, parking provision and protection of residential amenity are important considerations.

Neighbour amenity

4.20 The proposed 3G playing pitch is not suitable for hockey, which is widely accepted as being the noisiest sport due to the hitting and rebounding of balls off hockey sticks and boundaries. It is the preferred surface for football.

4.21 The pitch is not full size, but the recommended dimensions for a single U13/14 youth team playing an 11v11 game. To facilitate use for a variety of sport, including training, the pitch will be marked out for smaller matches for younger players (5, 7 and 9 aside matches). A 4m wide spectator area will also be provided.

4.22 During the school day the facility would be used by Millthorpe and other local school children who would access the site predominantly on foot. As the area of land is already used for playing a variety of sport, it is the after school hours, either by the school or local community, that would create additional noise and activity with potential impact on residential amenity. However community use of school facilities, including both inside and outside activities is well established. Wednesdays and Saturdays are the days with greatest community use, including evening classes (eg. arts, wood carving, pilates), rugby and soccer coaching, and on Saturdays music lessons, gymnastics and Polish club. Wednesday evenings see a total of 130 people accessing the school site and 300 on a Saturday. Vehicle access is already from both

Philadelphia Terrace and Nunthorpe Avenue. It is against this background of activity that the new and more intensive use of the pitch should be considered.

4.23 During the week, up to 20 people could be using each third of the pitch for training in 60 minute slots between the hours of 17:00hrs to 22:00hrs. This would equate to up to 60 people and 6 coaching staff. At weekends, numbers are likely to be less; 22 players with 7 officials and managers.

4.24 A noise assessment has been submitted with the application and reviewed by environmental health officers. Comprehensive modelling software indicated that the noise level increase at 14 Nunthorpe Grove was 1dB and at Ovington Terrace 7dB. The overall maximum noise level of 49dB at Ovington Terrace was below the WHO recommended noise level for external areas. Internal levels of 34dB at first floor met WHO guidance for bedrooms and living rooms during the daytime (07:00 to 23:00). Whilst noise at this level would be less than that defined as a statutory nuisance, if the noise levels are above 30dB within bedrooms up until 2300hours and residents wish to use the bedrooms before 2300hours, then sleep disturbance may occur and this could have an adverse impact on residential amenity. The officer suggested that the hours of use be reduced.

4.25 The applicant submitted an additional noise report received 29.10.2018 with revised hours of use and the erection of a noise barrier along the south-west boundary of the pitch closest to Ovington Terrace being the nearest residential properties. PP reported that although the internal bedroom noise levels will be 3dB above the recommended level to ensure no sleep disturbance, this will only occur up until 8pm during the summer. From September to May, windows may be closed due to colder weather and therefore this exceedance will not occur. It is highlighted that the recommended level of 30dB is from 23:00 hours to 07:00 hours. The approach of combining the installation of the noise barrier and the varied hours of use is therefore supported by PP. The proposed acoustic fence barrier details are acceptable.

4.26 The pitch would be lit by 8no. 13m high galvanised steel flood lights. These can be turned off as required so only one third of the pitch is illuminated and will be set on a timer system that will shut all the lights off at curfew. The nearest floodlight would be 30m from the closest residential property at No.2 Ovington Terrace. The nearest flood light to Nunthorpe Grove properties would be 90m. At this distance they would have minimal impact on middle distance views.

4.27 The proposed site characteristics are important. To the west of the site is the belt of mature deciduous trees on the western boundary of the site with Ovington Terrace. The proposed sections provided by the applicant show that the AGP is set in a lower plateau to the school buildings and Ovington Terrace and this will reduce light spillage and views of the floodlights over the wall and trees.

4.28 Environmental health officers reviewed the details. The revised lighting spillage plot demonstrates that the lux levels at the nearest residential premises are 1 lux and this is an acceptable level for lighting at residential premises. There would be no harm to neighbour amenity from the floodlights. Moreover, officers note that when the flood lights are in use in winter months, residents are more likely to close curtains and blinds to their properties, but this is not a requirement as in any case, providing that the floodlights are installed in accordance with the submitted details, there will be no harm to neighbour amenity from the flood lights.

4.29 In conclusion, the concerns of neighbours regarding the impact of noise and light spillage from the AGP have been taken into account, the evidence and technical data has been reviewed and assessed by specialist officers and concluded as not causing undue harm to neighbour amenity. The close boarded timber fence noise barrier is shown on revised plans and the revised hours of use can be conditioned.

Trees

4.30 Existing public views of the school grounds are restricted by the brick boundary wall, which runs alongside the entire length of the school playing field where it borders Ovington Terrace in the west and Southbank Avenue in the south. A distinct belt of trees is visible over this wall and a line of trees along South Bank Avenue.

4.31 The reorientation of the running track to accommodate the AGP results in the removal of a few trees in the southwest corner of the playing field because the track would encroach into the established tree belt. The losses would be visible from Ovington Terrace; however the large Beech would be retained, thereby maintaining the main foreground canopy cover as viewed from the street. Such a loss is not to be encouraged but given the value of the proposed facility, the proposed development probably outweighs the limited impact on the integrity of this woodland belt. The trees behind the gymnasium by Coggan Close are no longer proposed to be removed. Subject to an arboricultural method statement being agreed prior to development commencing the scheme is supported from a landscape perspective.

Parking and highway impact

4.32 Millthorpe School has two vehicular entrances; the main entrance being from Nunthorpe Avenue with a second access from Philadelphia Terrace. There is a third, pedestrian entrance, from Southlands Road. In addition to school use and the parking needs of staff and visitors, the school site also provides for a range of clubs and evening classes throughout the week. An outside company, 'School Plus' manage these bookings. As shown on the existing plan, the school's formal car park is accessed from Nunthorpe Avenue and provides parking for 49 vehicles in marked out spaces. This is insufficient for current school needs and thus various other informal parking areas at the school, from both vehicular entrances, are currently used. These informal parking areas include along the internal access road and grass verge and on

playground spaces. The applicant has advised that these unmarked spaces allow another 59 vehicles to park on site, totalling 108 vehicles parking spaces.

4.33 Reference has been made in the application to 14 car parking spaces being allocated for Scarcroft School Staff. It is officers opinion that this does not comprise development under the Planning Act, and thus not require planning permission and has been excluded from the consideration.

4.34 The application proposes a new 40 space car park adjacent to the AGP, accessed via a widened entrance to allow two way traffic from the Philadelphia Terrace entrance. A new ramp with 1:12 fall leads down the embankment into the car park. Three new 16 space bicycle sheds will be provided.

4.35 Due to the existing congested car parking on site, existing community use out of school hours and narrow streets leading to the school entrance (Ovington Terrace, South Bank Avenue, Philadelphia Terrace and Albemarle Road), officers requested that a Transport Assessment, supported by Traffic Counts be undertaken and submitted in support of the proposals. The applicant has also submitted revised versions of a Travel Plan for the school.

4.37 The reports present information on existing access to the site, anticipated trip generation and parking requirements for the proposed AGP use. It has been an iterative process with the Council's highways officers. Information has been submitted on existing users of the school grounds including school staff, visitors and community users. Wednesdays and Saturdays have been identified as the peak days for community use with 130 people between 16:30 and 21:00 on a Wednesday evening and 300 people attending classes on a Saturday between 09:00 and 14:00. Traffic counts confirmed both entrances were used for dropping off and parking on site and accident data has been referenced.

4.38 The applicant has advised that as the AGP can be divided into thirds with retractable netting, the maximum number of players on site at any time, as worst case scenario, could be 20 players per third or 60 in total plus 6 coaches who would arrive independently and remain on site for the duration of training. This figure has been used. The final revised Transport Assessment (received on 31st January 2019) superseded other previous documents.

4.39 However, highways officers have not agreed with assumptions of the Transport Assessment's, calculations and conclusions and have struggled to reconcile the reports with established methodologies, and found the reports to contain conflicting information, mistakes and unsubstantiated assumptions. Due to the removal of the previously proposed overspill car park, the applicant has relied on informal parking areas at the Philadelphia Terrace end of the school site which will be unmarked and tightly packed around buildings with no pedestrian circulation space. In reality, fewer spaces will be available than suggested. Calculated peak hours at the site are not adhered to in the reports, giving lower trip rates for the development proposal than

should be, existing traffic exaggerated. Evidence of anticipated trip rate and car parking for other community uses on the school site is not robust with redistribution of car parking to the Nunthorpe Avenue end of the school site proposed in the reports. It is not clear if this will work. Officers do not have confidence in the assessment with concerns about potential overspill parking onto surrounding streets and safety and congestion issues within the site.

4.40 Highways officers undertook their own calculations for a robust assessment. They concluded that the new 40 car parking spaces would accommodate 1.5 players per car (taking the maximum 60 players on the pitch at one time) which is an average of the two figures given originally by the applicant as example parking generation at other sites. Staff would be extra so would need to park elsewhere. Bus stops are over 400m away which is considered unattractive to people visiting the place for a 60 to 90 minute visit. A proportion of visitors will car share or walk/cycle, the remaining arriving in single occupancy vehicles (possibly with parents/carers). Thus the requirement is considered reasonable. If given a break between sessions, the AGP could use this as their main visitor car park, which would give early arrivals or those wishing to drop off the opportunity to fall back on other spaces within the school. This would be clearly manageable.

4.41 With a break between bookings, highways officers calculate that traffic generated would still result in peak hour movement of 86 (46 in, 40 out) extra to that experienced on a weekday evening, though continuing throughout the evening. This trebles the existing peak hour traffic to 130 movements in any hour. It assumes that the car remains on site whilst play takes place, so could be subject to slight increase should players be dropped off. Though the wider highway network will accommodate this traffic, highways officers have particular concerns over conflicts on Philadelphia Terrace and Albemarle Road, which are narrow streets subject to parked cars reducing the operating width to one lane.

4.42 To assist mitigation of the impact of traffic in the nearby streets, officers advise additional parking restrictions on Philadelphia Terrace, Ovington Terrace and Ablemarle Road should be conditioned to provide places for traffic to pass each other. These are designed to limit the impact to residents' available on-street parking by formalising junction protection and existing white bar markings protecting cross-overs. This has been subject of the third period of consultation on this application reported in this report with plans showing the proposed 'no waiting at any time' marked passing places prepared by the Council.

4.43 The applicant has proposed a Car Park Management Plan for the school to incorporate all users of the school parking and this is welcomed and can be conditioned. In addition to this, as highways officers analysis confirms, to reflect the potential impact of the AGP, a condition to provide gaps between session of a minimum of 20 minutes to allow the management of parking, and sole use of the new car park for the AGP outside of school hours is advised. Should the AGP /school be

able to prove that there is sufficient parking on site following a reasonable settling in period they would be able to apply to remove this condition at a future date.

4.44 This solution of a break between booked sessions has been resisted by the applicant as not commercially viable as it would result in a reduced number of bookings. A further revision of a Travel Plan was submitted on 5th March 2019 by the applicant, setting more detailed measures for promoting sustainable travel to the school. However, such measures are not considered sufficient to address officers' concerns and the 20 minute break in bookings will provide sufficient confidence that the on site parking can work without detriment to the surrounding community. The car park can be cleared of players before the next booking arrives.

4.45 The NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe. The proposed conditions are considered reasonable and enforceable and without such conditions, officers would recommend refusal of planning grounds for the reasons above. The breaks between bookings will allow the AGP and new car park to operate almost as a distinct entity within the site, reserved for users of the pitch whilst allowing other community uses at the school to operate as is. With these conditions, officers are confident that there would not be detrimental impact on the highway network nor the safety of users of the school grounds and the proposal can be supported.

Drainage

4.46 The site will not become impermeable and the proposal includes a new surface water drainage scheme from the car park and pitch to a line of crates and long soakaway trench to the immediate south east of the pitch. The Council's flood risk engineer has reviewed the submitted details in the application and confirmed that the scheme can be supported.

5.0 CONCLUSION

5.1 The NPPF sets a strong positive policy context for the AGP at Section 8 and the need to support new sporting facilities and the expansion and alteration of schools to meet community needs. AGPs offer benefits by being available throughout the year and into the evening over transitional grass pitches. The 2018 Draft Plan particularly supports the principle of the proposal at Policy HW3 'built sport facilities'. Policy ED6 'education' offers similar in principle support providing there is not significant adverse impact on neighbouring amenity.

5.2 The applicant has reduced the hours of use during summer months (when residents are more likely to open windows) to 20:00 hours and to start no earlier than 9:00 and 10:00 at the weekends. A noise barrier is proposed on the western boundary of the pitch (closest to Ovington Terrace) resulting in forecast noise levels from the

pitch being at an acceptable level. Proposals for a new car park with loss of a significant number of mature trees has been removed from the application. Evidence has been provided that floodlighting will not harm residential amenity. Conditions are recommended to ensure minimum 20 minute gaps between bookings, sole use of the new car park by AGP users and additional double yellow markings on surrounding streets to provide passing places and the safe flow of traffic.

5.3 With the strong policy context and support from key consultees on the provision for an artificial pitch at the Millthorpe School site with associated community use and wider health benefits for pupils and residents, the application is considered to be in accordance with The National Planning Policy Framework (February 2019) (NPPF) sections 8, 9 and 12, relevant policies listed at section 2 in the report from the Publication Draft City of York Local Plan 2018.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Site location plan, MSS-40 revision A, received 26.02.2019

Proposed site plan, MSS-42 revision H, received 26.02.2019

Proposed site plan 1:200, MSS-43 revision D, received 26.02.2019

Proposed site sections, MSS-44 revision B, received 28.02.2019

Proposed drainage, MSS-45 revision D, received 26.02.2019

Proposed AGP Layout & elevations, MSS-46 revision A, received 15.11.2018

AGP typical section, MSS-47, received 22.05.2018

AGP typical fence detail, MSS-48, received 22.05.2018

Proposed site plan with grass pitch markings, MSS-61 revision D, received 26.02.2019

Sound screen details, MSS-64, received 15.11.2018

Appendix 5 - Tree protection plan, D-3252-02.03, December 2018

Flood lighting - vertical illumination MSS-30 revision D received 28.02.2019

Data and specification for Noisestop's reflective acoustic screen dated August 2014

Mason Clark Associates' Drainage details 16608-Y-DR-202 P1 received 19.02.2019

SJB Floodlighting's Millthorpe School Floodlighting Report dated 13.07.2018 including luminaire details and installation data

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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 use of the artificial grass pitch hereby approved for the playing of sports or any other function shall be restricted to the following times:

From 1st September until 30th April inclusive:

Monday to Thursday - 08:00 to 22:00 with floodlights switched off no later than 22:15;
Friday - 08:00 to 21:00 with floodlights switched off no later than 21:15;
Saturday - 09:00 to 20:00 with floodlights switched off no later than 20:15; and
Sunday - 10:00 to 20:00 with floodlights switched off no later than 20:15.

From 1st May to 31st August inclusive:

Monday to Friday - 08:00 to 20:00 with floodlights switched off no later than 20:15;
Saturday - 09:00 to 20:00 with floodlights switched off no later than 20:15; and
Sunday - 10:00 to 20:00 with floodlights switched off no later than 20:15.

Reason: In the interests of the residential amenity of surrounding occupants.

4 The artificial pitch shall not be used until the areas shown on the approved plans for widening the access, parking and manoeuvring of vehicles (and cycles) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 A minimum of a 20 minute gap between each booked session of the artificial pitch after 17:00 on any week day and at any time at the weekend shall be maintained at all times for the lifetime of the development.

The owners/operators shall maintain an up-to-date register of each booking including duration of booking, individual, company or club name and their address for the above specified hours, and shall make this information available at all reasonable times to the local planning authority. Users of the pitch shall be informed of the car parking arrangements at the time of booking.

Reason: To enable adequate breaks between bookings so that users of the new dedicated car park immediately adjacent to the artificial pitch can be used solely by these users, to maintain the safe and free flow of traffic within the school site through providing sufficient time for users to exit the site before the next users arrive and to enable other community users of the school site (other sports clubs, music centre, evening classes etc) to continue to park within other parking areas at the school without the need to park on the surrounding streets. Such overspill onto surrounding

residential streets would be detrimental to the surrounding residential community who are already largely restricted to parking their own vehicles on street or insufficient parking on site would encourage drop-off on no waiting restrictions close to the school with associated safety and highway implications.

6 The development hereby permitted shall not come into use until the following highway works (which shall include works associated with promoting, revoking, amending and implementing any Traffic Regulation Order(s) required as a result of the development, including signing, road marking and other related works) have been completed in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority:

- Measures to prohibit sections of on-street parking on Philadelphia Terrace, Ovington Terrace and Albemarle Road as shown on the approved plans : City of York Council's Albemarle Road (Telford Terrace to Philadelphia Terrace) proposed 'no waiting at any time' (double yellow line) plan dated 16.01.2019, City of York Council's Albemarle Road (junction with The Mount) proposed 'no waiting at any time' (double yellow line) plan dated 16.01.2019 and City of York Council's Philadelphia Terrace & Ovington Terrace proposed 'no waiting at any time' (double yellow line) plan dated 21.01.2019.

Reason: In the interests of the safe and free passage of highway users through the provision of passing places on these narrow streets.

Informative: The applicant is advised that the scheme required by this condition involves the implementation by the Highway Authority of a Traffic Regulation Order under the Road Traffic Regulation Act 1984 (TRO). The TRO process is a lengthy legal process involving statutory public consultation and you should allow an average of 9 months from instruction to implementation. All necessary costs will have to be funded by the applicant and you are advised that the TRO process cannot commence until payment of the TRO fees are received.

7 Prior to the development coming into use, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The artificial pitch shall not be used 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 Prior to the artificial pitch first coming into use, a Car Park Management Plan (CPMP) shall be prepared and submitted to the local planning authority for approval in writing. Thereafter, the CPMP shall be implemented in accordance with the approved

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details for the lifetime of the development. Should user requirements change, a revised version of the CPMP shall be prepared and agreed with the Council.

The new car park immediately adjacent to the artificial pitch shall be used solely by users of this pitch and this will be detailed in the CPMP. Details of a suitable sign stating such shall be positioned at the top of the access ramp down to the car park prior to the pitch first coming into use. The details of this sign and method of illumination shall be agreed in writing with the local planning authority prior to installation. It shall thereafter be erected in accordance with these details and maintained in this position for the lifetime of the development.

Reason: To ensure appropriate management of parking and other community uses on the school site and to minimise any adverse impact on the surrounding highway network through the effective communication of car parking policy.

9 Prior to the development being brought into use, a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of a reasonable pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility and to ensure sufficient benefit to the development of sport in line with planning policy.

Informative: A model Community Use Scheme is available on the Sport England website www.sportengland.org

10 Unless otherwise approved in writing by the local planning authority, the fenced enclosure and steel container shall be painted RAL 6005 Moss Green, and maintained as such for the lifetime of the development.

Reason: To protect visual amenity for local residents and users of the pitch.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

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out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 No removal or works to trees identified as having low roost suitability for bats in the Preliminary Ecological Appraisal by Brooks Ecological Ltd dated May 2018 should be undertaken, unless a suitably qualified ecologist is present, or has undertaken a recent survey and confirmed the likely absence of bats. In the unlikely event that bats are discovered when branches are removed or trees felled (particularly in winter), work must stop immediately and Natural England or the Bat Conservation Trust contacted.

Reason: To ensure that bats are protected from harm during construction.

13 Prior to first use of the development hereby approved 3 woodcrete bat boxes (e.g. Schwegler type) must be installed in a nearby mature tree by an ecologist, and 4 hard wood bird nest boxes within the school grounds to compensate for the loss of nesting habitat.

Reason: To contribute to and enhance the natural and local environment by taking opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity NPPF 2018 paragraph 175.

14 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning

Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site is considered to be a site of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

15 Prior to first use of the pitch, the noise barrier shall be installed in accordance with the approved plans and details in the addendum to the noise report prepared by Apex Acoustics dated 25.10.2018:

As shown on these plans, the barrier shall be a minimum of 3.0m in height, close boarded fence with no gaps and the density must be a minimum of >10kg/m².

Reason: For the avoidance of doubt and to protect the amenity of local residents by reducing the noise levels to an acceptable level

17 The drainage scheme shall be fully implemented in complete accordance with the approved details on the following plans and documents:

Proposed Drainage MSS-45 Revision C dated November 2018 by Steve Wells Associates;

Drainage Details 16608-Y-DR-202 P1 dated July 2018; and

Drainage Calculations 16608-Y-CA R1 dated 23rd July 2018 both by Mason Clark Associates.

Reason: To facilitate adequate surface water drainage of the site.

18 Before the commencement of development an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, phasing of works, ground protection, site rules and prohibitions, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are considered to make a significant

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contribution to the amenity of this area and/or development.

19 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

Reason. To protect the amenity of local residents

20 Before first use of the AGP, 1no. Electric Vehicle Recharging Point shall be provided in a position and to a specification to be first agreed in writing by the Council. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

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).

To Note: Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

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:

- Requested a transport assessment to be submitted to enable the highway

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impact to be assessed. Worked with the applicant to try and help prepare a robust assessment.

- Agreed to allow small extension of the application site to include proposed drainage, earthworks and cycle stores.
- Advised on the lack of support for the loss of trees behind the gymnasium and allow the application to be revised.
- Sought solutions through proposed conditions to secure gaps between booked sessions and passing places on the surrounding road network rather than refuse planning permission.

2. BREEDING 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.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Contact details:

Author: Sophie Prendergast Development Management Officer

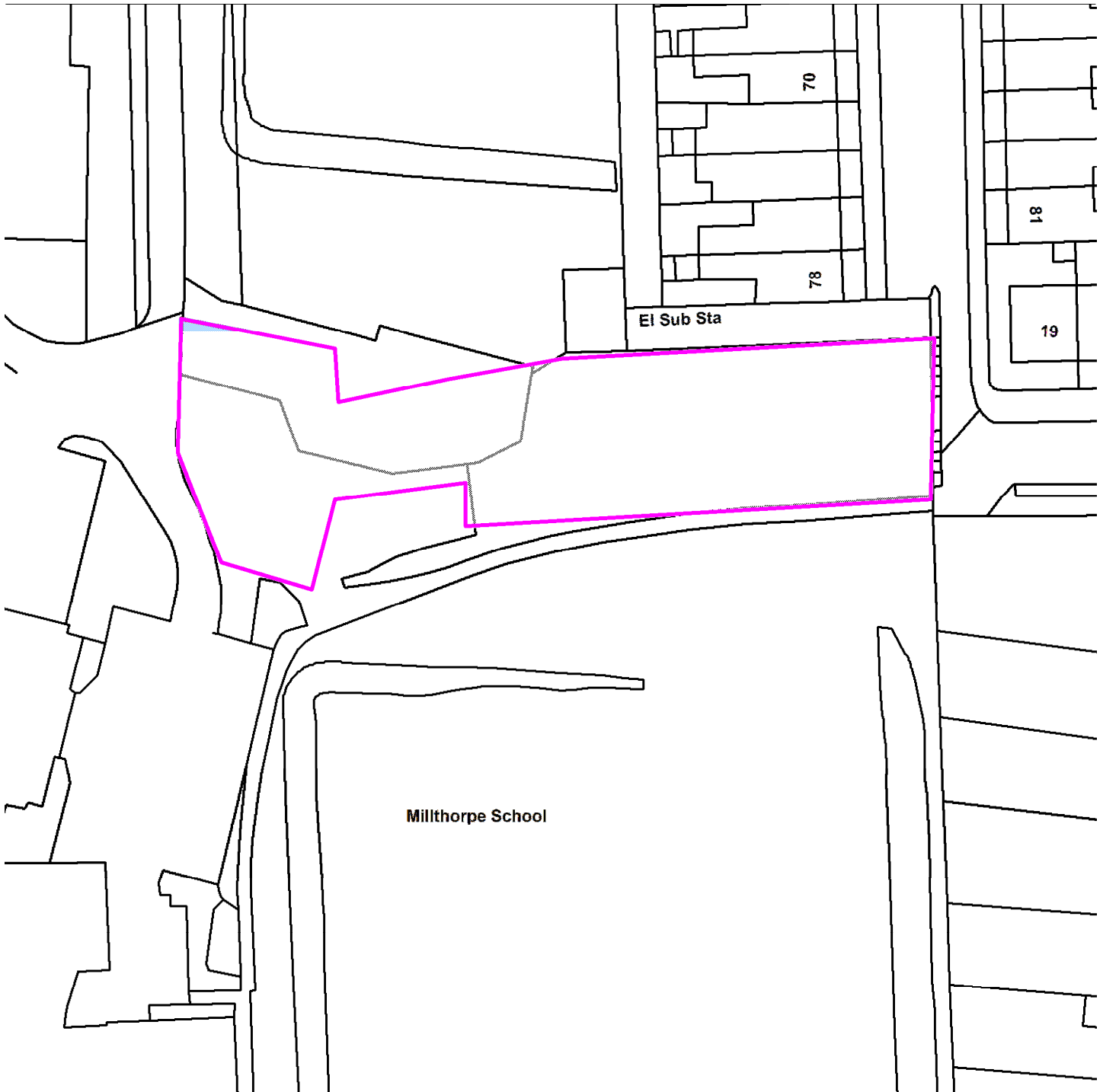
Tel No: 555138

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Millthorpe School, Nunthorpe Avenue



GIS by ESRI (UK)



Scale : 1:570

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	12 March 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20 March 2019 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 18/01655/FULM
Application at: The Groundsmans House (No 24) And Land To Rear Mount Vale Drive York
For: Erection of 12no. dwellings within the grounds of The Mount School with access and servicing off Mount Vale Drive following demolition of dwelling at 24 Mount Vale Drive
By: Mulgrave Developments Ltd And The Helmsley Group Ltd.
Application Type: Major Full Application (13 weeks)
Target Date: 23 October 2018
Recommendation: Approve subject to the completion of section 106 agreement

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to the South West end of the Mount School playing fields behind 24 Mount Vale Drive and numbers 2-24 (evens) Towton Avenue. It includes 24 Mount Vale Drive (a house owed by the school) and the access into the school site between 22 and 24 Mount Vale Drive. The railway line is to the western side of the site.

1.2 The site comprises around 10% in area of the sports fields. Whilst the majority of the fields remain in sports use the application site has been left unmaintained over the previous growing season so has developed a natural grassland appearance. The site contains prominent trees grouped around the site boundary, adjacent Towton Avenue and the railway line. There is an access to the playing fields at the junction of Towton Avenue and Mount Vale Drive which is used for maintenance access; this also provides access to two houses.

1.3 Mount Vale Drive and Towton Avenue are streets of inter-war 2-storey semi-detached houses with red brick, render to upper floors and decorative brick entrances. The house proposed for demolition to facilitate the site access is a later addition to the street, of darker (maroon) brick and different in design with front gable facing onto street. There are 2 houses set back from street, by proposed entrance, which are also of later date, being constructed on what was land owned by the school following planning permission in 2004 (03/01091/FUL).

PROPOSALS

1.4 This application is for 12 dwellings with a new access from the corner of Mount Vale Drive / Towton Avenue following demolition of 24 Mount Vale Drive. The accommodation schedule would be -

3 bed x 2
4 bed x 8
5 bed x 2

1.5 The houses each have two or more car parking spaces and there are three on street visitor parking spaces. Two trees would be removed (one category B, one C) to facilitate the housing. Overall there would be an increase in the number of trees onsite. A pond is to be removed and this is shown as being replaced within the school grounds.

POLICY CONTEXT

1.6 The Mount School is designated as a school with associated playing fields in the 2018 Local Plan. In the Local Plan Evidence Base Study: Open Space and Green Infrastructure Update (September 2017) The Mount School Playing Fields are identified as an Outdoor Sports Facility.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

2.2 Relevant Local Plan Policies:

2005 Draft Local Plan

GP1	Design
GP7	Open Space
GP9	Landscaping
GP10	Subdivision of Gardens and Infill Development
GP13	Planning Obligations
NE1	Trees, Woodlands and Hedgerows
NE7	Habitat Protection and Creation
NE8	Green Corridors
HE10	Archaeology
H4a	Housing Windfalls
H5a	Residential Density
ED11	Protection of Playing Fields

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- L1b Loss of Local Leisure Facilities
- L1c Provision of New Open Space In Development

2018 Publication Draft Local Plan

- H2 Density of Residential Development
- H3 Balancing the Housing Market
- H10 Affordable Housing
- D1 Placemaking
- D2 Landscape and Setting
- D6 Archaeology
- GI1 Green Infrastructure
- GI2 Biodiversity and Access to Nature
- GI3 Green Infrastructure Network
- GI4 Trees and Hedgerows
- GI5 Protection of Open Space and Playing Fields
- GI6 New Open Space Provision
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

ARCHAEOLOGY

3.1 A desk-based assessment, geophysical survey and watching brief on geotechnical work test pits have been submitted with this application. The site has low-medium potential to produce Roman archaeology. However burials in this area are often in discrete clusters so it is not possible to rule out their existence on this site. Potential for medieval and post-medieval archaeology is also rated low-medium with the main interest being finds related to the Civil War action in this area.

3.2 Given the small chance of Roman and Civil War archaeology remaining on the site a watching brief should take place during groundworks to monitor and record any features or deposits which may be revealed.

ECOLOGY

3.3 A comprehensive ecology survey has been undertaken of the site. No protected species will be significantly impacted by the proposed development. The grassland habitat that will be lost is of low ecological value. The main woodland/tree area will be retained as part of the proposals, although this will result in the trees being subject to greater pressure for removal once they become part of domestic gardens. An existing

pond will be lost but mitigated for by the creation of a new wildlife pond within the school grounds. A new native species hedgerow along the site/school boundary will provide an enhancement in the long term.

3.4 There are no objections to this development on the grounds of ecology subject to a planning condition to secure the replacement pond (proposed in the school grounds) as ponds are a habitat of principal importance for the conservation of biodiversity in England, under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. They are also a Priority Habitat within the City of York Local Biodiversity Action Plan and provided informatives are used; that the applicant is reminded that, under the Wildlife and Countryside Act 1981 it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built and with regards to measures to accommodate hedgehogs, which are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006).

LANDSCAPE ARCHITECT

3.5 Officers asked for a re-design relating to plots 1, 2 and 4 to avoid either tree removal to facilitate construction or demand from future residents due to lack of outlook and natural light. This has been achieved in the latest plans.

FLOOD RISK MANAGEMENT TEAM

3.6 The Combined Flood Risk & Drainage Statement RO/FRA/Y17040.1 prepared by RWO Associates (Report version 3 dated 22/01/2019) is generally acceptable.

3.7 The report states that in terms of surface water disposal, sub-soil conditions do not support the use of soakaways and a watercourse is remote from the site, therefore, surface water will discharge to public sewer via storage with restricted discharge of 2.1 litres/second. This will include dwellings, associated garages, highways and hard standings. The Councils Flood Risk Management Team would want to oversee the installation of the flow control device and associated attenuation measures.

HIGHWAY NETWORK MANAGEMENT

3.8 With regards the internal layout officers provided advice which has lead to amended plans, which show well defined visitor parking spaces (to discourage indiscreet parking) and for more variety in the road width and alignment to help calm traffic speeds and to develop character.

3.9 The proposed site access and associated works in the highway to facilitate this have been agreed in principle by officers.

3.10 Officers have asked for consideration to be given as to how construction traffic will safely access the site and to avoid contractor parking in the highway.

PUBLIC PROTECTION

Noise and Vibration

3.11 A noise and vibration assessment has been submitted with the application and has identified the rail line to the north east as the most significant noise source. An updated assessment has also been provided which addresses vibration from passing trains. Whilst any noise issues can be addressed using standard thermal glazing for most of the proposed dwellings, those nearest to the railway line (identified as plots 4 through to 9) will require a higher specification of glazing to meet the criteria of BS8233 and the WHO guidelines. A condition to approve this specification is recommended.

Contaminated Land

3.12 Phase 1 and 2 reports and investigations have been carried out. The information in the reports show that a low risk is posed to potential human health and controlled water receptors and that no further works are required at the site in terms of contaminated land.

Air Quality

3.13 Given that the application includes off street parking and in view of the Council's adopted Low Emission Strategy, officers request that each off street parking space incorporates a suitably rated electrical socket to allow a minimum of 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

EXTERNAL

NETWORK RAIL

3.14 No objection in principle to the development. Make requests regarding drainage (and not diverting this towards the railway), construction management, tree planting adjacent the boundary, and adequate sound-proofing to dwellings.

MICKLEGATE PLANNING PANEL

3.15 Do not object assuming all drainage issues are fully investigated and the views of local residents are taken into account.

POLICE ARCHITECTURAL LIAISON OFFICER

3.16 Officers recommend that front gardens have boundary treatment to prevent encroachment.

SPORT ENGLAND

3.17 No objection on the basis that there will be a legal agreement to secure alternative sports facilities; the level of contribution is acceptable to Sport England. As such the development would comply with exception E4 of Sport England's Playing Fields Policy.

3.18 The proposal is for dwellings that will be located on part of the school's playing field. Aerial images show that the part of the playing field that will be lost was marked out for hockey in 2005 but has not been marked out with any pitches since 2007. Whilst the site of the proposal is not currently marked out with a pitch, it still forms part of the wider playing field site.

3.19 The loss of the playing field will be mitigated by a financial contribution that will contribute to delivery of a new replacement playing field at 235 Tadcaster Road which will provide a mixture of junior, senior, 7 and 9 a-side pitches. This will also provide a purpose built home for Bishopthorpe White Rose Junior Football Club. Sport England requested that planning conditions were attached to planning application 18/00251/FUL that will ensure that the playing field is fit for purpose, subject to management and maintenance arrangements; and community use is secured. The replacement site is approximately 1.7 miles from the application site and is accessible with footpaths, cycle paths and public transport.

3.20 In addition Sport England note that there is a current application 18/02245/FUL for new facilities at the school - a hall for dance and drama (which will be funded by the partial sale of the playing fields). This application would have an associated community use agreement for the new hall.

YORKSHIRE WATER

3.21 No objection. State that the Flood Risk & Drainage Statement RO/FRA/Y17040.1 prepared by RWO Associates (Report dated 14/11/2018) is acceptable.

PUBLICITY

Objections

3.22 There have been 49 comments made in objection of the scheme and a petition with 119 signatures.

Loss of playing fields / Proposed housing contrary to policy

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- The application site is designated as a playing field in the local plan; it is not a housing site. To develop it would be contrary to policy.
- The Council has allocated housing sites (along with projected development on windfall sites) in the Local Plan to deliver housing to meet need, as identified in the SHLAA 2017. The allocations looked at 800 potential sites in its Sustainability Appraisal (2017) and designated sites accordingly. This site was not identified as a potential housing site and nor can it be considered as a windfall site due to its size (being over 0.2ha in area). As such the site should not be developed for housing.
- The Local Plan states that the underuse of a playing field is not justification for its loss and alternative uses should be initially considered. The site is a school playing field and has previously been well used. As pupil numbers at the school has fallen less use has been made of the field. The school's trustees have reported to the Charity Commission in August 2017 that they have a strategy to increase pupil numbers so that they can improve the school's financial position. If the numbers increase to previous levels, then the field would no longer be deemed to be surplus or redundant.
- A contribution to replacement facilities at the Tadcaster Road site is unreasonable, being a significant distance from the site.
- The large houses proposed will not help meet demand. Some 80% of York's housing needs are up of 1,2 and 3 bedroom properties as described in the Strategic Housing Market Assessment Addendum. This scheme would not contribute to meeting needs for affordable housing.
- The area had been used as part of the playing field until recently. It is also used for environmental studies. It is inappropriate for the school to look to sell off this land due to their financial difficulties.
- Local policies with regards to public/community access to sports facilities should be upheld.
- The Green Infrastructure study emphasises the importance of conserving and enhancing such spaces in the city.

Traffic

- Safety concerns due to extra traffic and associated congestion on the existing neighbouring streets. The local streets are narrow and frequently blocked by parked cars.

- The access road already serves some 100 houses and has no extra capacity. There will be more traffic than anticipated in the applicant's reports, which are based on each household only owning 1 car. The houses proposed are of a size which would suggested occupants owning at least 2 cars. The access, past the Bothy (commercial premises), is too narrow therefore unsafe to accommodate extra traffic.
- The street already has inadequate parking. Some houses rely on parking on the road and there are also commercial premises nearby (Victorian office buildings Yorkshire Wild Life and Institute of Physical Engineering within 50 metres of Mount Vale Drive both of whom have limited parking space. Often 4 vehicles from YWL are parked on Mount Vale Drive) and the street is used for parking by non-residents.
- Inadequate road space for delivery and construction vehicles.
- Proposed site access – Existing residents (The Poplars) would have to reverse onto the proposed access.
- At the proposed access there is very little detail with regards to the alterations required. It would leave a very odd shaped grass verge at the top of Mount Vale Drive. What happens to the BT pole, Rowan tree, dropped kerb and ramped approach? The drawing seems to suggest that the ramp length would be reduced by one metre which would give a new gradient of 1:4.5 which is too steep
- Increased traffic also has led to objections about increased noise disturbance and air pollution.

Flood Risk and drainage

- Increased flood risk to houses at the bottom of Mount Vale Drive, Mount Vale and Tadcaster Road. Mount Vale Drive frequently floods. This development would only exacerbate this and potentially lead to houses flooding.
- The adequacy of the Surface Water Sewer may be able to be proved on paper but it is blocked down stream of where the connection from the site is to be made.
- Yorkshire Water's Sewer Map shows the Foul Water Sewer starts at 220mm diameter reducing down to 150mm and then to 100mm when it connects to the sewer in Tadcaster Road. This is bad practice and would not be permitted on a new installation. It is questioned whether it is possible to prove by calculation that an 150mm pipe running at 75% (recommended capacity) is large enough to take the existing 80 dwellings plus 12 new dwellings.
- Loss of floodwater storage on site will increase flood risk elsewhere.

Amenity

- The house shown as Plot 1 affects the privacy of those living in 2 Towton Avenue, as well the house next to 2 Towton Avenue being demolished to create a road.
- The propose houses are out of keeping with the environment, being higher than nearby houses.
- The height of part of Plots 2 & 3 will be approximately 1.8m above the ridge level of the existing dwellings along Towton Avenue and as such will be over bearing.
- Proposed houses out of character - the form and material of the houses proposed are out of character with local housing which have rough cast render cladding and hipped roofs.
- Harm to the character and appearance of the street as a consequence of the insertion of an access road and loss of the pavement, grass verge and a salt bin used by residents.
- Harm to setting of Poplars – current outlook would be replaced by development. There would be extra traffic noise as a consequence of the anticipated vehicle trips between 7am and 7pm.
- It is queried whether noise and vibration from trains has been adequately addressed. Neighbours with triple glazing advise the noise is still intrusive.

Ecology

- Adverse impact the wildlife the site currently supports, this includes hedgehogs, toads, owls, newts and bats.

Representations in support

There have also been 22 representations in support of the scheme; these make the following points -

- Need for housing. The site is suitable being underused and in the urban area; providing houses in such locations avoids development of the green belt.
- Adjoining occupants may have enjoyed views over this sports field for many years but they have no right to expect this in perpetuity and the planning system is not there to allow them to stop development they would prefer did not take place.

- The Mount School have more than adequate remaining external sports space. They have every right to seek to capitalise on unused land. Neighbours and objectors have no right to dictate to The Mount School that this sports field should be made available to other people if the Mount School don't need it.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are -

- Principle of development (loss of the playing field / whether site suitable for housing / housing size and type)
- Highways
- Drainage and flood risk
- Ecology
- Design and layout of the site
- Residential amenity
- Archaeology
- Planning Obligations

ASSESSMENT

Principle of the proposed development

Loss of playing field

4.2 The proposals would develop part of the school playing fields. In this respect the NPPF (paragraph 97) states that "existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use".

4.3 The application would accord with this paragraph of the NPPF (part b) by way of a legal agreement to secure alternative facilities. The proposed approach is a pro-rata contribution towards the proposed sports facilities at Tadcaster Road (on the opposite side of Sim Balk Lane to the college). The scheme was approved under application 18/00251/FUL. Whilst the site is some 1.7 miles away Sport England has endorsed the approach and state that the Tadcaster Road site is reasonably accessible (from sustainable modes of travel). It is also noted that the school's intention is to use the

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finance from the land sale towards new and enhanced facilities at the school site, which will continue to be available for wider use.

4.4 In the Publication Draft Local Plan 2018 the site is identified as playing fields associated with the school. In the Local Plan Evidence Base Study: Open Space and Green Infrastructure Update (September 2017) The Mount School Playing Fields are identified as an Outdoor Sports Facility.

4.5 Local Plan policy GI5 advises the loss of open space of environmental and/or recreational importance may only be permitted when "the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost. Where replacement open space is to be provided in an alternative location (within the area of benefit) the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped".

4.6 The policy goes on to states development proposals will be supported which (deemed relevant to this application) –

- improves the quality of existing pitches and ensure that any new pitches are designed and implemented to a high standard and fully reflect an understanding of the issues affecting community sport; and
- meets the deficit of pitches in geographically appropriate and accessible way. This could be rectified through re-designation of any current surplus facilities in the area of benefit.

4.7 In consideration against policy GI5 -

- Only a small area of playing field would be lost, which has not been used as part of a playing field in recent years (since 2007 according to Sport England). Given the proposed contribution towards off site provision (for facilities of improved quality which are accessible from the site) and the school's intention to improve their own facilities, there would be satisfactory re-provision of sports facilities/playing fields.
- The re-provision towards which a commuted sum is proposed is a project being implemented by a 3rd party (the Council) and on land not in the applicant's ownership. The Council expect to start work on the project this year. However a requirement that this facility be complete before development at the application site could commence would be unreasonable, with compliance being beyond the applicant's control.
- Because of the size of the space to be developed and as this is on private land, the recreational importance of the site is low.

4.9 The policy in the emerging plan differs somewhat to the 2005 Draft Local Plan policy regarding playing fields, ED11 from the 2005 plan required exceptional circumstances to be proven, and for alternative provision of similar quality to accept the loss of playing fields. Both Local Plan policies carry limited weight compared to the NPPF approach as explained in 4.2. However the exceptional circumstances put forward in this case could be the small area of playing fields overall which would be lost, that these have been not used as playing fields for over 10 years (according to Sport England) and that the school are selling the land to finance new and improved sports, recreation and community facilities.

Whether the site is suitable for housing

4.10 The Government's objective, as set out in paragraph 59 of the NPPF, is to significantly boost the supply of homes. Paragraph 68 states small and medium sized sites can make an important contribution towards meeting housing requirements. In decision making local planning authorities should support the development of such sites - giving "great weight to the benefits of using suitable sites within existing settlements for homes".

4.11 However to determine whether the proposals are acceptable and compliant with the NPPF the application must be assessed against all policies of the framework to ascertain whether the scheme is "sustainable" or whether any adverse impacts of granting permission so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Size and type of development

4.12 Section 5 of the NPPF requires that the local authority identifies local housing need; the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The Local Plan has policies H2 and H3 which relates to the density of residential development and delivering housing to meet identified need.

- Policy H2 recommends a density of 50 dwellings per ha in the urban area as a guide, with the caveat that there is a need to consider local character.
- Policy H3 states that "the Council will seek to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). Proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people".

4.13 This scheme is low density (approx 25 dwellings per hectare) and a mix of large houses are proposed (10 of the 12 houses have 4 or more bedrooms).

4.14 The low density in part arises because of the prominent trees on site, only two of which would be removed to accommodate the development. The layout has been arranged to maintain (and re-enforce) tree cover and landscaping behind Towton Avenue and alongside the railway line. The plot sizes are generally not unduly large; the majority are comparable with plot sizes of houses on Towton Avenue. The houses achieve the high number of bedrooms by fully utilising space above the garages and within the roof-space. As such, whilst in dwelling numbers the development is low density, the scheme arguably makes efficient use of the site.

4.15 According to the Strategic Housing Market Assessment (2016) between 2012 and 2032 only 3.3% of dwellings need to be 4+ bedrooms in size. Completions and permissions since 2013 have exceeded need.

4.16 The applicants have been asked to reconsider the scheme and provide smaller houses as part of the overall mix, but have declined. They contend that there are many other schemes that have/will provide a specific housing type, rather than explicitly provide a mix in line with need and that such schemes have not been resisted. The need identified in the SHMA is city wide, it is changing over time and need not be rigidly applied to every site.

4.17 On balance offers accept there are grounds to not reject the application due to the size of the houses proposed. In addition to the case above, the following are applicable to this application -

- The number of bedrooms is typically achieved by accommodating 2 bedrooms at roof level, which makes efficient use of each plot. There would be limited scope to extend these houses further in future.
- The scheme does provide a variety of house sizes and types.
- The likelihood is that a scheme with smaller dwellings would lead to more dwellings being proposed, which would inevitably be more cramped and with less car parking and storage space (bearing in mind the desire to protect existing trees).
- The site is a windfall site, thereby contributing to demand overall. The lack of 3-bed or less dwellings on a site of this scale would not have a significant impact on housing supply.

Affordable Housing

4.18 Affordable Housing requirements are detailed in policy H10 in the Emerging Local Plan. The target here is 20% provided by way of a contribution towards affordable housing off site (of £33,208.40 per dwelling). Although demolition is proposed Vacant Building Credit is not being applied here as the purpose of VBC is to incentive re-development of Brownfield land and this is not the case here.

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Highway Network Management

4.19 The NPPF states that in assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.20 The NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Sustainable travel

4.21 With regards sustainable travel the site plan has been amended since submission so the development is more pedestrian friendly; achieved through introducing more footpaths, the use of surfacing materials and by narrowing the width of the street. The houses all have garages which are a reasonable space and can accommodate cycles. Bus stops on Tadcaster Road are within reasonable walking distance. Electric vehicle charging facilities will be secured through condition.

Site access

4.22 It is proposed to re-align the road on the corner by the site access to achieve adequate (Manual for Streets compliant) forward visibility at the junction. This involves removal of an area of verge on the opposite side of the road. The applicant would be responsible for agreement with utilities providers affected. The verge is to the far side of the adjacent house and there would not be an undue impact on amenity.

4.23 Swept paths have been provided showing the realigned street can accommodate service vehicles. Whilst the road could be blocked by parked cars, there is no change in this respect. There is more than adequate car parking within the application site and consequently this scheme should not directly lead to increased on street car parking locally.

4.24 Footpaths will be extended to provide reasonable pedestrian access into the site, for existing and future occupants.

Wider network

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4.25 The submitted Transport Assessment estimates around 10 car trips during peak periods. It explains that in the past 4 years there have been 2 accidents at the junction with Tadcaster Road (no accidents on Mount Vale / Towton Avenue).

The amount of development proposed (12 houses) will not lead to an increased number of trips at peak times to the extent there would be a material impact on the operation of the highway network.

Drainage and flood risk

4.26 The thrust of national policy in the NPPF with regards flood risk is to steer development away from areas at risk of flooding, to ensure development is safe from flood risk and to avoid increased flood risk elsewhere. Local requirements, as detailed in the York Strategic Flood Risk Assessment, with regards drainage are to require a 30% reduction on existing run off rates where practical, to protect against climate change and prevent increased flood risk.

4.27 The site is not in either flood zones 2 or 3 and is therefore acceptable in principle for residential development in terms of policies regarding flood risk.

4.28 A condition will secure an appropriate drainage strategy. The drainage proposals, as detailed in the Flood Risk and Drainage Statement (version 3) propose a policy compliant rate of surface water run off, calculated based on the amount of the site that was previously developed/hard-standing and that which was previously playing field. The agreed run off rate would be 2.1 litres per second (lower than the 5 l/sec that would be allowed by Yorkshire Water).

4.29 Regarding foul drainage it is Yorkshire Water's responsibility to ensure that there is capacity in the foul water system to accommodate the additional flow. Foul water domestic flows are on average very small discharges when compared with surface water run-off. To put this into context, 100 houses generate approximately 1.7 litres / second in domestic foul flow. For this proposal of 12 houses, the approximate increase in foul flow would be 0.2 l / sec. Yorkshire Water advise they are confident that this small increase can be accommodated within the existing foul water network.

Ecology

4.30 Section 15 of the NPPF relates to the natural environment. It states planning decisions should minimise the impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175 explains the approach to development proposals. Relevant to this scheme is criteria d) which states opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

4.31 This site is the southern part of the Mount School's playing field and has been managed as amenity grassland for a long period. A comprehensive ecology survey has been undertaken of the site. No protected species will be significantly impacted by the proposed development. The scheme is policy compliant with regards to NPPF section 15 on the following grounds -

- There is an existing pond on site which was found to be heavily shaded but supporting a small population of smooth newts and common frog. As this would be lost to allow development it is proposed to create a new wildlife pond just to the north, within the school grounds, which in the medium term would result in no net loss of biodiversity.
- The grassland habitat that will be lost is of low ecological value. The main woodland/tree area will be retained as part of the proposals. Whilst two trees would be removed there would be new tree planting to the boundaries with Towton Avenue, the railway line and the school grounds.
- A new native species hedgerow along the site/school boundary will provide an enhancement in the long term.

Design and layout of the site

4.32 Officers are content with the layout and the landscaping proposals in principle. The scheme would be NPPF compliant in terms of achieving well designed places; it would achieve a strong sense of place, will function well and add to the overall quality of the area and will be visually attractive.

4.33 The layout is a site specific response, to allow retention of trees at the site boundary and so the houses on the western side of the plot act as a barrier and reduce railway noise in gardens.

4.34 The road design has been amended during negotiations to provide a more attractive setting with a less engineered feel. Beyond the initial entrance the public realm will read as a shared space and surfaces will be in block paving. Footpaths will be provided connecting into the existing network, providing access into the site for the proposed houses and the two existing houses at The Poplars.

4.35 The trees which are of amenity value are retained. Further trees will be added to those retained alongside Towton Avenue and the railway line and a hedgerow, along with trees, will screen the proposed houses from the school playing field.

4.34 The proposed houses would be 2.5 storey, of a light buff brick with slate roofs. This vernacular would reference some of the houses in the nearby conservation area, along Tadcaster Road and St Georges Place. This approach does not conflict with national guidance in Building for Life 12, which recommends schemes have "locally inspired or otherwise distinctive character". Whilst these houses will be of a different

vernacular to the houses on Towton Avenue and Mount Vale Drive this is not inappropriate given the secluded nature of the site.

Residential amenity

4.35 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.36 Minor modifications to the Publication Draft Local Plan were made 25 May 2018. One of the changes was the inclusion of the following text to policy D1: Place-making - Ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

4.37 The proposed layout retains the trees behind the houses along Towton Avenue. The proposed houses are positioned at angles, so they do not directly face the existing houses and there would be openness between houses. Houses are generally to the north of existing development.

4.38 The closest proposed house to the existing houses would be plot 1. This would be some 18m from 2 The Poplars (at its closest point); these houses would not directly face each other. A single storey garage would be on the south side of the plot, closest to 2 Towton Avenue. The side elevation of the house would be some 17m from the rear of 2 Towton Avenue. The layout and tree retention will retain adequate levels of amenity for existing residents.

4.39 There would be a reasonable separation between the proposed access and neighbouring houses. There is already an existing access to houses in this general location and the new access has space for soft landscaping to each side (a mix of lawns and shrub planting). The access would not look unduly out of place in its setting.

4.40 The proposed houses have reasonable sized gardens and adequate outlook. Plots 2, 3, 10 and 11 are closest to each other being some 17.5m between front elevations. A condition can be imposed to ensure each house has adequate noise attenuation, given the proximity of the railway line; the approach will be informed by the noise assessment undertaken which understands the noise environment and has identified the specific attenuation that would be required for each dwelling.

Archaeology

4.41 The site is within the City Centre Area of Archaeological Importance. It has been subject to investigation (desk based and test pits on site) undertaken by York Archaeological Trust. Council officers are content that should development progress,

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a condition which would require a watching brief on groundworks would be appropriate.

Planning Obligations

4.42 Policy DM1: Infrastructure and Developer Contributions states that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the Vision, Spatial Strategy and Objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site. Relevant to this development, 'essential infrastructure' could potentially include affordable housing, education, and green infrastructure, including open space and built sports facilities. However currently any pooled contributions need to be regulation compliant i.e. there can only be up to 5 contributions pooled towards any single project.

Affordable Housing

4.43 Through section 106 agreement a policy (H10: Affordable Housing) compliant 20% affordable housing would be secured in the form of a contribution towards off site provision (£33,208.40 per dwelling).

Education

4.44 The proposed development would create need for both primary and secondary provision (anticipated yield of 3 and 2 respectively). However due to pooling restrictions a contribution towards primary school provision in the catchment would be contrary to the regulations. Millthorpe is the secondary school in the catchment area and there are projects to reconfigure and enhance facilities. Specifically there were applications made last year for a teaching block and sports pitch. However officers in Education do not require a contribution due to the regulations and as the Council already has funding for the sports pitch.

Green Infrastructure

4.45 Publication Draft Local Plan Policy GI6 relates to new open space in conjunction with development proposals. It states that all residential development proposals should contribute to the provision of open space for recreation and amenity. It goes on to explain circumstances where off site provision would be appropriate and refers to the supplementary planning guidance on open space dated 2014.

4.46 Based on the "Commutated Sum Payments for Open Space in New Developments" supplementary planning guidance, contributions are required for a development of the type and amount proposed. In the 2017 open space audit for

Micklegate the application site is designated as outdoor sports provision. The ward has a deficit of such space.

4.47 Regulation compliant off site contributions, calculated based on the aforementioned policy, would be obtained through 106 agreement and used as follows -

- Amenity open space - to improve access at Little Hob Moor / Hob Moor allotments
- Play contribution - to provide additional equipment and seating at Scarcroft Green play area
- Sport - to improve facilities at York RI / Ovington / Little Knavesmire

5.0 CONCLUSION

5.1 The scheme is for the redevelopment of land that is predominantly school playing fields. There are alternative adequate facilities that would be provided (secured through a planning obligation) that means the loss of playing fields is not grounds to oppose the application considering NPPF paragraph 97 which relates to existing open space, sports and recreational buildings and land, including playing fields.

5.2 In assessment of the proposed development, it would not lead to undue harm to biodiversity, adequate tree cover (which is important for the setting) will be retained and the scheme would not have an undue effect on neighbour's amenity. The access is adequate and the effect on the highway network would not be significant (which is the test in the NPPF, as explained in paragraph 109); it would therefore be acceptable.

5.3 In respect of these, and other material considerations the proposed planning obligation and the use of planning conditions can be imposed to broadly enable compliance with the NPPF; there are not any adverse impacts of the development that would significantly and demonstrably outweigh the benefits of providing housing (NPPF paragraph 68 states in decision making give great weight to the benefits of using suitable sites within existing settlements for homes), when assessed against the policies in the NPPF taken as a whole.

5.4 The recommendation is to approve subject to the completion of a planning obligation/section 106 agreement to secure the following requirements -

- Sports to compensate for loss of playing field
- Off site sports/amenity to meet the need of future residents (required prior to occupation)
- Affordable housing

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to S106 agreement to secure the following obligations (authority delegated to the Assistant Director to agree the precise details of the obligations) -

- Sports to compensate for loss of playing field (required prior to commencement) - Financial contribution towards the Tadcaster Road site of £47,539.80 (index linked)
- Off site sports/amenity to meet the need of future residents (required prior to occupation)
 - Amenity open space - to improve access at Little Hob Moor / Hob Moor allotments.
 - Play contribution - to provide additional equipment and seating at Scarcroft Green play area.
 - Sport - to improve facilities at York RI / Ovington / Little KnavesmireTotal = £36,448 (index linked)
- Affordable housing (required prior to occupation)
Off site contribution (in accordance with policy H10) of £33,208.40 per dwelling = £398,500.80 (index linked)

Conditions:

- 1 TIME2 Development start within three years
- 2 Approved plans

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

Drawings reference 1087 -

Location Plan – 01B

Site layout – 06L

Boundary treatments – 08J

Materials – 9J

Landscaping – Rosetta drawing 2895/1 revision E

Streetscapes -10C

House types and garages - 18A, 19B, 20D, 21D, 22E, 23, 25A, 27

Preliminary access road arrangement

LTP 3245 T2 01 01 Revision C

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

3 Dilapidation Survey / Construction Management

Prior to commencement of development a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Prior to commencement details of arrangements to prevent vehicles associated with construction (including contractor/staff parking) parking/obstructing the highway shall also be submitted to and approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details thereafter.

Reason: The condition is required prior to commencement, considering NPPF paragraph 55 in the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

4 Tree protection

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development (including demolition, excavations, and building operations) an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall include details means of installing utilities.

A copy of the statement shall be available for inspection on site at all times.

Reason: Details are required prior to commencement, considering NPPF paragraph 55, to ensure protection of existing trees which make a significant contribution to the amenity of the area and to biodiversity and are fundamental to whether the scheme would be acceptable when assessed against policies within the NPPF.

5 Archaeology - watching brief

Prior to any groundworks a written scheme of investigation (WSI) shall be submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by the Chartered Institute for Archaeologists.

For land that is included within the WSI, no demolition/development shall take place

other than in accordance with the agreed WSI.

A post investigation assessment shall be completed in accordance with the programme set out in the approved WSI, published, approved in writing by the Local Planning Authority and deposited with City of York Historic Environment Record prior to occupation of the development hereby approved.

Reason: In accordance with section 12 of the NPPF as the site is of archaeological interest and lies in an area that has produced Roman features and deposits and the development may affect archaeological deposits which must be recorded prior to destruction.

6 Demolition and construction noise

All demolition, construction works that would exceed existing background noise levels at the nearest noise sensitive receptors, and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: In the interests of residential amenity.

7 Drainage

Prior to construction of the dwellings and associated access road hereby approved site specific details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved in writing by the Local Planning Authority.

The information shall include:

- The means by which the surface water discharge rate shall be restricted to a maximum rate of 2.1 litres per second.
- The means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- Details of future management and maintenance of the proposed drainage systems.

The Local Planning Authority shall be given at least 2 weeks notice of the date and time of the planned installation of the flow control device and associated attenuation measures, to allow observation of such works.

Reason: So that the Local Planning Authority may be satisfied with these details for

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the proper and sustainable drainage of the site, in accordance with the NPPF, in particular paragraph 163.

8 Drainage

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

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

Reason: In the interest of satisfactory and sustainable drainage, in accordance with the NPPF in particular paragraph 163.

INFORMATIVES:

The applicant is advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Note that the surface water design shows a single drainage system for roof, associated garage, highway and hard standing water which satisfies our requirements but may not be satisfactory from a Highways adoption (Section 38 Agreement) point of view.

9 Ecology

Prior to the infilling of the existing pond on site an ecological strategy addressing the creation of a new wildlife pond within the school grounds shall be submitted to and approved in writing by the local planning authority.

The strategy shall include the following;

- a) Purpose and conservation objectives for the proposed works.
- b) Detailed design(s) and/or working method(s) to achieve stated objectives.
- c) Extent and location/area of proposed works on appropriate scale maps and plans.
- d) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- f) Details of initial aftercare and long-term maintenance.

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The strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure not net loss in biodiversity in line with Paragraph 175 of the NPPF.

10 Noise

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours). Unless otherwise approved in writing by the Local Planning Authority noise levels shall not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms. These noise levels shall be observed with adequate ventilation provided.

Reason: To protect the amenity of future residents from externally generated noise (in particular the railway) in accordance with paragraphs 127 and 180 of the National Planning Policy Framework.

INFORMATIVE: Noise levels are established in the Noise and Vibration Impact Assessment reference AC105563-1R2 dated 23.11.2018.

11 Materials

External materials (including surfacing materials and boundary treatment) shall be in accordance with the approved plans unless alternatives are submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with NPPF paragraphs 127 and 130.

12 Site access and layout of estate (prior to first occupation)

No dwelling to which this planning permission relates shall be occupied unless or until the 'estate road' and 'shared surface' (as shown on the approved plans) and the proposed works in Towton Avenue and Mount Vale Drive to facilitate the site access, including carriageway basecourse and kerb foundation have been constructed in accordance with the approved plans.

Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests

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of highway safety and the convenience of prospective residents.

INFORMATIVE: It is noted that approval under the Highways Act will also be required for these works.

13 Landscaping

The approved landscaping scheme (Rosetta drawing 2895/1 revision E) 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.

Informative - Hedgehogs

The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs -

(<https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>).

Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

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

14 Electric vehicle charging facilities

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

Reason: To provide facilities for charging electric vehicles in line with paragraphs 108 and 110 of the NPPF and the council's Low Emission Strategy.

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INFORMATIVE: Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

15 Permitted Development rights on plots 1,2,3,4

There shall be no enlargements to houses on plots 1, 2, 3 and 4 that would extend beyond either the side or rear of the original dwelling, no additional buildings and no addition of hard-standing (that would otherwise be permitted under Parts A, E, and F of Schedule 2 of the Town and Country Planning General Permitted Development Order) without planning permission being granted for any such development.

Reason: To avoid the loss of trees which are of significant amenity value, in the interests of the amenities of the area and adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

7.0 INFORMATIVES:

Notes to Applicant

1. 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.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

2. HIGHWAY WORKS

You are advised that prior to starting on site consent will be required from the Highway

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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 171 / Section 184 - (01904) 551550 -
streetworks@york.gov.uk

3. 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.

4. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

5. 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 revised plans and further information to make the scheme acceptable and through the use of planning conditions and planning obligations.

6. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

(b)The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular

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Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

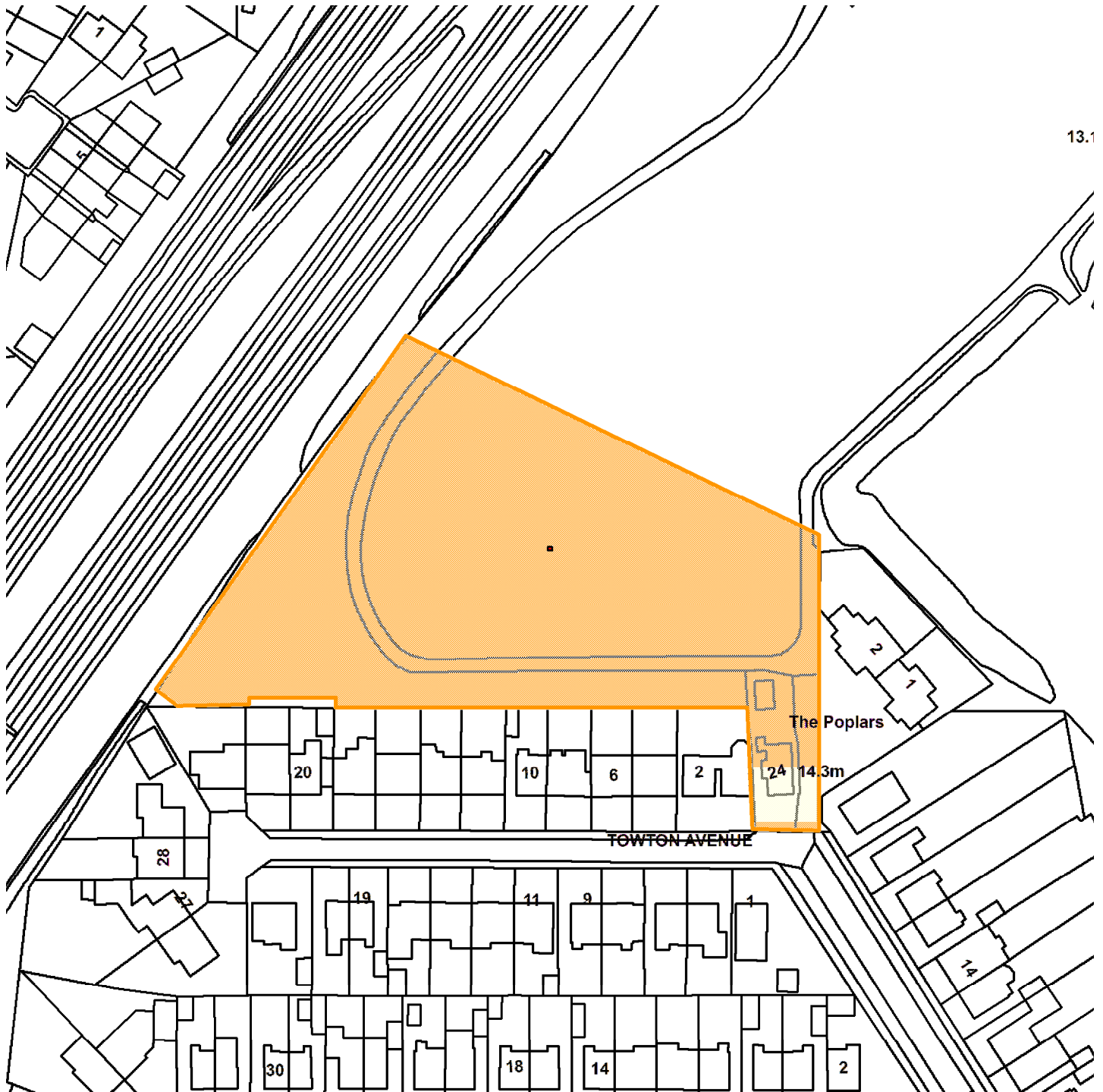
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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The Groundsman House no 24 a Mount Vale Drivend Land to the rear



Scale : 1:1140

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	12 March 2019
SLA Number	Not Set

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COMMITTEE REPORT

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

Reference: 18/02925/FULM
Application at: Former Lowfield School Dijon Avenue York
For: Erection of 5no. apartments, 5no. two bedroom housing units, 6no. three bedroom housing units, 3no. four bedroom housing units and a shared common house/amenity block and associated infrastructure to form community housing development
By: Mr Newton
Application Type: Major Full Application (13 weeks)
Target Date: 25 March 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The former Lowfield School comprises a large open grassed site of 4.54 hectares formerly occupied by a Secondary School lying to the south west of the Acomb District Centre. Outline planning permission ref:- 17/02429/OUTM has previously been given for 165 dwellings (including a 19 dwelling community build scheme).

1.2 Full planning permission is now sought for erection of the 19 dwelling community build scheme comprising some 5 apartments, 5 two bedroom housing units, 6 three bedroom housing units, 3 four bedroom housing units and a shared common house and amenity block. The development lies within the south eastern section of the former school site and the design has been amended since submission to address design concerns.

2.0 POLICY CONTEXT

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

D1 Placemaking
CC2 Sustainable Construction
H1 Housing Allocations
H2 Density of Residential Development
H4 Promoting Self Build and Custom House Building
H10 Affordable Housing
DM1 Infrastructure and Developer Contributions

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2.2 York Development Control Local Plan (2005) Policies:

CYGP1 Design

CYED4 Developer contributions towards Educational facilities

CYH2A Affordable Housing

CYL1C Provision of New Open Space in Development

CYH1 Housing Allocations

3.0 CONSULTATIONS

INTERNAL

Publicity and Neighbour Notification

3.1 Raise no objection in principle to the proposal but wish to see any permission conditioned to require remediation of contaminated land, the submission and approval of a Construction Environmental Management Plan(CEMP) and the provision of an appropriate number of electrical vehicle charging points.

Highway Network Management

3.2 Were consulted with regard to the proposal on 11th January 2019. Views will be reported verbally at the meeting.

Strategic Flood Risk Management

3.3 Were consulted with regard to the proposal on 11th January 2019. Views will be reported orally at the meeting.

Public Health (Sport and Active Leisure)

3.4 Were consulted with regard to the proposal on 11th January 2019. Views will be reported verbally at the meeting.

Housing Services

3.5 Were consulted with regard to the proposal on 11th January 2019. Views will be reported verbally at the meeting.

Education and Children's Services

3.6 Were consulted with regard to the proposal on 11h January 2019. Views will be reported verbally at the meeting.

EXTERNAL

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Yorkshire Water Services

3.7 Raise no objection to the proposal.

Ainsty(2008) Internal Drainage Board

3.8 Raise no objection in principle to the proposal subject to any permission being conditioned to require prior approval of a surface water drainage scheme.

North Yorkshire Police Designing Out Crime Officer

3.9 Raises no objection in principle to the to the proposal but raises concerns in respect of the lack of information relating to lighting and rear boundary treatments. Specific concerns are raised in terms of a lack of defensible space to Plots 13-19 and the relationship of Plots 4 and 10 to the footpath running to the rear.

Publicity and Neighbour Notification

3.10 The Lowfield Residents Action Group object to the proposal on the grounds that:-

- The proposal incorporates a three storey element which would appear alien in terms of its scale and massing when compared with the proposed bungalows to the north east, the two storey form of the demolished school buildings and the conventional two storey form of the adjoining housing;
- The proposal envisages the removal of existing railing and its replacement with a close boarded timber fence that would harm local biodiversity and be less secure in respect of adjoining properties;
- The proposal has the potential to exacerbate problems of anti-social behaviour by re-opening the previous pedestrian access to Little Tudor Road;
- The site is not sustainably located in respect of local public transport routes;
- Insufficient parking space has been provided for the envisaged number of residents;
- The proposed method for allocating the housing is not specified;
- The height and mass of the revised proposal is seen to be increased;
- The proposed means of micro generation is not felt to be the most appropriate for the site.

3.11 Four letters of objection have been received in respect of the proposal. The letters of objection raise the following planning issues:-

- The scale and massing of the three storey element of the proposal which would appear alien in relation to its wider surrounding;
- The use of wood burning stoves as a means of heating on pollution grounds;
- The loss of the existing railings on security and ecology grounds;

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- The impact of the three storey element of the proposal upon neighbouring residential properties by virtue of overbearing impact and loss of light;
- The proposed palette of materials which would prove difficult to maintain;
- The detail of the proposed landscaping for the site;
- The proposed means of constructing the development particularly in terms of hours of operation and routing of construction traffic;
- Concern over the deliverability of the proposed community building/care home.

3.12 Six letters of support letters raise the following issues:-

- Support for the provision of low-cost communal housing via an innovative delivery vehicle;
- Support for the proposal as sustainable development.
- The development would support the existing communities in Westfield/Acomb.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE:-

- Principle of development;
- Impact upon the visual amenity of the wider street scene;
- Impact upon the residential amenity;
- Impact of the proposal upon crime and anti-social behaviour in the locality;
- Impact upon the safety and convenience of highway users;
- Sustainability of the proposal.
- Provision of affordable housing.

LOCAL PLAN

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

4.4 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);

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- 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).

PRINCIPLE OF DEVELOPMENT

4.5 There is a strong imperative in favour of housing delivery in the NPPF. It states that a Council must always be able to demonstrate a five-year supply of housing land. Paragraph 11 requires that authorities should grant permission for development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole, or where specific policies in the Framework indicate development should be restricted.

4.6 The Lowfield School ceased to be used in 2010 and has subsequently been demolished. The site has since 2014 been identified as a potential development site for a mix of uses with a predominance of residential. It forms a draft allocation within the 2018 Draft Plan as a housing site and as such contributes to the Council's 5 year housing land supply of deliverable sites. Central Government Planning Policy as outlined in the National Planning Policy Framework within paragraph 8 identifies the provision of access to a range of housing opportunities as an important element of the presumption in favour of sustainable development underwriting the document. As such the development is considered to be acceptable in principle in land use terms.

4.7 Outline Planning Permission has previously been given for the wider development of the site incorporating the current proposal ref:- 17/02429/OUTM. The current proposal however sits separately as an application for full planning permission. The development meets the policy H2 (2018 Draft Plan) density target of 40 dwellings per hectare for the suburban area. Policy H3 of the 2018 Draft Plan seeks the provision of a balance of types of housing which reflects the characteristics of the development site and the needs of prospective occupiers whilst maintaining consistency with the up-to-date SHMA (Strategic Housing Market Assessment). The proposal seeks permission for construction of a mix of two storey terraced housing with a range of two to four bedroom units with one bedroom apartments above the Common House. In terms of Policy H3 it is felt that the proposal accommodates an area of the housing market not presently catered for within the wider area and is therefore acceptable on those terms.

IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.8 Central Government Planning Policy as outlined in paragraph 127 b) of the NPPF indicates that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 131 of the Framework indicates that great weight should be given to outstanding or innovative designs which promote high levels of sustainability so long as they fit in with the overall form and layout of the surroundings . At the same Policy D1 (Place making) of the Publication Draft City of York Local Plan (2018) indicates that new development proposals should ensure that appropriate building materials are used as well as demonstrating the use of best practise in contemporary urban design and place making.

4.9 The proposal envisages the erection of a housing development centred around an irregular court area at the south eastern edge of the Lowfield's site. The development consists of a mix of two, three bedroom and four bedroom houses in a terrace form. At the north eastern edge is a part single storey/part three storey common house with one bedroom apartments above. The dwellings would have a standing seam metal roof with a mix render panels walls in pastel shades with timber cladding. Concerns have been expressed by objectors in respect of the form of the three storey element of the proposal along with the chosen palette of materials. As submitted the three storey element of the proposal was envisaged to have a flat roof with a low parapet. The scheme has however been amended to have a low dual pitch roof which could accommodate the proposed solar PVs whilst appearing more residential in character. The massing and height of the scheme allowing for the flues associated with the biomass heating system would not be materially different in views across the site, with the low roof sitting behind the parapet. The amended roof form would make the flues appear visually less prominent. In terms of the wider development planning permission has previously been given for a development of bungalows along a wide street to the east with the proposed care home directly to the north. The three storey element of the current proposal would lie at the north eastern corner of the site and would be read in conjunction with the scale and massing of the care home directly to the north.

4.10 A detailed hard and soft landscaping scheme is proposed making use of the proposed grey water recycling system for the central court area with individual new specimen trees proposed for visually prominent locations around the site boundaries. The proposed development would only abut the surrounding pattern of development to the south and south west with the boundary heavily landscaped. The development would be read in conjunction with the wider Lowfield development which it has been designed to complement , rather than that surrounding and as amended it is felt to be broadly acceptable in terms of its impact upon the visual amenity of the wider street scene.

IMPACT UPON RESIDENTIAL AMENITY

4.11 Paragraph 127f) of the NPPF indicates that new development should seek to provide a good standard of amenity for all new and existing users of the development and Policy D1 (place making) of the 2018 Draft Plan as amended by minor modifications since submission seeks that new development should seek to safeguard the residential amenity of neighbouring properties. Concerns have been expressed by objectors in respect of the impact of the three storey element of the proposal upon the residential amenity of neighbouring properties by reason of loss of light and overbearing impact.

4.12 The three storey element of the proposal occupies a corner site at the north eastern edge of the development. Further to the east, within the approved Lowfields scheme lies a development of bungalows. The three storey element of the development would be some 19.6 metres from the bungalows at the closest point which is the garages serving two adjacent plots with a height of 9.2 metres to parapet level. At the same time the windows lighting the principal living areas of the "common house" and the flats above have been designed to face north and north west with any views of the bungalows to the east and north east oblique. The location of the three storey element of the development relative to the bungalows combined with the distance also means that the bungalows would not be subject to any material loss of daylight and sunlight. The closest residential property to the south, no 40 Tudor Road would be some 20.5 metres distant which is characteristic of separation distances between two storey residential properties within the wider area. The proposed residential properties would themselves be two storeys in height at the site boundary. The proposal is therefore felt to be acceptable in terms of its impact upon the amenity of neighbouring residents.

4.13 In terms of the amenities of prospective residents of the development itself the development is of a terraced form arranged around a central court with a communal building to the north east. The separation distances between the fronts of the properties across the court area are in excess of 30 metres and the development is therefore felt to be acceptable in terms of impacts upon the amenities of prospective residents. The requirements of paragraph 127f) of the NPPF and Policy D1 of the Publication Draft Local Plan can therefore be achieved.

IMPACT UPON CRIME AND ANTI-SOCIAL BEHAVIOUR

4.14 Concerns have been expressed by objectors that the proposal may become a focus for anti-social behaviour in the locality and instances of anti-social behaviour focussed around a local pub are highlighted. The proposal is however designed to be inward facing around a central court with clear visibility of public areas and points of access from the surrounding area from the surrounding housing. The identified incidents of anti-social behaviour in the locality are not related to the site and in some cases take place a significant distance away. Some concern has been raised

by the Police Architectural Liaison Officer in respect of lighting and boundary treatments although both issues may be addressed by appropriate conditions appended to any planning permission. At the same time concern is expressed that the access footpath running to the rear of Plots 4 to 10 would remain unsecured although the path could be gated by condition on any planning permission.

IMPACT UPON THE SAFETY AND CONVENIENCE OF THE HIGHWAY

4.15 The proposal envisages the provision of 12 vehicle parking spaces and 66 cycle parking spaces. Concern has been expressed by objectors in respect of the numbers of parking spaces within the development together with volumes of traffic generated by the proposal. The proposal is however designed to follow closely the principles of sustainable development with a lower provision of car parking which is in accordance with the Authority's parking standards with a provision of cycle parking above that outlined within the Authority's standards. The development would not have a separate point of access on to the surrounding local highway network but would share that associated with the remainder of the Lowfield development and which has previously been modelled in connection with the planning permission for the wider Lowfield scheme. At the same time the application site would be closely located to the re-opened pedestrian access to Tudor Road. The proposal is therefore felt to be appropriate in highway terms.

SUSTAINABILITY OF THE PROPOSAL

4.16 Policy CC2 of the Publication Draft City of York Local Plan (2018) sets out a firm policy presumption which exhibit high standards of sustainable design and construction. It is proposed to construct the complex with sustainably sourced materials with the use of timber windows and structural cladding. It is proposed to use grey water recycling to provide water for the gardens and landscape areas. It is furthermore proposed to make use of a biomass heating system together with air source heat pumps and solar panels in order to minimise use of grid based electricity. The development has at the same time been designed to have good connectivity with the surrounding area for pedestrians and cyclists. In order to encourage sustainable transport an over-provision of cycle parking spaces is proposed. Concern has been expressed by objectors in terms of the use of wood/biomass burning stoves as a means of heating. Issues of smoke control however falls within the remit of separate legislation under the Environmental Protection Act. However, the proposed system is felt to be acceptable. It is felt therefore that the proposal complies with the requirements of Policy CC2 of the Publication Draft City of York Local Plan would therefore be complied with.

AFFORDABLE HOUSING AND INFRASTRUCTURE CONTRIBUTIONS

4.17 The development comprises 19 units in which case Policy H10 of the Publication Draft City of York Local Plan would ordinarily apply. The proposed

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development however proposes an innovative means of housing provision incorporating communal facilities and operation together with standards of amenity below that normally accepted in terms of general open market housing. In dealing with the earlier outline application the unusual nature of the housing provision was taken account of by a compensatory provision in terms of affordable housing made over the remainder of the development site. Whilst it is acknowledged that the present proposal is a separate stand alone full planning application in order to secure consistency with the determination of the earlier permission it is proposed to adopt the same approach and to condition any permission to secure the retention of the development as community housing.

4.19 An identical approach has been adopted in respect of the provision of educational contributions and open space with the respective requirements secured against the remainder of the development.

4.18 Concerns have been expressed by objectors in respect of the proposed allocation mechanism for the housing. The applicant is however a registered housing co-operative and the detail of the allocation mechanism is not however a material consideration in terms of determining the application.

5.0 CONCLUSION

5.1 The development lies within the south eastern section of the former Lowfield school site. It would provide an innovative form of housing and would contribute to the supply of housing land in accordance with Local Plan and NPPF policy. The design of the scheme as amended would not give rise to any material harm to the visual amenity of the wider street scene or the residential amenity of neighbouring properties. The proposal would not give rise to any issues of anti-social behaviour and any highway impacts have been previously modelled in the context of the outline planning permission ref:-17/02429/OUTM for the wider Lowfield scheme.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The community build development as identified on approved plan ref:17008-306A shall not begin until a detailed scheme for the provision, occupation, long-term management and retention of the community dwellings hereby approved and the mechanism for its implementation has been submitted to and approved in writing by the Local Planning Authority. The community dwellings shall thereafter be provided, occupied, managed and retained in accordance with the approved scheme.

Reason To ensure that the development is occupied and managed as proposed by the applicant in accordance with policy H10 and DM1 of the 2018 Draft Local Plan.

3 The development hereby permitted shall be carried out in accordance with the following plans

Drawing Refs 17008-317C; 17008-316C ; 17008-315C; 17008-314D ; 17008-313D ; 17008-312E ; 206 REV B ; 17008-340F ; 17008-331E ; 17008-330F ; 17008-320F; 17008-319B; 17008-318B ; 17008-309F ; 17008-308H ; 17008-306A ; 17008-302G.

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

4 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.

5 A sample panel of the materials to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works beyond foundation level. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

6 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.

7 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.

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

Reason In the interests of highway safety.

9 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off - site works, have been submitted to and approved by the Local Planning Authority . If discharge to public sewer is proposed, the information shall include the point (s) of connection into the existing public sewer and the means by which the discharge rate shall be restricted to a maximum rate of 30 litres per second. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason To ensure that no surface water discharges take place until proper provision has been made for its disposal.

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

Reason In the interest of satisfactory and sustainable drainage.

11 An electrical socket shall be provided at each dwelling prior to its first occupation to enable charging of an electric vehicle using a 3m length cable whilst parked and the electric socket shall thereafter be permanently retained.

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Note: Any socket provided must comply with Building Regulations and be suitable for charging electric vehicles. In particular, consideration should be given to cable and circuitry ratings to enable safe charging of modern electric vehicles. Where located on a driveway it should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off. The electrical circuit shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation (2015).

Reason To facilitate the uptake of low emission vehicles in line with City of York Council's adopted Air Quality Action Plan (AQAP3) and Low Emission Strategy (LES)

12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, E and F ; of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015

13 LC4 Land contamination - unexpected contam

14 Prior to commencement of development a detailed ground gas assessment shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the design of a gas protection system which shall be fully implemented prior to first occupation of the development and fully maintained thereafter.

Reason To ensure that risks from landfill gas to future users of the land are minimised.

15 Prior to the first occupation of the development full details of a barrier to prevent motor vehicle access to the site via the cycle/pedestrian access from Tudor Road to the south east of the site shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be erected as approved prior to the first dwelling being occupied and kept in place thereafter.

Reason To reduce the risk of anti-social behaviour in the locality and to secure compliance with paragraph 95a) of the NPPF (2018) and Policy D1 of the Publication Draft City of York Local Plan (2018)

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16 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

17 Prior to the commencement of the development details of a barrier to prevent the access to the site from Little Tudor Road by construction vehicles shall be submitted to and approved in writing by the local planning authority. The approved barrier shall be kept in place for the duration of the development process.

Reason: To protect the amenity of local residents.

18 Prior to the commencement of the development hereby authorised above foundation level details of gating to be provided to the entrances to the pathway running to the rear of plots 4 to 10 shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the design, height and means of locking of the proposed gates and the development shall not be first occupied until the gates have been provided in accordance with the details thereby approved. The gates shall then be maintained in place thereafter.

Reason To safeguard the residential amenity of neighbouring properties in accordance with paragraph 127f) of the NPPF.

19 Prior to the commencement of the development above foundation level full details of all hard landscaping works including design of street furniture, bollards and play equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the development being first occupied and shall be maintained as such thereafter.

Reason To safeguard the visual amenity of the wider street scene and to secure compliance with Policy D1 of the Publication Draft City of York Local Plan (2018)

20 The development shall not be begun until details of the junction between the internal access road and the highway as illustrated on drawing 064545-CUR-00-00-DR-TP-05/002-V01)(appended to planning permission ref:-17/02429/OUTM) have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason In the interests of road safety

21 Prior to first occupation of any part of the development the bus stop works as indicatively shown on drawing titled "Tudor Road Bus Stop Works" dated 08/01/2018 shall have been carried out in accordance with details submitted to and approved in writing by the Local Planning Authority or arrangements entered into which ensure the same.

Reason In the interests of the safe and free passage of highway users and to promote sustainable modes of transport

22 The development hereby authorised shall not be first occupied until the access road linking the site to the public highway has been constructed in its entirety to base course level.

Reason To secure the safety and convenience of highway users.

23 No part of the development hereby approved shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Interim Travel Plan dated September 2017 (ref YORK04/ITP). The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan as approved.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason To ensure that traffic flows from the sites can be safely accommodated and to promote the usage of sustainable means of transport

24 Prior to the commencement of development details of what measures are to be provided within the design of the new building to accommodate bats shall be submitted and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

25 Prior to the commencement of the development above foundation level full details of all site lighting shall be submitted to and approved in writing. The development shall thenceforth be undertaken in strict accordance with the details thereby authorised prior to the development being first occupied and maintained as

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such thereafter.

Reason To safeguard the residential amenity of neighbouring properties and to secure compliance with paragraph 127f) of the NPPF.

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 amendment of the design of the common house building to render it more residential in character.

2 .DEMOLITION AND CONSTRUCTION:-

1. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

o Saturday 09.00 to 13.00

o Not at all on Sundays and Bank Holidays.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and

BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

4. All plant and machinery to be operated, sited and maintained in order to minimise

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disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well maintained mufflers in accordance with manufacturer's instructions.

5. There shall be no bonfires on the site.

3 BREEDING 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.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

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 hedgehog.

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

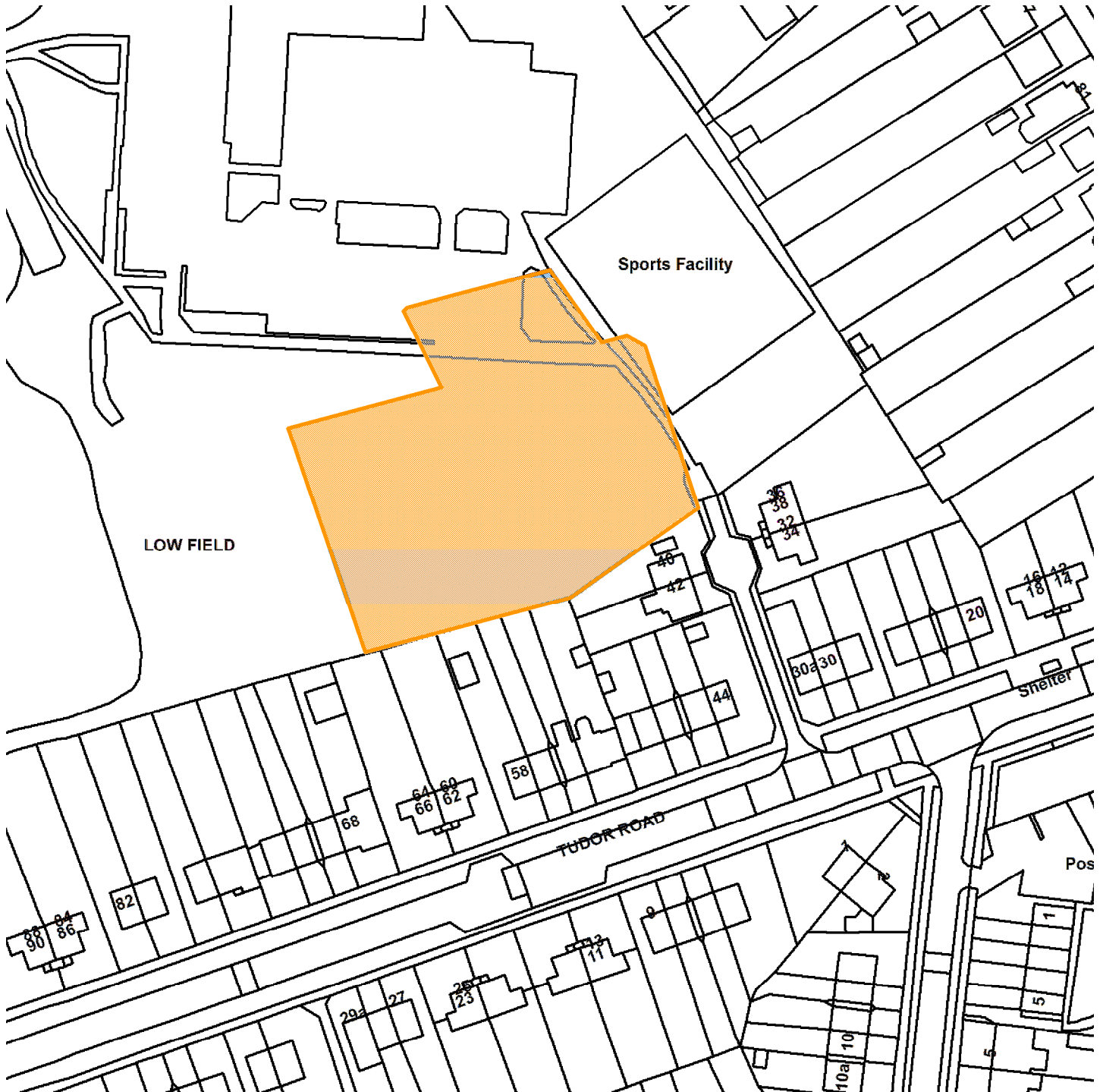
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

18/02925/FULM

Former Lowfield School, Dijon Avenue



Scale : 1:1140

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	12 March 2019
SLA Number	Not Set

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Publicity and Neighbour Notification

3.2 One letter of objection has been received raising the following issues:-

- Objection to the number of additional parking spaces being insufficient and requiring that they be brought into use prior to the adjacent access being formed;
- Objection to a lack of visitor parking within the approved Lowfield development;
- Objection to the levels of traffic that would be utilising the new junction;
- Objection in principle to the re-development of the former Lowfield School site.

4.0 APPRAISAL

LOCAL PLAN

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

4.2 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.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.3 Central Government planning policy as outlined in paragraph 127 f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all new and existing occupiers of land and property. At the same time

Policy D1(Place making) of the 2018 Publication Draft City of York Local Plan indicates that planning decisions should take account of the residential amenity of neighbouring properties.

4.4 The proposal envisages the layout of two car parking spaces to serve the block of maisonettes comprising Nos 108 Tudor Road and its neighbours, directly to the rear and taken from the access road to the approved Lowfield development. The parking spaces would be tarmaced with a block paved path accessing the back door with the parking area separated from the garden area by means of a 1.8 metre high timber close boarded fence with a 1.2 metre high close boarded timber fence to the side garden. The parking spaces would be located some 4.5 metres south of the nearest approved properties within the Lowfield development and some 12.5 metres from the closest other property on Tudor Road. They are designed to serve the needs of the occupier of 108 Tudor Road and the directly adjoining properties and as such would not give rise to any material harm to the residential amenity of other properties.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS ON THE LOCAL NETWORK

4.5 Concerns have been expressed by objectors in respect of the adequacy of the number of parking spaces and that they should be brought into use prior to the access being constructed. The maisonettes do not currently have parking spaces within their curtilage. Provision of the access road to the Lowfield site will remove on-street parking bays within the highway directly in front of the maisonettes. Three additional on-street parking spaces will be provided elsewhere on Tudor Road under Highway Authority powers.

4.6 The parking area makes compensatory provision to allow for space lost by formation of the access and would be accessed directly from it. As a consequence it would not be possible to provide the spaces in advance of the provision of the access.

OTHER ISSUES

4.7 Concern has been expressed by objectors in respect of the level of vehicle traffic projected to use the adjacent access and also the level of visitor parking to be provided within the development. Both issues have however been previously fully addressed in terms of the determination of the planning permission for the wider Lowfield development ref 17/02428/FULM.

5.0 CONCLUSION

5.1 Planning permission is presently sought for the layout of two car parking spaces to the north of the property in order to compensate for the loss of on-street parking

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bays resulting from the construction of the access to the Lowfield development site. It is considered that the proposed development would not lead to any material harm to the residential amenity of neighbouring properties or the safety and convenience of highway users on the adjoining network. The proposal is therefore acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: 180097.02; 180097.04

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 car parking area hereby authorised shall be laid out with a permeable surface to the satisfaction of the Local Planning Authority prior to being first brought into use.

Reason:- To ensure that the site can be safely and satisfactorily drained.

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) and having taken account of all relevant national guidance and local policies including imposition of appropriate planning conditions, 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.

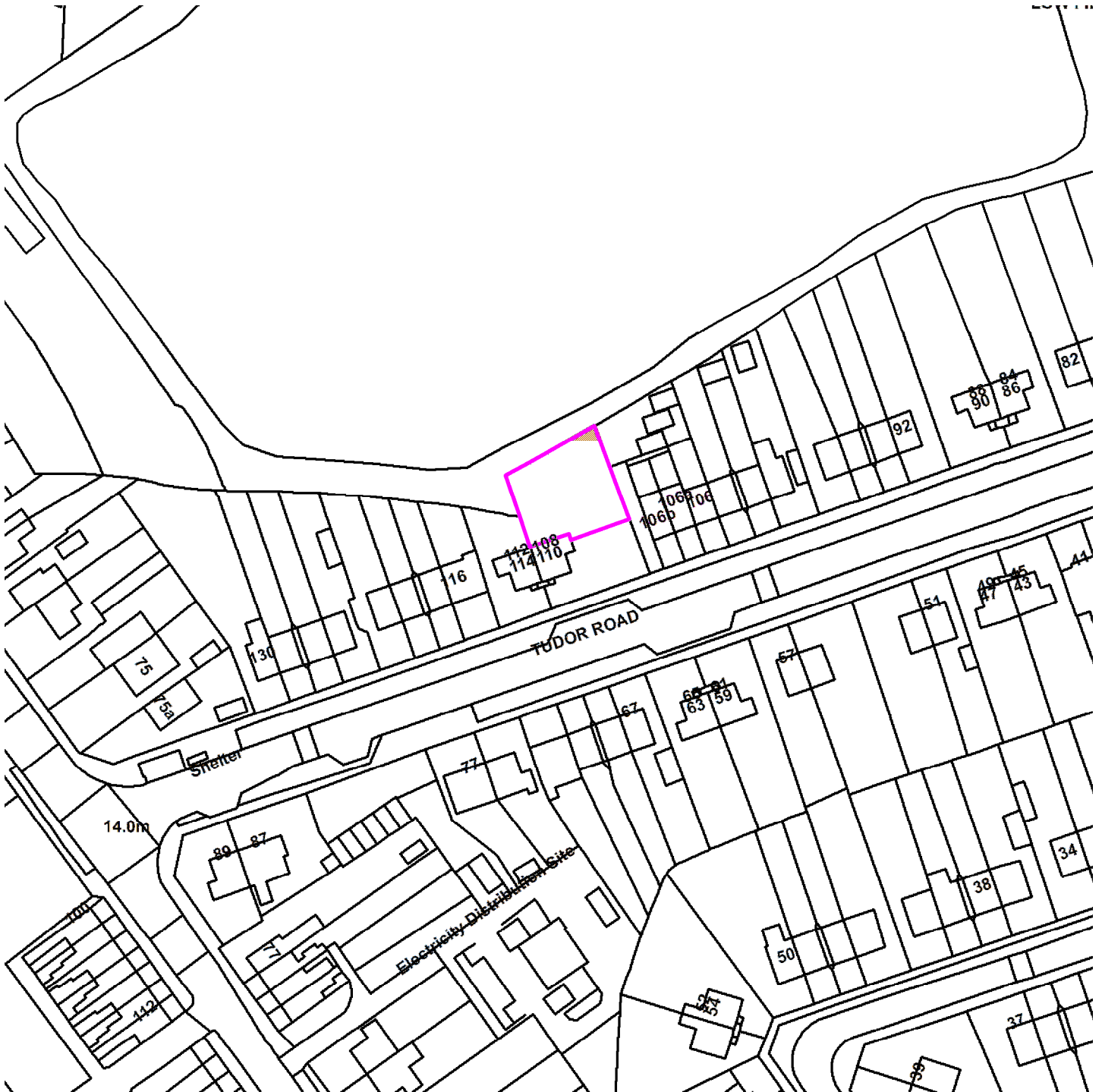
Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

19/00128/GRG3

108 Tudor Road



Scale : 1:1140

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	12 March 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20 March 2019 **Ward:** Strensall
Team: Major and **Parish:** Earswick Parish Council
Commercial Team

Reference: 18/01923/OUT
Application at: Proposed Residential Development Site Shilton Garth Close
Earswick York
For: Outline application for the erection of 2no. dwellings
By: Mr & Mrs Curzon
Application Type: Outline Application
Target Date: 25 March 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a roughly rectangular parcel of land in use as a garden to the rear of 9 The Village, Earswick measuring approximately 0.16 hectares in area. The site lies west of Shilton Garth Close where there is an existing access to the site.

1.2 The site lies within the village of Earswick, outside of the Green Belt. The character of the surrounding area is wholly residential. The site lies to the south of The Village which is characterised by predominantly modest sized dwellings with front and rear gardens. The mature trees and hedgerow provide on the south of the site provides a visual boundary before the highway turns into Shilton Garth Close which is relatively uniform and characterised by larger detached 2 storey dwellings set back from the public highway with relatively open front gardens bound by dwarf walls and intermittent soft landscaping. To the east of the site lies the side garden of no 1 Shilton Garth Close which has a conifer hedge boundary and there are a further two detached dwellings with a separate access opposite the site to the east.

1.3 There are a number of trees within or close to the boundary of the site including two either side of the south eastern boundary of the site that are subject to tree preservation orders (an Oak and a Sycamore).

1.4 The application is for outline planning permission with layout included for the erection of 2 detached dwellings. All other matters are reserved. The submitted plans show an indicative access via the existing access to the site of Shilton Garth Close. The proposed layout is for two detached dwellings oriented with their front elevations facing east towards the public highway. They are to be located in the western half of the site with rear gardens and off street parking in front. A single visitor parking space is indicated adjacent to the vehicular access.

1.5 Following a number of objections raised by local residents, the application was called in for determination by committee by the local ward Councillor, Cllr Doughty.

2.0 POLICY CONTEXT

2.1 Draft 2005 Development Control Local Plan

GP1	Design
GP4a	Sustainability
SP7a	Sequential Approach to Development

2.2 Publication Draft Local Plan 2018

D1	Placemaking
D2	Landscape and Setting
DP2	Sustainable Development
DP3	Sustainable Communities
H2	Density of Residential Development
ENV2	Managing Environmental Quality
ENV5	Sustainable Drainage
GI4	Trees and Hedgerows
T1	Sustainable Access

2.3 Earswick Neighbourhood Plan Submission Version (2) 2017 to 2037

ENP1	Windfall Housing Development
ENP2	Housing Mix
ENP6	Ecology and Biodiversity
ENP8	Trees and Hedgerows
ENP11	Enhancements to Transport and Highways

3.0 CONSULTATIONS

3.1 The planning application as originally submitted was for the erection of 3 dwellings. These original plans showed 2 dwellings at the western end in a similar location to the latest revisions and a further dwelling in the north eastern corner of the site. Following concerns raised by members of the public and officers, the number of dwellings was reduced from 3 to 2 and the third dwelling replaced with a single storey garage block. Concerns were raised over the impact of the garage block on the root protection area of the protected tree and also its general impact on the streetscene. The garage block was removed and clarification provided over which bedroom was to be a 3 bedroom dwelling and which was to be a 2 bedroom dwelling. These plans were also subject to consultation with statutory consultees and local residents.

INTERNAL

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Housing Development

3.2 Affordable housing contributions would be applicable if the total floor space of the new houses exceeded 1000 square metres.

Highway Network Management

3.3 No objection. Access does not form part of the outline application; however the plans show it being taken from the existing access which is to be enlarged. This principle is accepted subject to conditions.

Landscape Architect

3.4 The two largest trees towards the front of the site - Sycamore (referred to as T3 in the tree survey) and Oak (referred to as T2 in the tree survey) - are subject to a tree preservation order (TPO) - reference CYC 247- T1 and CYC 247 - T2 respectively. The development proposal utilises the existing access in to the plot as a shared drive, thereby allowing the hedge along the front boundary to be retained. This also avoids the creation of a second access through the recommended root protection area (RPA) of the oak tree. Revised site plan acceptable subject to condition. The driveway should be of porous construction if at all possible as this would help to keep up the levels of ground water availability for the adjacent trees. An arboricultural method statement condition proposed if permission granted.

EXTERNAL

Earswick Parish Council

3.5 No objections to the revised plans of two dwellings with no garage block.

Yorkshire Water

3.6 No objection to the drainage proposal as set out on revised site plan 426-A02 rev H.

Foss Internal Drainage Board

3.7 The IDB does have assets in the wider area (River Foss). No objection in principle. Conditions recommended regarding drainage.

Site Notice and Publicity

3.8 The application was originally advertised by neighbour notification and site notice. Further neighbour notification was undertaken when revised plans were received.

3.9 13 letters of objection were originally received and then further responses received when the dwelling 3 was replaced with a detached garage block. The concerns raised were

- Impact on privacy to gardens to the north
- Concern over the impact of the access of the protected trees
- No tree survey submitted
- 3 x 4 bedroom dwellings would amount to overdevelopment, out of character with the character of the area and visually damaging
- No objection in principle to develop this plot but it should be sympathetic to the area
- A single dwelling or bungalow would be more appropriate
- Overdevelopment: 1 or 2 dwellings would be more appropriate
- 3 dwellings unacceptable but would not object to 2 dwellings if overdevelopment, height and parking issues resolved
- Large amount of hardstanding would be unnatural and lead to site flooding as well as the removal of wildlife habitats, loss of greenery
- Concern over the impact on public sewers of 3 dwellings
- Concern over the use of a soakaway for surface water drainage given the clay soil
- Little or no gardens, inconsistent with the area
- Development would be visually, environmentally and practically at odds with immediate environment
- Concern over the potential height of the buildings
- Concern over parking, pollution, construction vehicles and highway safety and existing potholes

3.10 A further set of revised plans were received which included the removal of the garage block and confirmation of the number of bedrooms to each dwelling. Objections were received regarding the revised plans raising the following concerns:

- The western half of the site would still be cramped
- Still overdevelopment, out of keeping with the character of the area including greenery
- Not clear drainage concerns would be alleviated, echoing comments of drainage board
- Large amount of hardstanding, leading to flood concerns and loss of wildlife habitat
- Privacy concerns not addressed

- Contrary to draft Neighbourhood Plan policy ENP1 (Windfall Housing Development)
- Site should be for 1 dwelling only/bungalow
- Plans don't show whether they are houses or bungalows
- Proposed dwellings too close together, appear cramped
- Height of dwellings still unknown
- Increase in parking
- Concerns over highway safety
- Small gardens
- Note the comments of the Landscape Architect over the root area of the protected trees

3.11 Following discussions with the Council's Flood Risk Engineer, concerns were raised with the applicant over the suitability of a soakaway at the site for surface water drainage. While drainage details can often be left to planning conditions, given ground conditions in this locality it was deemed necessary to establish the drainage strategy prior to determination of the planning application. Following a failed soakaway test, a revised site plan was submitted amending the proposed drainage scheme and moving plot 2 further away from a protected tree in response to the comments of the Landscape Architect. Adjoining neighbours to the proposed plot 2 were consulted on this. A further seven objections were received and below is a summary of the consultation responses:

- 2 houses being squeezed into a narrow site
- Site should be developed in a way sympathetic to surrounding environment, meaning one dwelling, preferably a bungalow
- Drainage concerns, possibility of flooding
- Parking concerns, additional visitor traffic, only one dwelling has a garage
- Highway safety concerns with on street parking, the width of Shilton Garth Close and the junction with The Village
- No bicycle and bin storage details
- Impact on the character of the area
- Concern over the height of the dwellings compared to buildings to the north
- Impact on amenity, including privacy and loss of light
- Still encroaching onto the trees with TPOs with the possibility of accidental damage to the roots
- Concern over the impact on the boundary hedges given the proximity and the width of the access
- Little green space retained

4.0 APPRAISAL

4.1 Key Issues

- policy context
- principle of development
- delivery of housing
- impact on the streetscene
- impact on amenity and living conditions of adjacent occupiers
- highways and parking
- trees
- drainage
- sustainability

POLICY CONTEXT

National Planning Policy Framework (NPPF) (February 2019)

4.2 The revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

4.3 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 14 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

4.4 Section 5 relates to delivering a sufficient supply of homes. Paragraph 68 states that small and medium sized sites that can make an important contribution to meeting the housing requirement of an area.

Publication Draft Local Plan (2018)

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

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

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

Development Control Local Plan (2005)

4.7 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations with very limited weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

Earswick Neighbourhood Plan Submission Version 2017-2037

4.8 The final draft of the Earswick Neighbourhood Plan was formally submitted by Earswick Parish Council for independent examination on 5th February 2018 and was subject to public consultation between 4th October and 15th November 2018. The Earswick Neighbourhood Plan Examiner's Report dated 7 January 2019 recommended minor modifications to the Plan to ensure it reflected the NPPF. Subject to these modifications, the Examiner recommended that the Plan proceed to a referendum within the neighbourhood plan area. The report was taken to the City of York Council's Local Plan Working Group in February 2019 includes the Council's proposed response to the Examiner's recommended modifications. This report asks Members to recommend to Executive to agree the Examiner's recommendations to enable the Neighbourhood Plan to proceed to Referendum.

PRINCIPLE OF DEVELOPMENT

4.9 The NPPF excludes private residential gardens from the definition of previously developed land. However it has not introduced a general presumption against the development of gardens, it merely removes this as a positive factor in determining such applications. Any scheme still has to be judged against the impact on the character of an area, the impact on adjacent residents and any other material considerations. In this respect, paragraph 70 of the 2018 NPPF states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. This is reflected in policy GP10 of the Development Control Local Plan 2005, "Subdivision of Gardens and Infill Development", which states that planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment. However there is no policy in the 2018 Draft Plan that specifically covers garden subdivision for housing.

4.10 Policy H2 of the 2018 Draft Plan seeks to ensure the efficient use of land and help maintain local services and public transport provision. The policy states housing development should achieve a density of 35 units per hectare in a rural area or village. The policy also notes that higher densities can be achieved within 400 metres of a

high frequency public transport corridor where it complies with other plan objectives. The policy goes on to state that delivering densities that support the efficient use of land requires good design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area.

4.11 Policy ENP1 of the Earswick Neighbourhood Plan accepts that there may be some windfall developments over the Plan period. Development proposals for small scale (normally for a single dwelling) infill development will be supported subject to the following provisions.

- a) Reflects the size, character and level of the infrastructure service provision of Earswick.
- b) Meets a clearly identified need for the Parish;
- c) Retains existing and wherever possible enhances natural boundaries such as trees, hedges and streams which either contribute to visual amenity or are important for their ecological value.
- d) Does not reduce garden/green space to an extent where it would significantly adversely affect the character of the area or the amenity of the proposed occupiers of the new development or adjacent properties/uses.

4.12 The site lies within the boundary of the village of Earswick and the existing use is as a residential garden for no 9 Earswick Village. The site is unallocated on the Proposals Map for the 2018 Draft Plan but as a garden does not constitute previously developed land. It is noted that no 9 Earswick Village does have an existing rear garden of a similar scale to neighbouring properties either side. While Neighbourhood Plan policy ENP1 refers to windfall developments 'normally' being for single dwellings, this should be considered on a site by site basis. As the Neighbourhood Plan has not yet been 'made' following independent examination only moderate weight should be attached to the policy. The proposal should therefore be considered on the character of an area, the impact on adjacent residents and any other material considerations.

DELIVERY OF HOUSING

4.13 Policy ENP2 states that new housing development will be required to demonstrate how it relates to the existing need for smaller homes (three bedrooms or less). The text of the Neighbourhood Plan expands on this requirement, noting in paragraph 114 a choice of high quality homes "is especially important in Earswick Parish as there is strong evidence from the Census and other sources that there is an imbalance in the housing stock with a relative over provision of larger properties (3 or more bedrooms) and a relative under provision of smaller properties (less than 3 bedrooms)."

4.14 The revised application proposes new housing in the form of 1 x 2 bedroom dwelling and 1 x 3 bedroom dwelling with the settlement limit of Earswick. The inclusion of a smaller dwelling would assist in addressing policy ENP2 of the Draft

Neighbourhood Plan. However at this stage because this is an outline application the internal design of the houses is not known and the number of bedrooms cannot be controlled by planning condition. The total floorspace proposed is considerably below 1000 square metres and therefore no affordable housing contributions are required.

IMPACT ON THE STREETSCENE

4.15 Section 12 of the NPPF sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Policy D1 of the 2018 Draft Plan states that development proposals will be supported where they improve poor existing urban and natural environments and enhance York's special qualities. Proposals that fail to make a positive design contribution to the city or cause damage to the character and quality of an area will be refused. The policy goes on to state that proposals should adhere to the certain detailed design points including:

- enhance, respect and complement the historic arrangement of street blocks, plots and buildings, where possible restoring old patterns of urban grain where these have been damaged or obscured.
- enhance and complement the character and appearance of landscape, city parks, landforms, open space, planting and boundary treatment.
- demonstrate that the resultant density of a development proposal will be appropriate for its proposed use and neighbouring context.
- demonstrate that the combined effect of development does not dominate other buildings and spaces, paying particular attention to adjacent buildings or parks of architectural or historic significance.
- meet the highest standards of accessibility and inclusion.
- integrate car parking within the design of development so as not to dominate the street scene.

4.16 The application is for outline permission for the erection of 2 dwellings with associated parking. The layout of the site is also to be determined at this stage with remaining matters reserved (access, appearance, landscaping and scale). Therefore the detailed design of the dwellings such as materials, window positioning and roof design are not for consideration at this stage.

4.17 The proposed layout shows an indicative access into the site from the north east and two detached dwellings sited in the western half of the site with a substantial set back from the front of the site which is in keeping with the general character of the area. The proposed layout shows the existing site access to be retained and used for the dwellings. The existing hedgerow is also shown as retained. While access and landscaping are to be considered fully at reserved matters, the proposed plans demonstrate that the hedgerow can be retained. The layout plan shows the larger

dwelling (plot 2) to the south and plot 1 to the north. A site section drawing showing proposed ridge lines was submitted with indicative heights of 6.2 metres and 5.8 metres for the southern and northern plot respectively. The section drawing includes a line drawn from ridge of 1 Shilton Garth Close to 9 Earswick Village. The indicative heights are shown below this line. This would be in keeping with the existing character with larger dwellings to the south on Shilton Garth Close and smaller dwellings on Earswick Village to the north of the site. While scale and design are reserved matters, conditions are recommended to restrict the overall height of the development in line with the submitted sectional drawing to protect the existing character of the area. Policy H2 of the Draft Plan 2018 indicates a higher density could be achieved in a typical plot of this size. However the character of the area is of detached dwellings with front and rear gardens and there are two protected trees in the south eastern corner of the site. With these constraints in mind, it is not considered the proposal would conflict with Policy H2. As such the proposed outline application is considered to demonstrate that two dwellings in this layout would have an acceptable impact on the character of the area in line with the NPPF, Policy D1 of the 2018 Draft Plan and Policy ENP1 of the Draft Earswick Neighbourhood Plan.

TREES

4.18 Paragraph 170 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services including trees. Policy D2 of the 2018 Draft Plan advise development proposals will be supported where they recognise they conserve and enhance landscape quality and character and also recognise the significance of landscape features such as mature trees and hedges. At the south east corner of the site lie a mature English Oak and Sycamore subject to Tree Preservation Orders. There is a mature English Oak and Sycamore. The Oak lies adjacent to the site in the front garden of no 2 Shilton Garth Close. A tree survey was submitted in support of the application and showed the Oak to be a category 'A' tree of high quality and value and the Sycamore to be a category 'B' tree of moderate quality and value. The tree survey also detailed a number of other trees on the edge of the site. These were categorised as either being unsuitable for retention or of low quality and value. Revised plans were received ensuring that an increased separation has been achieved between plot 2 and the Sycamore. A condition for an arboricultural method statement should outline permission be granted and that any driveway be constructed of porous materials is proposed.

IMPACT ON NEIGHBOURS' LIVING CONDITIONS

4.19 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy D1: "Place-making" covers amenity. Policy ENV2 states that development will not be permitted where future occupiers and

existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust and light pollution without effective mitigation measures. Policy GP1 of the 2005 DCLP seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures. Policy ENP1 of the Neighbourhood Plan seeks to ensure that infill development does not have a significant adverse effect on neighbouring properties or uses by way of privacy, daylight, noise, visual intrusion, overshadowing or amenity.

4.20 Due to the siting of the buildings towards the western end of the plot the closest dwelling will be 2 Shilton Garth Close to the south. Plot 1 will be oriented on an east - west orientation and conditions can be imposed to ensure there are no side facing windows at first floor level or above to prevent overlooking. Due to the locations of the dwellings they are not considered to result in an adverse impact on the amenity of the dwelling to the south being set in 1.5 metres from the shared boundary, projecting no further to the rear and located to the north. The rear gardens would be set 12 and 13 metres in from the shared boundary to the rear (west). Plot 1 will be set in a minimum of 1.2 metres from the rear boundaries of gardens to the north. These rear gardens are approximately 20 metres in depth and therefore the siting of plot 1 will not result in an unacceptable loss of amenity. To protect privacy, conditions will be imposed to ensure any windows above ground level to side elevations will be obscure glazed.

HIGHWAYS

4.21 There is an existing access to the site off the public highway and the proposed layout plan shows that this would be the access to the site. However it is noted that access to the site is a reserved matter and that at outline stage only an indicative access is necessary. While concerns have been raised over highway safety and parking by local residents the proposal would include six off street car parking spaces including one for visitors. Furthermore conditions can be imposed with regard to electric vehicle charging and bin/cycle parking storage. Subject to conditions the proposal would not harm road safety or local parking provision.

DRAINAGE

4.22 Policy ENV5 states that Sustainable Drainage System (SuDS) methods of source control and water quality improvement should be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes. In exceptional circumstances, where SuDS methods of source control and water quality can not be provided, it must be demonstrated that:

- i it is not possible to incorporate SuDS, either on site, or close to the site; and
- ii an acceptable means of surface water disposal is provided which does not increase the risk of flooding, does not damage existing environmental assets and improves on the current situation.

4.23 While the site lies in flood zone 1, it is located within an area of clay soil. Following concerns from local residents and the Council's Flood Risk Engineer regarding drainage, it was agreed that a soakaway test should be undertaken prior to determination of the application rather than left to condition. A soakaway test was witnessed on site by the Council's Flood Risk Engineer on 5th February 2019 and confirmed as unsuccessful. As per the hierarchy for surface water drainage, the next option for discharge to be attenuated and discharged at a controlled rate to either watercourse and/or only after all other methods have been discounted then to surface water sewer if available which should be by way of consent by Yorkshire Water. A revised site plan submitted in February 2019 confirms controlled discharged of surface and foul water drainage to the public sewer. Yorkshire Water has confirmed they have no objection to this drainage strategy.

5.0 CONCLUSION

5.1 The revised proposal for outline planning permission for the erection of two detached dwellings with the layout also to be determined at this stage is considered to respect the existing character of the area by providing a decent set back from the public highway and retaining existing landscape features including the protected trees and boundary hedgerows. The proposed site plan shows a development that would protect neighbour amenity and would provide sufficient off street parking. Subject to the following planning conditions the proposed development is considered to acceptable with regard to the relevant national, local and neighbourhood planning policies and is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: access, appearance, landscaping, and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

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

426-A02 rev H received 26 February 2019

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

4 VISQ8 Samples of exterior materials to be app

5 Prior to the commencement of development an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, ground protection, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

6 Prior to the development commencing, details of car and cycle parking areas, including enclosures if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the car and 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 cars and cycles.

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

7 Prior to the development coming into use, the initial 5m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site. Elsewhere within the site all areas used by vehicles shall be surfaced and drained, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

8 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the verge/full height kerb to match adjacent levels.

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Reason: In the interests of good management of the highway and road safety.

9 No dwelling on the site shall be occupied until turning areas have been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

10 HWAY28 IN Proximity of gate etc to highway

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

Reason

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

Notes

Alternatively, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.

All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

12 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 any windows in the side elevations of the dwellings at first floor level shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and remain fixed shut.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

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13 The dwellings to be erected on this site shall be no more than the following heights above existing ground level:

Plot 1 to be no more than 5.9 metres.

Plot 2 to be no more than 6.3 metres.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area.

14 NOISE7 Restricted hours of construction

15 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Class F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of preventing hard surfacing being laid over the root protection area of the existing trees at the site which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

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:

Revised plans to reduce the scale of the development from 3 dwellings to 2 dwellings, to determine the drainage strategy and to minimise the impact on the protected trees.

Contact details:

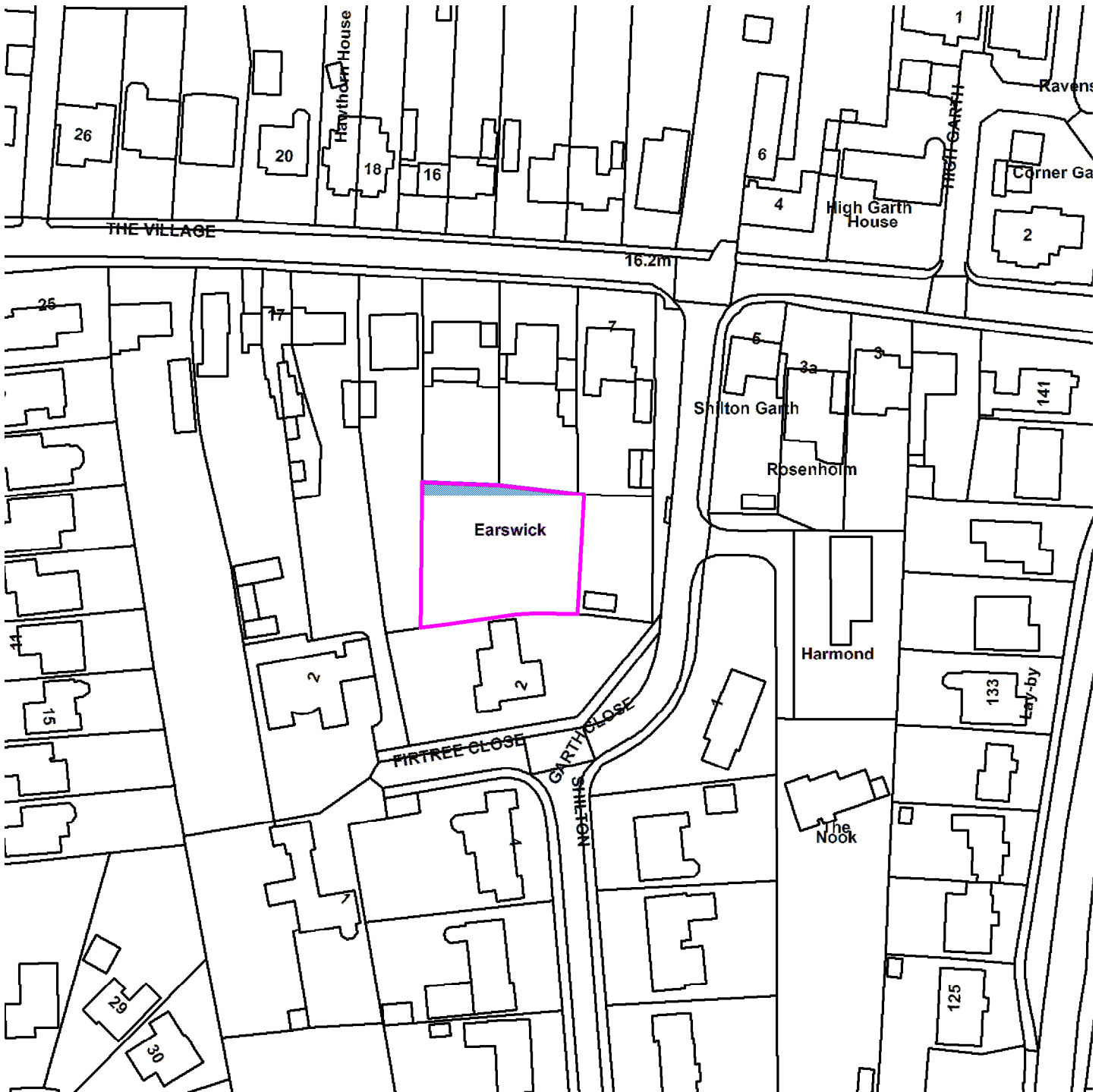
Author: Tim Goodall Development Management Officer

Tel No: 01904 551103

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18/01923/OUT

Proposed Residential Development Site, Shilton Garth Close



Scale : 1:1140

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	12 March 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20 March 2019 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 16/02545/FULM
Application at: London Ebor Developments Plc Millfield Business Centre
Millfield Lane Nether Poppleton York
For: Change of use from warehouse (use class B8) to gym (use
class D2)
By: Mr Stewart Gray
Application Type: Full Application
Target Date: 23 November 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of part of the building (Use Class B2, B8) to a gym (Use Class D2). The proposed floor layout show 3 separate rooms for the gym activities with one of the rooms with gym equipment and the other 2 rooms to be used for classes. Classes are expected to cater for between 20 to 25 participants with a maximum due to room size of 30 participants. There are expected to be 10 classes per day. The proposed use would employ 6 full time positions and 10 part time positions. An ancillary cafe would also be proposed. With the exception of the alterations to the car park layout no external alterations are proposed.

1.2 The existing car park is shared with the other uses within the Millfield Centre (circa 18 units). Through the application process revised plans have been submitted extending the red line to include the parking area for the Millfield Centre. The proposed use would have 52 allocated vehicle parking spaces and a further 6 spaces available after 17.00 hours and 15 Sheffield stands providing 30 cycle parking spaces.

1.3 The anticipated peak times are after 18.00 hours. The proposed opening hours would be :

Monday to Friday 06.00 to 22.00 hours
Saturdays, Sundays 07.00 to 20.00 hours

1.4 The site is surrounded by industrial units to the north, east and south. Manor School is to the west.

2.0 POLICY CONTEXT

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2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYSP6 Location strategy
- CYSP7A The sequential approach to development
- CYSP8 Reducing dependence on the car
- CYGP1 Design
- CYGP4A Sustainability
- CYT4 Cycle parking standards
- CYE3B Existing and Proposed Employment Sites

2.2 The Publication Draft York Local Plan

- DP4 Approach to Development Management
- EC2 Loss of Employment Land
- R1 Retail Hierarchy and Sequential Approach
- HW3 Built Sport Facilities
- D1 Placemaking
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- T1 Sustainable Access
- T7 Minimising and Accommodating Generated Trips

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections, the applicant has provided details of car park allocation and operation. Still have concerns over the displacement of other cars currently occupying the car park. The management company have been reluctant to move these cars in the preceding months, so some doubts that they are capable of implementing their 'permit scheme'. However, should the allocation plan be adhered to, the gym should be acceptable in terms of their own parking. As pointed out, the applicant and overarching Management Company, should not need to provide parking or indeed measures to mitigate indiscriminate parking caused by insufficient space made available by other businesses.

3.2 Request Condition HWAY19.

PUBLIC PROTECTION

3.3 Request condition for one electric vehicle recharging point and INF11

FORWARD PLANNING

3.4 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, advise that the policy requirements of emerging Plan policies EC2 and R1 should be applied with moderate weight.

3.5 The key policy test for the change of use from warehouse to leisure is whether the site is needed for employment use. Whilst a sufficiently detailed economic statement has not been submitted by the applicant have been advised to look at marketing information submitted for a separate application for the same site which demonstrates that the property is no longer fit for purpose. It is also noted that the proposed use as a gym whilst outside of the B use classes is still an employment generating use.

3.6 The principle of a D2 leisure use in this location can only be supported subject to detailed site specific considerations including the sequential test. This has been completed by the applicant who concluded there are no sequentially preferable sites. Agree there are no sequentially preferable sites for the proposals at this time.

3.7 On the basis of our analysis and conclusion, would not raise a policy objection to this application, subject to any comments from colleagues in economic growth on the loss of B use employment in this location.

ECONOMIC GROWTH TEAM

3.8 Object, would result in the loss of over 20,000 sq. ft. of good quality B1 (c) employment space in close proximity to York's major road network. The Economic Growth service objects to this proposed loss of employment space and advocates that the use of the property for light industrial space should be retained to support business growth and employment in York. There are currently close to 9,000 manufacturing and construction jobs in York and the loss of suitable employment space across York represents a barrier to business growth

3.9 Both anecdotal evidence through business engagement and recent industrial availability data provided by Co-Star demonstrates a strong demand for industrial space. Make It York have reported a strong demand for premises through their Key Account Management visits to local businesses with a large number of searches being requested for light industrial units. This is supported by recent availability data provided by Co-Star which shows an overall vacancy rate of 2% for industrial space in York indicating strong demand with little under construction.

3.10 data indicates that "York's vacancy rate has come down sharply in recent years, from over 10% in 2011 to below 2% in 16Q1, where it has stayed since. For more than two years, the market has been among the three tightest in the UK. Most

of the available industrial space in York was leased during a period of strong demand from 2014 through early 2016. Leasing activity has been muted since, with little available in the nearly full-occupancy market. On the supply side, there has been a persistent lack of new deliveries that has aided vacancy compression, making York the tightest market in the Yorkshire and Humber region.

3.11 The market's low vacancy rate and lack of development could hinder future demand". Given the shortage of industrial accommodation in York, the Economic Growth service objects to the proposed planning application. The employment space provided at Millfield Business Centre is important to support business growth in York and create jobs for local people and therefore its use as light industrial space should be retained.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

NETHER POPPLETON PARISH COUNCIL

3.12 Object, Insufficient parking for users. High potential for parking on the road creating further obstructions on the bus route and lorries for accessing trade premises

3.13 Inappropriate use of business park premises

3.14 The development of the former Civil Service Site will create additional pressures on this section of the road

3.15 Manor Academy should be consulted as there will be an impact on the student safety with the above caveats on parking,

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.16 ONE REPRESENTATION OF COMMENTS

- There would be demand for a larger area for car parking than is currently provided. There needs to be sufficient access for HGVs delivering to the surrounding business units. Concern there would be parking along neighbouring roads and in other business allocated parking spaces.

4.0 APPRAISAL

KEY ISSUES

- Location of the use and loss of industrial accommodation
- Highways
- Employment

ASSESSMENT

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.2 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 February 2019, 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).

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

4.4 The revised National Planning Policy Framework was published on 19 February 2019 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in February 2019, although the weight that can be afforded to them is very limited.

POPPLETON NEIGHBOURHOOD PLAN (2017)

4.6 Policy PNP7 of the Neighbourhood Plan states proposals for new business development on established business parks in the Plan Area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the applications. The supporting text sets out the following: Millfield Lane is a linear business park with small units employing 10 or less. It is located opposite to Manor Academy and the area is congested at peak hours with school traffic. It is considered by employers to be a convenient site. It has capacity for additional businesses in the current premises.

POPPLETON VILLAGE DESIGN STATEMENT (2003)

4.7 The Poppleton Village Design Statement has a number of policies relevant to the application: Guidelines 29, 38, and 39

LOCATION OF THE USE AND LOSS OF INDUSTRIAL ACCOMMODATION

4.8 Policy E3b of the Draft 2005 Local Plan seek to keep all employment uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. Policy EC2 of the Draft Local Plan (2018) sets out that if the proposal would result in a loss of employment land the applicants should provide information demonstrating the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The broad intention of these policies does not conflict in principle with the NPPF.

4.9 The NPPF states a sequential test is required for main town centre uses that are not within an existing centre. When considering out of centre proposals preference should be given to accessible sites that are well connected to the town centre. The applicant has submitted a sequential test and they demonstrate that the proposed use could not be located within the city centre. The floor area of the proposed use does not meet the threshold for the submission of an impact assessment.

4.10 The Economic Growth Team have expressed concern regarding the loss of the industrial use, and that the vacancy rate for business unit is very low (2%) and the York market is one of the most constrained in the UK- there is a strong demand with little under construction. The proposed unit is circa 1000 sq metres. Despite requests the applicant did not submit an economic statement however information was submitted for a recent application for the same unit (18/02080/FUL - also before cllrs at this committee meeting). The unit has been marketed since May 2016 and has been widely advertised. The selling/letting agents advise they have received 16

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enquiries and the interest has been shown in the site for mainly for leisure uses. The letting agents state there are varying reasons why the site is not attractive for industrial use these include the unit's low internal heights, and poor large vehicle access/circulation within the site . The proposal would result in the loss of the building/units being available for business use and would therefore negatively impact on the City's employment land.

4.11 The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.12 There is a presumption in favour of sustainable development which, for decision taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted (paragraph 11). Current Government policy is to assist the economy, sustainable development proposals should be allowed unless they would compromise the key sustainable development principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 38). Planning policies and decisions should, among other things, plan positively for the provision of community facilities. Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 80).

4.13 The proposed development would result in the creation 6 full time positions and 10 part time positions which is similar to the number of jobs the current unit could create in their existing permitted use. A small cafe area is proposed, and is proportional to the proposed use, a cafe is a reasonable and expected requirement of this type of leisure use and is considered to be ancillary to the proposed use.

4.14 The use would add to the leisure opportunities available to the residents of York and approval would support the local economy. The NPPF is supportive of sports and recreation opportunities. The site is in a commercial area and the use of the leisure use would be unlikely to have any material impact on the adjacent occupiers in terms of noise etc.

4.15 The proposal falls within class D2 (Assembly and leisure) of the Use Classes Order. Permitted uses within D2 use class include cinemas; music and concert halls, bingo and dance halls, swimming baths, and skating rinks. Change of use to a different use within the same use class does not normally require planning permission. Whilst the currently proposed use is acceptable in this area - subject to appropriate conditions - the characteristics of other uses in class D2 may make those uses unacceptable. A condition should therefore be attached limiting the planning permission to the current use only and no other use within class D2.

HIGHWAYS AND PARKING

4.16 As the car park would be re-organised to provide additional parking spaces (52 in total, with a further 6 available after 17.00 hours) a net gain of 14 spaces. 30 cycle parking spaces would be also be provided. There is a bus service passing the site (No. 10 approx every 30 mins). The site will utilise the existing access from Millfield Lane. The plans and the supporting information indicate there should potentially be sufficient parking for customers at peak times together with some staff parking provision and Highway Network Management agree with this conclusion. It is proposed that all members / staff would be issued with identifiable vehicle stickers matched to vehicle registrations to ensure suitable checking and enforcement can take place onsite. Millfield Lane has double yellow lines preventing vehicle parking. The proposed parking provision is below the CYC Appendix E maximum standards relating to leisure use; however, the applicant has provided parking accumulation figures which indicate that the proposed parking provision would be sufficient for the proposed use.

4.17 It is considered reasonable to require a recharging point for electric vehicles within the car park, this can be sought via condition. The site will utilise the existing access from Millfield Lane.

5.0 CONCLUSION

5.1 The proposed development would result in the loss of Business use class employment uses from the building. However the physical limitations (low internal height and eaves) of the building limit the future potential for B1, B2, and B8 uses furthermore the site has been marketed for some time with little interest for business uses. The proposed use would provide some employment opportunities. The proposed use would add to the leisure opportunities available to the residents of York and would support the local economy.

5.2 The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Information has been submitted to demonstrate that there is

little prospect of the site being used within the Business use class. On balance it is considered that the change of use of the unit to the proposed use acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number FS001/001 Revision F 'Location and Site Plans' received 14 November 2017;

Drawing Number FS001/020 Revision E 'Proposed Ground Floor Plan' received 19 June 2017;

Drawing Number FS001/021 'Proposed First Floor Plan' received 19 June 2017;

Drawing Number FS001/022 'Proposed Elevations' received 19 June 2017;

Figure 1 'Clarification on Designated Parking Areas' received 26 February 2018;

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 premises shall be used as a gym and for no other purpose, including any other purpose in Class D2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: Whilst the proposed use is considered acceptable in this area, the characteristics of other uses within class D2 may make such uses unacceptable in terms of highway and parking impacts, the impact on the surrounding road network, the occupants of neighbouring buildings and the character of the area. This condition is therefore required to enable the Local Planning Authority to re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 HWAY19 Car and cycle parking laid out

5 A minimum of one no. electric vehicle recharge point shall be provided with the parking area. The recharge points should be installed prior to first occupation of the building. The location and specification of the recharge points shall be submitted and approved in writing by the Local Planning Authority prior to installation.

INFORMATIVE: Electric Vehicle Charging Points should incorporate a suitably rated

Application Reference Number: 16/02545/FUL

32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 110 of the National Planning Policy Framework.

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:

- Requested additional information
- Requested revised plans
- Use of conditions

2. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to

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the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

Contact details:

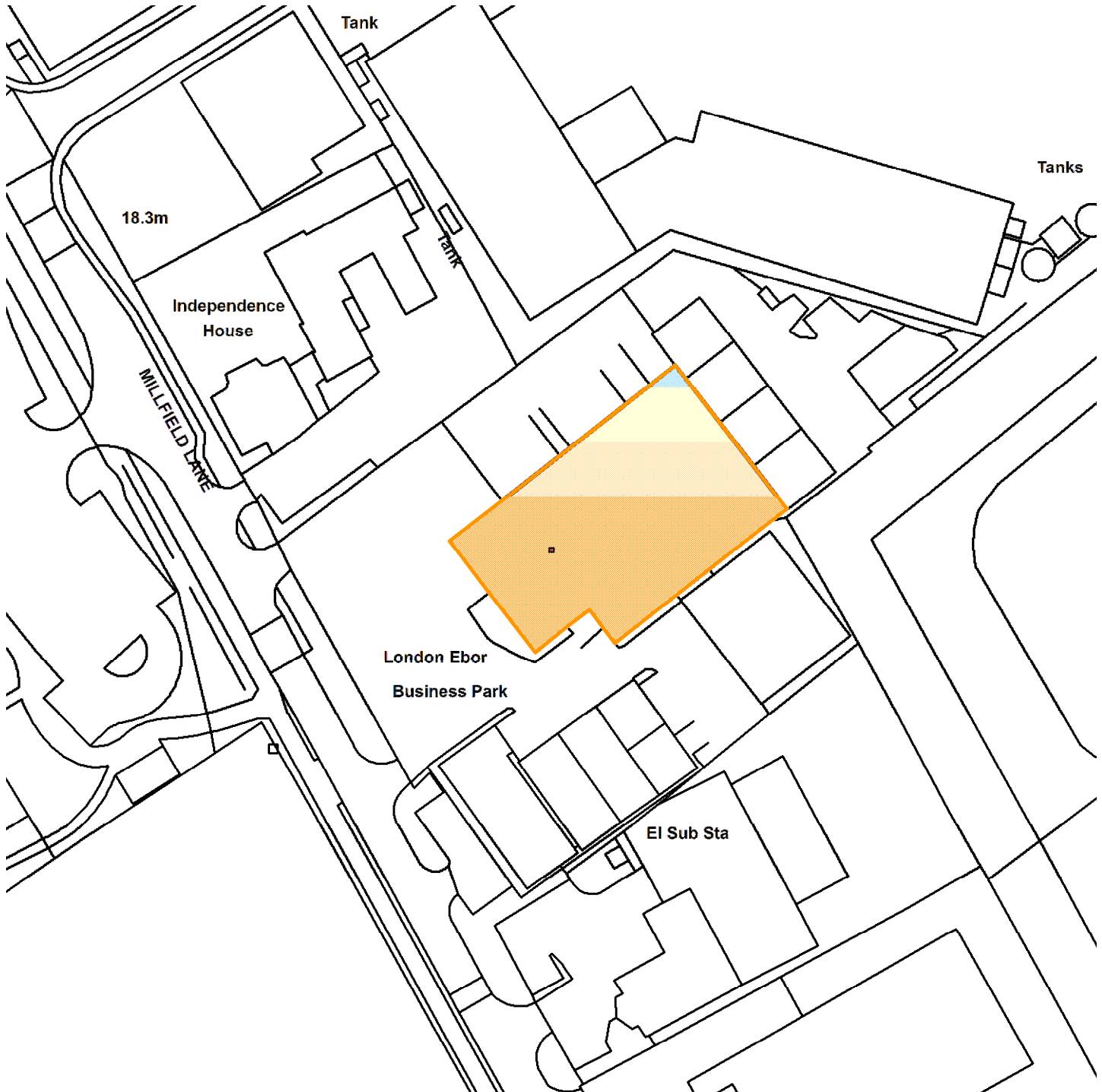
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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16/02545/FULM

London Ebor Developments Plc, Millfield Business Centre



Scale : 1:1140

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	12 March 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20 March 2019 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 18/02080/FULM
Application at: London Ebor Developments Plc Millfield Business Centre
Millfield Lane Nether Poppleton York
For: Change of use from existing offices and warehouse to
adventure play park (class D2)
By: Mr Costelloe
Application Type: Full Application
Target Date: 28 March 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks consent for the change of use of part of the ground floor and part of the first floor units (Use Class B2 and B8) to an adventure play park (D2 use) including a cafe with 70 covers. There would be a soft play element and 'Ninja' and 'Parkour' element. The external alterations are the removal of the vehicle ramps to the north west elevation and the introduction of small staircases to the 2 no. fire escapes in this elevation. There would also be a re-organisation of the car park to create 75 spaces. The maximum number of visitors at peak time would be 225 including staff although the applicant advises the maximum capacity would be 308 people.

1.2 The proposed development would create 8 full time positions and 20 part time positions. The applicants expect 72 vehicular visits per week day, and 180 vehicle visits at the weekend

1.3 The anticipated peak times are expected to be Mondays to Fridays 18.00 to 20.30, and Saturdays and Sundays all day. The proposed opening hours would be :

Monday to Friday 09.30 to 21.00
Saturdays, Sundays, and Bank Holidays 09.30 to 21.00

1.4 During the application process information was requested including details of the marketing of the unit, a sequential test, and impact assessment, revisions to the car parking layouts, revisions to the elevation, details of the proposed business.

1.5 The site is surrounded by industrial units to the north, east and south. Manor School is to the west.

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYSP6 Location strategy
- CYSP7A The sequential approach to development
- CYSP8 Reducing dependence on the car
- CYGP1 Design
- CYGP4A Sustainability
- CYT4 Cycle parking standards
- CYE3B Existing and Proposed Employment Sites

2.2 The Publication Draft York Local Plan

- DP4 Approach to Development Management
- EC2 Loss of Employment Land
- R1 Retail Hierarchy and Sequential Approach
- HW3 Built Sport Facilities
- D1 Placemaking
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- T1 Sustainable Access
- T7 Minimising and Accommodating Generated Trips

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 We have no objections to the proposed development from a highways point of view. Traffic generation at peak times is unlikely to be materially different from the existing use due to the nature of the expected peak times relating to the development. The site will utilise the existing access from Millfield Lane. The applicant has amended drawings to establish a car parking plan that functions well, providing 71 spaces and leaving access to nearby industrial units. The proposed parking provision is considerably lower than the CYC Appendix E standards relating to leisure use; however, the applicant has provided visitor accumulation figures based on experience of other parks, which shows that 71 spaces will accommodate the anticipated maximum number of 225 staff and visitors.

3.2 The site is in a relatively sustainable location located just within the ring road. There are bus stops within suitable walking distance served by a half hourly bus service in to the city. The estate is served by off road cycle lanes and footways

which connect to nearby settlements of Poppleton and Boroughbridge Road via Millfield Lane. Request conditions HWAY18 and 19.

PUBLIC PROTECTION

3.3 Due to the location of the proposed adventure play park being within an industrial/commercial area and the previous use was as offices and warehouse use then this proposed use should not create any additional noise within the area and as such do not have any objections.

3.4 Request 1 electric vehicle recharging point via condition

FORWARD PLANNING

3.5 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging Plan policies EC2 and R1 should be applied with moderate weight.

3.6 The key policy test for the change of use from warehouse to leisure is whether the site is needed for employment use. Whilst a sufficiently detailed economic statement has not been submitted by the applicant we have been advised to look at marketing information submitted by separate applicant for the same site which demonstrates that the property is no longer fit for purpose. It is also noted that the proposed use as an adventure play park whilst outside of the B use classes is still an employment generating use.

3.7 The principle of a D2 leisure use in this location can only be supported subject to detailed site specific considerations including the sequential and impact tests. These have been completed by the applicant who concluded there are no sequentially preferable sites and that the proposals will not impact upon York city centre or other regional centres. agree there are no sequentially preferable sites for the proposals at this time and that there will be no detrimental impact on the vitality and viability of the city centre.

ECONOMIC GROWTH TEAM

3.8 Object, would result in the loss of over 20,000 sq. ft. of good quality B1 (c) employment space in close proximity to York's major road network. The Economic Growth service objects to this proposed loss of employment space and advocates that the use of the property for light industrial space should be retained to support business growth and employment in York. There are currently close to 9,000 manufacturing and construction jobs in York and the loss of suitable employment space across York represents a barrier to business growth

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3.9 Both anecdotal evidence through business engagement and recent industrial availability data provided by Co-Star demonstrates a strong demand for industrial space. Make It York have reported a strong demand for premises through their Key Account Management visits to local businesses with a large number of searches being requested for light industrial units. This is supported by recent availability data provided by Co-Star which shows an overall vacancy rate of 2% for industrial space in York indicating strong demand with little under construction.

3.10 Data indicates that "York's vacancy rate has come down sharply in recent years, from over 10% in 2011 to below 2% in 16Q1, where it has stayed since. For more than two years, the market has been among the three tightest in the UK. Most of the available industrial space in York was leased during a period of strong demand from 2014 through early 2016. Leasing activity has been muted since, with little available in the nearly full-occupancy market. On the supply side, there has been a persistent lack of new deliveries that has aided vacancy compression, making York the tightest market in the Yorkshire and Humber region.

3.11 The market's low vacancy rate and lack of development could hinder future demand". Given the shortage of industrial accommodation in York, the Economic Growth service objects to the proposed planning application. The employment space provided at Millfield Business Centre is important to support business growth in York and create jobs for local people and therefore its use as light industrial space should be retained.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

NETHER POPPLETON PARISH COUNCIL

3.12 Object, The area is used extensively by other business with lorries and heavy vehicles concerned there may be safety issues with children visiting the site

3.13 There is insufficient offices and warehouse space in this area, and it is an industrial estate. There would be a loss of potential employment space should this change of use be approved.

3.14 The change of use would demand a bigger area for car parking than is currently provided. There needs to be sufficient parking for clients within the curtilage of the current parking areas to prevent additional parking on Millfield Lane, which is an issue for the bus services and frequently creates delays.

3.15 The development of the former Sugar Beet site will create additional pressures on this section of the road

3.16 Manor Academy should be consulted as there will be an impact on the student safety with the above caveats on parking.

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.17 Two representations of objection

- Full traffic assessment is required
- Without road improvements the traffic flow from the application would add to significant issues between 3 and 5pm on weekdays.
- Loss of employment site without the proper justification, and such loss is not justified by local need
- Under estimates staff numbers and the requirement for visitor parking and as such the site is unsuitable for the proposed use
- Not clear what the proposed centre will provide
- Fails to adequately describe existing facilities in the area
- Existing businesses are more comprehensive range than the proposed
- Compliance with the Equalities Act does not justify the proposed development as other similar uses comply with the act
- The loss of the unit for employment uses would reduce supply and increase the need for new land to be found and developed therefore contrary to policy in the 2005 and 2018 Draft Local Plan
- The type of leisure industry is struggling and the new facility may not survive and will impact on existing facilities which are in competition
- There are existing leisure sites for sale which will avoid the loss of employment site
- In the absence of an impact assessment of the proposal on the existing facilities there is no clear evidence to establish the proposal will bring benefits without harm
- Number of staff and staffing hours have been underestimated a similar nearby use (with reduced opening times to the proposed) employs 60 staff and 1000-1600 hours per week. Impact on viability of the proposed business. Difficulty in recruiting staff due to low wages and limited career progression
- Nearby similar use have 190+ parking spaces and these tend to be full before the facility is full. The proposed parking spaces which also provides access to other business to which larger delivery vehicles will need access. The proposed layout is tight with problematic vehicle turning. Insufficient parking provision the calculations used (3 children to 1 adult in cars) is unrealistic, and nearby similar use the usual ratio is 1 adult to 1 - children. Dwell time of 1.5 hours is unrealistic and average dwelling time would be 3-5 hours. Unlikely people will use public transport to visit the site. Therefore will require double the amount of proposed parking spaces and unable to cater for the parking demand
- No objective transport assessment has been submitted

3.18 Eight representations of support (2 parties made 2 representations)

- Would provide employment
- Healthy activity in a safe environment
- Good access

4.0 APPRAISAL

KEY ISSUES

- Location of the use and loss of industrial accommodation
- Highways
- Employment

ASSESSMENT

PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.2 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 February 2019, 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).

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

4.4 The revised National Planning Policy Framework was published on 19 February 2019 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating

to the general extent of the York Green Belt that this proposal should principally be assessed.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in February 2019, although the weight that can be afforded to them is very limited.

POPPLETON NEIGHBOURHOOD PLAN (2017)

4.6 Policy PNP7 of the Neighbourhood Plan states proposals for new business development on established business parks in the Plan Area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the applications. The supporting text sets out the following: Millfield Lane is a linear business park with small units employing 10 or less. It is located opposite to Manor Academy and the area is congested at peak hours with school traffic. It is considered by employers to be a convenient site. It has capacity for additional businesses in the current premises.

POPPLETON VILLAGE DESIGN STATEMENT (2003)

4.7 The Poppleton Village Design Statement has a number of policies relevant to the application: Guidelines 29, 38, and 39.

LOCATION OF THE USE AND LOSS OF INDUSTRIAL ACCOMMODATION

4.8 Policy E3b of the Draft 2005 Local Plan seek to keep all employment uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. Policy EC2 of the Draft Local Plan (2018) sets out that if the proposal would result in a loss of employment land the applicants should provide information demonstrating the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The broad intention of these policies does not conflict in principle with the NPPF.

4.9 The NPPF states a sequential test is required for main town centre uses that are not within an existing centre. When considering out of centre proposals preference should be given to accessible sites that are well connected to the town centre. The

Application Reference Number: 18/02080/FUL

applicant has eventually submitted a sequential test and impact assessment and they demonstrate that the proposed use could not be located within the city centre. The impact assessment demonstrates that it is unlikely to negatively affect the viability and vitality of the town centre and consumer choice.

4.10 The Economic Growth Team have expressed concern regarding the loss of the industrial use, and that the vacancy rate for business units is very low (2%) and the York market is one of the most constrained in the UK- there is a strong demand with little under construction. The unit has been marketed since May 2016 and has been widely advertised. The selling/letting agents advise they have received 16 enquiries and the interest has been shown in the site for mainly for leisure uses. The letting agents state there are varying reasons why the site is not attractive for industrial use these include the unit's low internal heights, and poor large vehicle access/circulation within the site. The proposal would result in the loss of the building/units being available for business use and would therefore negatively impact on the City's employment land.

4.11 The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.12 There is a presumption in favour of sustainable development which, for decision taking, means approving proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted (paragraph 11). Current Government policy is to assist the economy, sustainable development proposals should be allowed unless they would compromise the key sustainable development principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 38). Planning policies and decisions should, among other things, plan positively for the provision of community facilities. Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 80).

4.13 The proposed development would result in the creation 8 full time positions and 20 part time positions which is similar to the number of jobs the current unit could create in their existing permitted use. A cafe with 70 covers is proposed, whilst relatively large, a cafe is a reasonable requirement of this type of leisure use and is considered to be ancillary to the proposed use.

4.14 The use would add to the leisure opportunities available to the residents of York and approval would support the local economy. The NPPF is supportive of sports and recreation opportunities. The site is in a commercial area and the use of the leisure use would be unlikely to have any material impact on the adjacent occupiers in terms of noise etc.

4.15 The proposal falls within class D2 (Assembly and leisure) of the Use Classes Order. Permitted uses within D2 use class include cinemas; music and concert halls, bingo and dance halls, swimming baths, and skating rinks. Change of use to a different use within the same use class does not normally require planning permission. Whilst the currently proposed use is acceptable in this area - subject to appropriate conditions - the characteristics of other uses in class D2 may make those uses unacceptable. A condition should therefore be attached limiting the planning permission to the current use only and no other use within class D2.

HIGHWAYS AND PARKING

4.16 The car park would be re-organised to provide additional parking spaces (71 in total), and the plans indicate 10 cycle parking spaces The site will utilise the existing access from Millfield Lane. There is a bus service passing the site (No. 10 approx every 30 mins). The estate is served by off road cycle lanes and footways which connect to Poppleton and the city. The proposed parking provision is lower than the CYC Appendix E standards relating to leisure use; however, the applicant has provided visitor accumulation figures based on experience of other parks, which shows that 71 spaces will accommodate the anticipated maximum number of 225 staff and visitors.

4.17 It is considered reasonable to require a recharging point for electric vehicles within the car park, this can be sought via condition.

5.0 CONCLUSION

5.1 The proposed development would result in the loss of Business use class employment uses from the building. However the physical limitations (low internal height and eaves) of the building limit the future potential for B1, B2, and B8 uses furthermore the site has been marketed for some time with little interest for business uses. The proposed use would provide some employment opportunities. The proposed use would add to the leisure opportunities available to the residents of York and would support the local economy.

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5.2 The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Information has been submitted to demonstrate that there is little prospect of the site being used within the Business use class. On balance it is considered that the change of use of the unit to the proposed use acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number 5029/040319/02 'Proposed_Ground_Floor' received 04 March 2019;

Drawing Number 5029/040319/03 'Proposed_First_Floor' received 04 March 2019;

Drawing Number 5029/040319/04 'Proposed_Elevation_Plan' received 04 March;

Drawing Number 5029/180219/05 'Proposed Parking Plan' received 18 February 2019;

Location Plan received 05 December 2018;

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 premises shall be used as an adventure play park and for no other purpose, including any other purpose in Class D2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: Whilst the proposed use is considered acceptable in this area, the characteristics of other uses within class D2 may make such uses unacceptable in terms of highway and parking impacts, the impact on the surrounding road network, the occupants of neighbouring buildings and the character of the area. This condition is therefore required to enable the Local Planning Authority to re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 A minimum of one no. electric vehicle recharge point shall be provided with the parking areas hereby approved. The recharge points should be installed prior to first occupation of the building. The location and specification of the recharge points shall be submitted to and approved in writing with the Local Planning Authority prior to

Application Reference Number: 18/02080/FUL

installation.

INFORMATIVE: Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 110 of the National Planning Policy Framework.

5 HWAY18 Cycle parking details to be agreed

6 HWAY19 Car and cycle parking laid out

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:

- Requested additional information
- Requested revised plans
- Use of conditions

2. DEMOLITION AND CONSTRUCTION INFORMATIVE

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

- (i) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Application Reference Number: 18/02080/FUL

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Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

(iii) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

(iv) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(v) There shall be no bonfires on the site.

(vi) In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

3. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

Contact details:

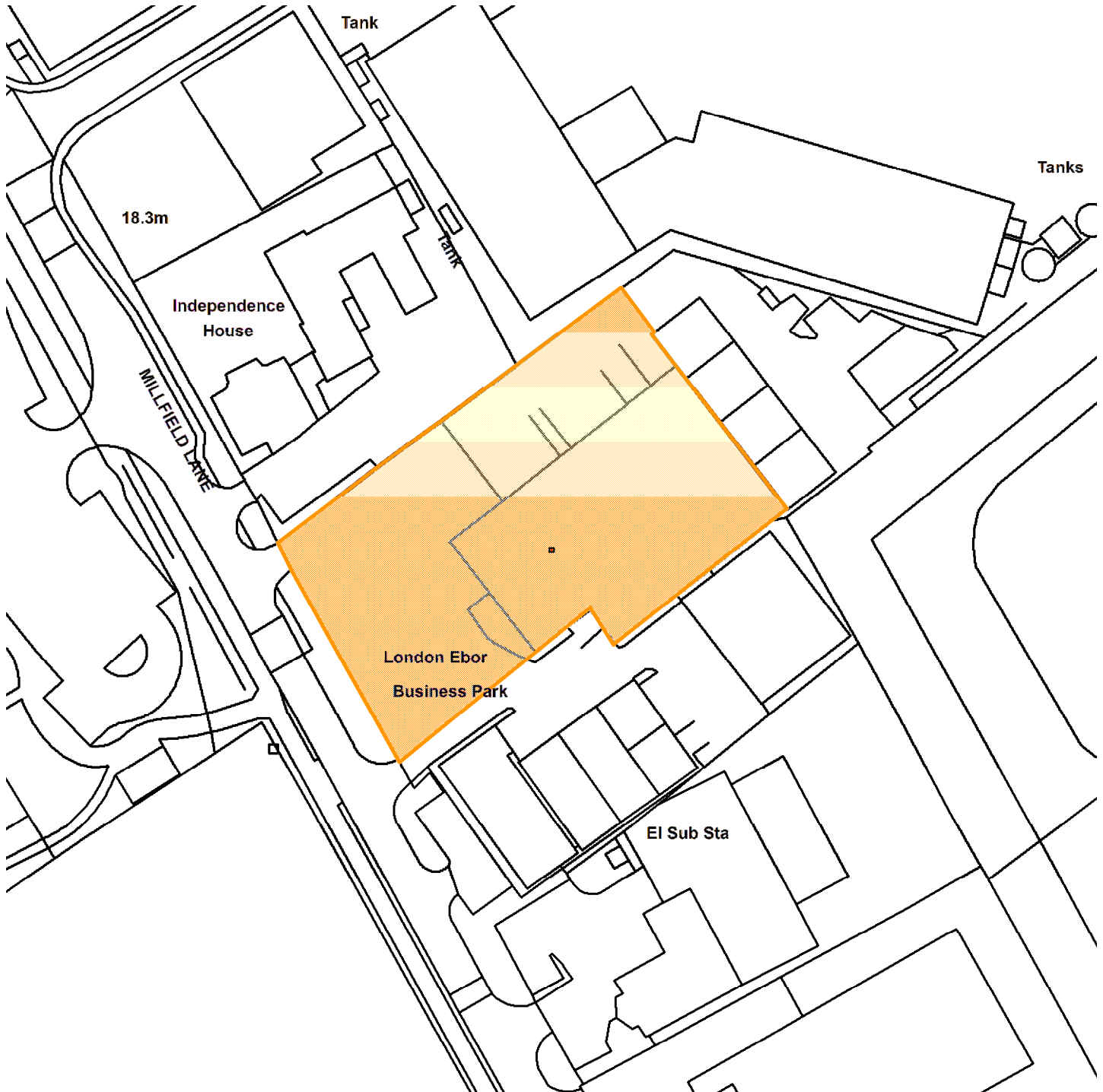
Author: Victoria Bell Development Management Officer

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18/02080/FULM

London Ebor Developments Plc, Millfield Business Centre



Scale : 1:1140

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	12 March 2019
SLA Number	Not Set

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COMMITTEE REPORT

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

Reference: 19/00083/FULM
Application at: Lincoln Court Ascot Way York
For: Three storey extension to accommodate 15no. new flats with associated alterations to internal layout of existing flats (creating 10 new flats in total), single storey front extension to form new main entrance, erection of plant room to side, reconfiguration of parking provision and associated landscaping works including new boundary fencing
By: City Of York Council
Application Type: Major Full Application (13 weeks)
Target Date: 25 April 2019
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

1.1 Lincoln Court comprises a part two/part three storey brick built development of extra-care housing for the elderly dating to the early 1970s lying within a suburban residential area to the south of the Acomb District Centre.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planning History

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

Relevant planning history at Lincoln Court

18/01872/FULM Three storey rear extension to accommodate 10no. new flats with communal facilities, single storey front extension to form new main entrance, erection of plant room to side, reconfiguration of parking provision and associated landscaping works including new boundary fencing; Application approved 21 December 2018

Relevant planning history at Windsor House

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

2.0 POLICY CONTEXT

2.1 PUBLICATION DRAFT LOCAL PLAN 2018

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

2.2 DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

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

3.0 CONSULTATIONS

INTERNAL

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

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

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

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

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

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

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

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

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

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

Highways Network Management

3.8 Any views will be reported verbally at the meeting.

Public Protection

3.9 Recommends conditions in respect to land contamination.

Flood Risk Management Team

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

Public Realm

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

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

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

EXTERNAL

Sport England

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

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

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

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

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

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

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

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

Yorkshire Water

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

Ainsty (2008) Internal Drainage Board

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

Publicity and Notification

Councillor Waller (Ward Councillor for Westfield Ward)

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

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

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

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

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

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

Foxwood Residents Association

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

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

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

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

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

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

Letters of Objection

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

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

4.0 APPRAISAL

4.1 Key Issues

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

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

NATIONAL PLANNING POLICY FRAMEWORK

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

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

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

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

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

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

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

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

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

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

Publication Draft Local Plan (2018)

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

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

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

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

Policy H9 Older Person Specialist Housing

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

4.12 The evidence base relevant to this application includes:

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

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Development Control Local Plan (2005)

4.13 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

ASSESSMENT

Principle of the development

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

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

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

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

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

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

Loss of existing sport facilities

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

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

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

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

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

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

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

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

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

Impact upon the residential amenity of neighbouring properties

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

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

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

4.30 There would be some loss of sunlight from the rear part of the adjacent garden particularly during afternoons in spring and autumn but the impact would be no more significant than experienced by the adjoining properties from the existing development. An objection has been received from occupiers of No. 87 Kingsway West regarding overlooking and lights from the development, however this property is adjacent to the existing Lincoln Court building, with the development only comprising of internal alterations; therefore the proposals would result in limited impact to this adjacent property over and above the existing situation.

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

Impact upon the visual amenity of the wider street scene

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

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

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

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

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

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

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

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

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

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

Flood Risk and Drainage

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

Landscaping and boundary treatment

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

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

Ecology

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

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

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

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

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

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

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

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

Waste and recycling

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

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

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

5.0 CONCLUSION

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

5.2 Additionally, the proposals would not give rise to an adverse impact upon the visual amenity of the wider street scene, the residential amenity of neighbouring properties or the safety and convenience of highway users. There would be adequate provision for waste and recycling storage areas within the site, and conditions will ensure that biodiversity could be compensated for.

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

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIME2 Development start within three years

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

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

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

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

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

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

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

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

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

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

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

Reason: So as to achieve a visually cohesive appearance.

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

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

5 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety,

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

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

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

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

Reason: In the interests of highway safety.

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

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

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

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Framework (NPPF).

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

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

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

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

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

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

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

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Design considerations.

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

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

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

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

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

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

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

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

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

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

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

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

- a) a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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

jeopardize the protected species, before the species is harmed.

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

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

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

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

7.0 INFORMATIVES:

Notes to Applicant

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

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

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

2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries

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to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

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

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

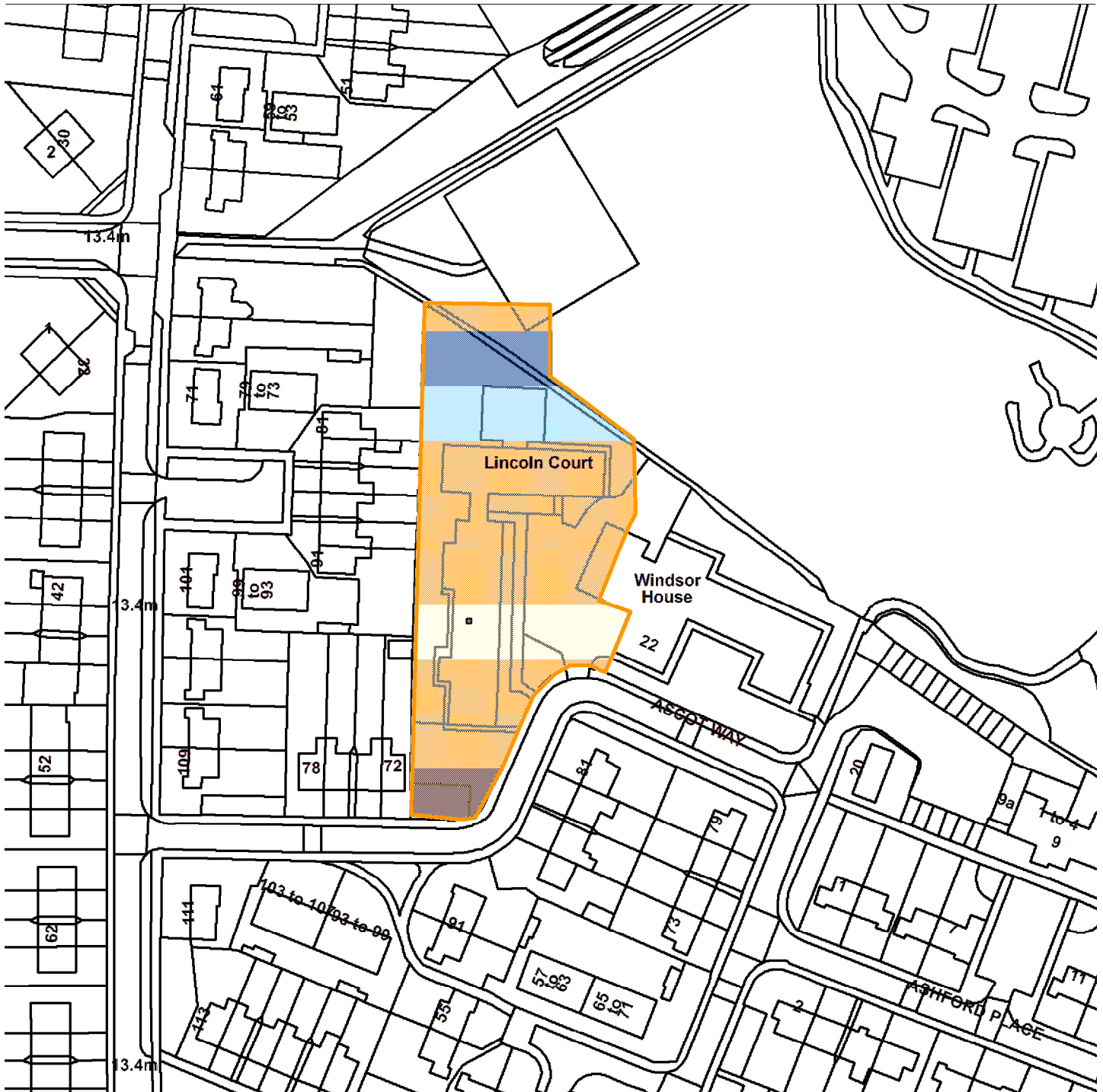
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Lincoln Court Ascot Way



Scale : 1:1140

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	12 March 2019
SLA Number	Not Set

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Area Planning Sub Committee**20 March 2019****Appeals Performance and Decision Summaries****Summary**

- 1 This report (presented to both Planning Committee and the Area Planning Sub Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 October and 31 December 2018, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. The Government use the quarterly statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on applications made during the assessment period being overturned at appeal.
- 3 The tables below include all types of appeals such as those against the refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates. Table 1 shows results of appeals decided by the Planning Inspectorate for the quarter 1 October to 31 December 2018 and the corresponding quarter for 2017, Table 2 shows performance for the 12 months 1 January 2018 to 31 December 2018 and the corresponding period 2017.

Table 1: CYC Planning Appeals Last Quarter Performance

	01/10/18 to 31/12/18(Last Quarter)	01/10/17 to 31/12/17 (Corresponding Quarter)
Allowed	1	4
Part Allowed	0	0
Dismissed	13	6
Total Decided	14	10
% Allowed	7%	40%
% Part Allowed	-	

Table 2: CYC Planning Appeals 12 month Performance

	01/01/18 to 31/12/18 (Last 12 months)	01/01/17 to 31/12/17 (Corresponding 12 month period)
Allowed	14	12
Part Allowed	0	1
Dismissed	54	27
Total Decided	68	40
% Allowed	21%	30%
% Part Allowed	-	2.5%

Analysis

- 5 Table 1 shows that between 1 October and 31 December 2018, a total of 14 appeals were determined by the Planning Inspectorate. Of those, 1 was allowed (7%). There were no appeals relating to “major” developments during this reporting period. By comparison, for the same period 2017, out of 10 appeals 4 were allowed (40%). Using the assessment criteria set out in paragraph 2 above, 0.24% of the total decisions made in the quarter were overturned at appeal.
- 6 For the 12 months between 1 January 2018 and 31 December 2018, 21% of appeals decided were allowed, which is below the national figure for 2017/18 of 32% of appeals allowed, and below the previous 12 month figure. Using the assessment criteria set out in paragraph 2 above, 0.84% of the total decisions made in the 12 month period were overturned at appeal.
- 8 The summaries of appeals determined between 1 October and 31 December 2018 are included at Annex A. Details as to of whether the application was dealt with under delegated powers or by committee are included with each summary. In the period covered one appeal was

determined following a decision to refuse permission made by the sub-committee/committee.

Table 3: Appeals Decided 01/10/2018 to 31/12/2018 following Refusal by Committee / Sub-Committee

Ref No	Site	Proposal	Officer Recom.	Appeal Outcome
17/02263 /FUL	Beechwood Grange Caravan Club Site, Malton road	26 new caravan pitches and new access road	Refuse	Dismiss

- 9 The list of current appeals is attached at Annex B. There are 17 planning appeals lodged with the Planning Inspectorate (excluding tree related appeals).
- 10 We continue to employ the following measures to ensure performance levels are maintained at around the national average or better:
- i) Officers have continued to impose high standards of design and visual treatment in the assessment of applications provided it is consistent with the NPPF and Draft Local Plan Policy.
 - ii) Where significant planning issues are identified early with applications, revisions are sought to ensure that they can be recommended for approval, even where some applications then take more than the 8 weeks target timescale to determine.
 - iii) Scrutiny is afforded to appeal evidence to ensure arguments are well documented, researched and argued.

Consultation

- 11 This is an information report for Members and therefore no consultation has taken place regarding its content.

Council Plan

- 12 The report is most relevant to the “Building Stronger Communities” and “Protecting the Environment” strands of the Council Plan.

Implications

- 13 Financial – There are no financial implications directly arising from the report.

- 14 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 15 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 16 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 17 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 18 That Members note the content of this report.

Reason

- 19 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

Contact Details

Author:

Gareth Arnold
Development Manager,
Directorate of Economy
and Place

Chief Officer Responsible for the report:

Mike Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 05.03.2019

Specialist Implications Officer(s) None.

Wards Affected:

All

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1 October and 31 December 2018

Annex B – Outstanding Appeals at 11 March 2019

Appeal Summaries for Cases Determined 01/10/2018 to 31/12/2018

Application No: 16/02532/FUL
Appeal by: Mr Kevin Mapplebeck
Proposal: Erection 2no. dwellings and detached garage following demolition of existing dwelling
Site: The New House York Road Naburn York YO19 4PP
Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for the erection of two detached dwellings in place of a single detached dwelling on a site within Naburn village, on the grounds that the proposed development was inappropriate development in the Green Belt and further harm to openness and purposes due to the higher and denser form of development. In dismissing the appeal, the Inspector agreed that the proposal was for redevelopment of the site rather than infilling, having regard to the definition provided by the Council being 'the filling of a small gap in an otherwise built up frontage', and did not therefore fall within paragraph 145(e) of the NPPF. He further concluded that the proposal did fall within paragraph 145(g) of the NPPF, because the proposed development would have an adverse impact on the openness of the village and the contribution it makes to the openness of the Green Belt despite being located within the main body of the village; the replacement of the existing detached house with two would be cumulatively larger in bulk, mass and developed footprint and would reduce the spacing between buildings and increase density. Other considerations, being the additional of further housing and modern energy efficient and flood resilient homes, were not considered to clearly outweigh the substantial harm that would arise. He considered that the proposal would conflict with Policy GB1 of the 2005 Draft Local Plan and Policy GB1 of the 2018 Publication Draft Local Plan.

Application No: 17/02263/FUL
Appeal by: Miss Awa Sarr
Proposal: Provision of additional 26no. serviced all-weather pitches accessed by new tarmac road and installation of new service point with bin store, water and drainage pump
Site: Beechwood Grange Caravan Club Site Malton RoadHuntingtonYorkYO32 9TH
Decision Level: CMV
Outcome: DISMIS

The site is an all weather recreational caravan park in the Green Belt with pitches for 112 touring caravans. The application would provide 26 extra pitches in an adjacent paddock used for dog walking. Consent was refused due to conflict with green belt policy. The inspector found that the proposed scheme would be inappropriate development, encroach visually upon the countryside and have an unacceptable, negative impact on openness. He did not accept the appellants argument that the accessible location, economic benefits of the scheme, unmet demand and planning approval for other caravan sites in the area amounted to the very special circumstances necessary to justify the development. The application was contrary to the RSS, which seeks to protect the Green Belt. He gave the emerging local plan little weight because it is at an early stage towards adoption and he could not be confident that the policy relied on would be adopted in its current form.

Application No: 17/02277/FUL
Appeal by: Mr S Roberts
Proposal: Erection of replacement dwelling
Site: Bracken Hill North LaneHuntingtonYorkYO32 9SU
Decision Level: DEL
Outcome: DISMIS

The appeal property is a modest detached bungalow with detached garage located in the open countryside fronting onto North Lane. The site is situated in the general extent of the green belt. Proposals to replace the dwelling were refused on the grounds of inappropriate development in the green belt as the replacement building would have been materially larger than the original dwelling thereby causing harm to the openness of the green belt. There were no very special circumstances to outweigh this harm. The Inspector agreed that the new dwelling would be materially larger than the original, that the suburban design and associated hard landscaping and garage would not sit comfortably within the countryside setting and that the resultant building would appear prominent and incongruous in views along North Lane and the surrounding area. In conclusion the Inspector dismissed the appeal due to the harm to the green belt as well as the character and appearance of the area.

Application No: 17/02454/LBC
Appeal by: Mr Paul Beattie
Proposal: Dormer window to rear, installation of 2no. rooflights to front and 1no. rooflight to rear, and second floor window to rear
Site: 10 Spen Lane York YO1 7BS
Decision Level: DEL
Outcome: DISMIS

The proposals included a dormer window to the rear roof plane, the installation of a roof light to the front roof plane, roof lights to the front and rear roof plane located at the apex of the roof and the insertion of a second floor window opening to the rear elevation of the grade II listed building. The end of terrace four storey host dwelling house is attached to grade II listed buildings at nos 33 and 35 St. Saviourgate. The proposals for the roof lights and roof dormer were refused due to the identified harm to the significance of the listed building and its setting. The Inspector noted that the host listed building, dating from around 1770, has a relatively well preserved appearance. The steep pitched tiled roof extending across the building, punctuated by chimney stacks, contributes to the significance of the listed buildings, with the parts of the roof slope closest to the Spen Lane gable appearing plain and unbroken. Previous alterations have been made to the front and rear roof slopes of the adjoining listed buildings. However, the visual effect of these roof alterations is contained to a degree by their situation between chimney stacks and the relatively central position of the existing rear dormer. In this context, the proposed roof lights and dormer would be prominent additions and appear as incongruous insertions, with the rear dormer appearing cramped and awkward between the chimney stack and prominent side gable. The apex location of the roof lights would emphasise their prominence and visually break up the roof adjacent to the ridge on both sides. Considered together, the proposals would contribute to a clutter of roof alterations on the listed building, unbalance its composition at roof level and would erode its significance. The works would fail to preserve the special architectural or historic interest of the listed building and there are no identified public benefits that outweigh this harm. The appeal was dismissed.

Application No: 17/02491/ADV
Appeal by: Bharat Patel
Proposal: Display of 5no. internally illuminated fascia signs, 2no. non-illuminated vinyl signs, 3no. internally illuminated freestanding signs, internally illuminated totem sign, internally illuminated menu board and 2 non illuminated banner signs.
Site: Herbert Todd And Sons Ltd Herbert Todd House Monks Cross Drive Huntington York YO32 9GZ
Decision Level: DEL
Outcome: DISMIS

The proposal was for a totem sign at a drive-through restaurant to the rear of the Monks Cross Retail Park. A totem sign of similar dimensions but in a slightly different location to the plans is in situ. The sign was refused express consent as a result of its scale and the consequent impact on visual amenity. The inspector noted that despite the commercial character of the area, signs are predominantly positioned on buildings and do not form dominant features. The proposed sign would appear larger than the building it serves and would therefore be particularly prominent in the streetscene. The lighting proposed would ensure this effect continued into the hours of darkness. The current buildings and landscaping have created a place with a positive character and appearance and the sign would result in harm to this visual amenity. The appeal was dismissed.

Application No: 17/02869/FUL
Appeal by: Mr And Mrs Blacker
Proposal: Erection of detached two storey dwelling following the demolition of existing dwelling
Site: Haygarth Hull RoadDunningtonYorkYO19 5LR
Decision Level: DEL
Outcome: DISMIS

Planning permission was refused for a replacement dwelling in the general extent of Green Belt. The new two storey dwelling was of greater mass and located on open field to the north of the agricultural buildings behind the existing farmhouse. Refusal was twofold - firstly, Green Belt policy grounds from inappropriate development harm to openness that were not outweighed by other considerations, and secondly, harm to character and appearance of the local area due to the proposed position of the dwelling within the site. The Inspector found that the proposal was materially larger in both footprint and volume and therefore fell outside exception 145d of the NPPF and dismissed the appellants claim that the site was previously developed land falling within exception 145g as the proposed site was an open agricultural field. The development was found to be inappropriate by definition. He noted the fundamental aim of Green Belt was to prevent urban sprawl by keeping land permanently open and noted the proposed location in the open field with clear views from Hagg Lane and Common Road and encroachment into undeveloped space. He concluded that there would be harm to the open, rural character and appearance of the area and would conflict with the aims of the Framework in this regard. In the planning balance, the Inspector found that the moderate weight given to the benefits to living conditions from moving the dwelling away from Hull Road and the limited weight to security on the farm, energy efficient and lifetime homes, and the argued fallback position of permitted development rights for the existing farm house, did not clearly outweigh the harm caused by the scheme. Consequently, no very special circumstances existed to justify inappropriate development in the Green Belt and the appeal was dismissed.

Application No: 18/00029/FUL
Appeal by: Mr P Patel
Proposal: Two storey rear extension, single storey side/rear extension and dormer to rear in order to increase size of C4 HMO from 4 bed to 6 bed.
Site: 42 Crossways York YO10 5JQ
Decision Level: DEL
Outcome: DISMIS

The application subject of the appeal was refused because the expansion of the number of HMOs in the locality was already causing problems for residents and the proposals would intensify the adverse impact; the loss of the existing garage and utility room without adequate suitable replacement space and inadequate car parking. The Inspector concluded that there was no evidence of particular problems in respect of noise and disturbance and did not envisage that two additional bedrooms would lead to an unacceptable intensification of the existing HMO use. In terms of storage she noted there were no specific size thresholds for internal storage and that given the generous size of bedrooms and significant communal area at ground floor she did not find against this issue. The Inspector considered that the two tandem parking spaces would render passage of bins or cycles very difficult leading to storage of cycles bins at the front creating a cluttered and unsightly appearance. She noted the bin and cycle storage requirements of 6 unrelated occupants would be greater than those of a single family. The access path at the side was below the Councils minimum standard of 0.9m and would not be convenient to move bins and bikes down. The parking space at the side of the house was substandard and the parking arrangement would be difficult to manage leading to on-street parking.

Application No: 18/00188/FUL
Appeal by: Mr James Maule
Proposal: Two storey and single storey side extension, single storey rear extension and porch to front.
Site: 11 Cayley Close York YO30 5PT
Decision Level: DEL
Outcome: DISMIS

The appeal site is a traditional hipped roof end terraced dwelling with side and rear garden. Planning permission was sought for a two and single storey development with front porch. The development was similar to a previous refused application (ref: 17/00640/FUL). The Council refused the application on the grounds of its width, massing and proximity immediately up against the side boundary of the application site would appear as an unduly prominent and over-dominant addition which would harm the appearance of the street scene and have an overbearing impact on pedestrians using the footpath. The Council also considered that its massing would significantly erode the space to the side of the house and increase the degree of enclosure to the street to a harmful degree and adversely affect the character and appearance of the street scene. The Inspector dismissed the appeal on the grounds that the width of the side extension is significant, not only in relation to the existing dwelling but also because the extension would fill the full width of the side garden and immediately abut the adjacent footpath. The Inspector considered the extension was of an appropriate design, but its position would dominate the appeal property and create a prominent and visually

Application No: 18/00234/FUL
Appeal by: Mr Christopher Ives
Proposal: Three storey and two storey side extension, single storey rear extension and dormer to rear.
Site: Ellerton House Sandy Lane Stockton On The Forest York YO32 9UT
Decision Level: DEL
Outcome: DISMIS

The appeal site is a detached dwelling located within the village but outside of the Conservation Area. Planning permission was sought for the construction of a three and two storey side extension, single storey rear and rear dormer window. The application was refused on the grounds that its design, height, size and scale would represent an incongruous form of development which would not be subservient to, or relate well to the host property and would dominate and unbalance the appearance of the existing dwelling and the street scene. The Inspector dismissed the appeal on the grounds that the proposed tower feature would appear as an anomalous feature in the street and completely out of context both with the host dwelling and surrounding properties. The Inspector concluded on the main issue that the proposal would fail to satisfactorily integrate with the host dwelling and wider character and appearance of the area.

Application No: 18/00354/FUL
Appeal by: Mrs D England
Proposal: Two storey rear extension, single storey side and rear extensions and detached cycle and bin store to rear.
Site: 36 Vanbrugh Drive York YO10 5HE
Decision Level: DEL
Outcome: DISMIS

The application was refused on the grounds that the number of HMOs in the locality was already causing problems for residents and the proposals would intensify the adverse impact; the loss of the existing garage and storage space with no adequate provision for suitable replacement space; inadequate car parking which inhibited external access to the rear of the site. The appeal Inspector concluded that a single additional bedroom would materially increase noise levels or lead to an unacceptable intensification of the existing HMO use. She further concluded that as no specific internal storage standards were brought to her attention the generous size of bedrooms and significant communal area at ground floor were acceptable. However the two tandem parking spaces would render passage of pedestrians with bins or cycles very difficult leading to storage of cycles and bins at the front of the property creating a cluttered and unsightly appearance especially pertinent as the bin cycle storage requirements of 5 unrelated occupants would be greater than those of a single family. She considered that there was sufficient space around parked cars for access to and from the vehicles but tandem spaces and one in the front garden would be difficult to manage likely leading to on-street parking. She noted the restricted carriageway width and parking on the grass.

Application No: 18/00719/FUL
Appeal by: Dr Graham Dykes
Proposal: First floor rear extension.
Site: 4 Farrar Street York YO10 3BZ
Decision Level: DEL
Outcome: DISMIS

The appeal site is an end terrace dwelling. Planning permission was sought for a two storey rear extension in the small courtyard serving the dwelling. An appeal was made against the failure to give notice of a decision within the prescribed period. The LPA determined that the application would have been refused on the grounds that its projection and height would harm the amenity of adjoining residential properties by over-dominance and loss of outlook. The Inspector agreed with the Council and dismissed the development on the grounds that the proposed extension would harm the living conditions of residents of nearby properties due to an overbearing and un neighbourly impact.

Application No: 18/00867/FUL
Appeal by: Mr And Mrs Brown
Proposal: Two storey side extension, single storey side and front extension, formation of new driveway and new entrance to Grange Close, rendering of existing house and replacement windows (revised scheme).
Site: 17 Grange Close Skelton York YO30 1YR
Decision Level: DEL
Outcome: ALLOW

The appeal site is a two storey detached property located on a corner plot. Planning permission was sought for the whole dwelling and extended areas to be covered in an off white render. The application was a resubmission of an approved application to extend at two and single storey height, the approval was subject to revised plans which required the development to be constructed using matching materials, rather than the original proposed render. The application was refused on the grounds that because the house occupies a visually prominent position in the street the off-white render would appear as an incongruous alteration to this property resulting in the dwelling becoming visually dominant causing harm to the character and appearance of the wider street scene. The Inspector disagreed and allowed the appeal considering that the overall design and composition of the already approved development would not represent intrinsically poor design. The Inspector considered that the proposed render treatment of the elevations and windows, together with the cedar clad ground floor addition, would provide greater design interest and would uplift its appearance. The Inspector concluded that the that the works would represent the type of innovation and change that is encouraged by paragraph 127(c) of the NPPF

Application No: 18/01014/FUL
Appeal by: Mr Graeme Kyle
Proposal: First floor side and rear extension.
Site: 66 Grantham Drive York YO26 4TZ
Decision Level: DEL
Outcome: DISMIS

The appeal relates to a two storey semi-detached dwelling which along with the attached dwelling, has a distinctive design with a hipped mansard roof which varies from the majority of more uniform dwellings in the street. It is also set well back from the street frontage compared with the majority of neighbouring properties. Permission was sought for a two storey side and rear extension, however the flat roof design, scale and location were considered to result in a dominant, imposing and non-subservient form of development that would significantly detract from the appearance of the dwelling, unbalancing the pair of semi detached dwellings. In addition the application was also refused due to the significant detrimental impact on the residents of 68 (dominance, overbearing and loss of privacy to the rear garden). The Inspector did not consider the extension to be so dominant as to unbalance the appearance of the two dwellings and that it would still appear subservient in scale. However the Inspector recognised that despite this the extension would be clearly visible particularly when approaching from St Swithins Walk. Given the lack of architectural interest, the extension would be at odds with the character of the dwelling and as such the appeal was dismissed on character and appearance alone. The Inspector did acknowledge that there would be some harm to residential amenity however it was considered that the impact was not significant enough to warrant refusal in this instance. The appeal was dismissed.

Application No: 18/01187/FUL
Appeal by: Mr & Mrs Charlton
Proposal: First storey side extension and conversion of garage into living accommodation (resubmission).
Site: 86 Tedder Road York YO24 3JF
Decision Level: DEL
Outcome: DISMIS

The appeal relates to a detached gable fronted property in a street of varied housing forms, although the host dwelling is located within a small section of dwellings with similar appearance/spacing. Proposals sought permission for an enlarged first floor side extension (permission previously granted for a smaller, hipped first floor extension set 2m back from the front elevation) however the revised scheme was refused due to its scale, mass, design and location which would have resulted in a cramped form of development which would have eroded the spacing between dwellings harming the character and spaciousness of the street. The Inspector gave little weight to the emerging Local Plan as it is in the early stages of adoption and as such determined the appeal in accordance with the relevant sections of the NPPF. Despite this, the Inspector agreed with the LPA's assessment and concluded that the proposal would not add to the overall quality of the area or be sympathetic to the local character. In addition, the Inspector also considered that the proposal would have an adverse impact on the living conditions of those residing in no. 88 by virtue of creating an overbearing and oppressive outlook from the side window adjacent to the extension. The appeal was dismissed.

Decision Level:	Outcome:
DEL = Delegated Decision	ALLOW = Appeal Allowed
COMM = Sub-Committee Decision	DISMIS = Appeal Dismissed
COMP = Main Committee Decision	PAD = Appeal part dismissed/part allowed

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Outstanding appeals

Officer: Alison Stockdale						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
01/03/2019	19/00009/REF	APP/C2741/W/19/3221381	W	Land Fronting 18 Oak Tree Way Strensall York	Erection of 2no. bungalows (resubmission)		
Officer: Brian Williams						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
16/01/2019	19/00008/TPO	APP/TPO/C2741/7188	H	5 Arndale Court 290 Tadcaster Road York YO24	Fell Silver Birch protected by Tree Preservation Order No. CYC291		
Officer: Carolyn Howarth						Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
20/04/2017	17/00012/REF	APP/C2741/D/17/3172865	H	211 Hamilton Drive West York YO24 4PL	Single storey side extension		
Officer: David Johnson						Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
18/02/2019	19/00005/REF	APP/C2741/D/18/3218409	H	72 Dale Street York YO23 1AE	Single storey rear extension, dormer window to rear and 2no. rooflights to front		
23/12/2018	18/00077/REF	APP/C2741/D/18/3219366	H	99 Heslington Lane York YO10 4HP	Construction of vehicle access from Heslington Lane		
18/10/2018	18/00064/REF	APP/C2741/W/18/3212563	W	33 Hadrian Avenue York YO10 3RD	Change of use of dwelling (use class C3) to House in Multiple Occupation (use class C4) (resubmission)		
Officer: Erik Matthews						Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:		
29/11/2018	18/00071/REF	APP/C2741/W/18/3214594	W	Proposed Self Storage Facility Water Lane York	Erection of self storage facility, with associated access and landscaping		
09/01/2019	19/00001/NON	APP/C2741/W/18/3216488	W	Carpet And Bed Centre Warehouse Acaster Lane	Erection of 1no. dwelling following demolition of existing warehouse		

Officer: Esther Priestley					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
02/05/2018	18/00078/TPO	APP/TPO/C2741/6783	H	159 Shipton Road Rawcliffe York YO30 5RX	Fell Horse Chestnut tree protected by Tree Preservation Order No.: 173/1991	
Officer: Elizabeth Potter					Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
27/02/2019	19/00007/REF	APP/C2741/D/19/3219866	W	19 Tisbury Road York YO26 4UJ	Dormer window to rear (retrospective)	
19/04/2018	18/00023/REF	APP/C2741/D/18/3200306	H	30 Southfield Close Rufforth York YO23 3RE	Variation of condition 2 of permitted application 16/01635/FUL to part render front elevation.	
Officer: Heather Fairy					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
07/12/2018	18/00076/REF	APP/C2741/D/18/3218085	H	56 Shipton Road Clifton York YO30 5RQ	Two storey rear extension with dormer to rear and single storey side and rear extensions.	
Officer: Kevin O'Connell					Total number of appeals:	1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/12/2018	18/00073/REF	APP/C2741/W/18/3217093	W	11 The Avenue Haxby York YO32 3EH	Erection of 1no. dwelling and double garage	
Officer: Paul Edwards					Total number of appeals:	2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
11/02/2019	19/00006/REF	APP/C2741/D/18/3218049	H	1 Eastward Avenue York YO10 4LZ	Erection of garden shed to front (retrospective).	
17/12/2018	18/00074/REF	APP/C2741/W/18/3217829	W	64 Newland Park Drive York YO10 3HP	Use as a 7 bedroom house in multiple occupation.	
Officer: Sandra Duffill					Total number of appeals:	3
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
13/02/2019	19/00003/NON	APP/C2741/W/19/3220411	W	Park Cottage Askham Park Jacksons Walk Askham	Erection of stable block.	

10/01/2019	19/00002/REF	APP/C2741/Z/18/3203021	W	Grange Hotel 1 Clifton York YO30 6AA	Display of 1no. externally illuminated forecourt sign adjacent to front elevation, 1no. internally illuminated menu board attached to front railings and 1no. externally illuminated wall mounted sign to front basement light well.
13/02/2019	19/00004/NON	APP/C2741/W/19/3220409	W	Park Cottage Askham Park Jacksons Walk Askham	Erection of stable block, formation of menage and new access track.

Officer: Simon Glazier

Total number of appeals:

1

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
01/10/2018	18/00062/REF	APP/C2741/W/18/3208779	W	Whinney Hills Appleton Road Acaster Malbis York	Creation of new access, excavation of pond and siting of 2no. static caravans (part retrospective)

Total number of appeals: 19

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Area Planning Sub-Committee**20 March 2019****Planning Enforcement Cases - Update****Summary**

1. The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 1 October 2018 to 31 December 2018.
3. The lists of enforcement cases are no longer attached as an annexe to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position

5. Across the Council area 224 new enforcement investigation cases were received and 270 cases were closed. A total of 544 investigations remain open.
6. During the quarter 2 Enforcement Notices were served. These related to the removal of chimney stack within a Conservation Area and the unauthorised erection of a number of retail sheds within the grounds of a Grade I Listed Building.
7. Across the Council area 3 Section 106 cases were closed. A total of 113 S106 cases remain open.

8. A total of £283,311 has been received from Section 106 payments. These were received in respect of 7 developments across the City for education, open space and transport.

Consultation

9. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

10. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

The Council Plan

11. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

Implications

- Financial - *None*
- Human Resources (HR) - *None*
- Equalities - *None*
- Legal - *None*
- Crime and Disorder - *None*
- Information Technology (IT) - *None*
- Property - *None*
- Other - *None*

Risk Management

12. There are no known risks.

Recommendations.

13. That members note the content of the report.

The individual case reports are updated as necessary but it is not always possible to do this straight away. Therefore if members have any additional queries or questions about cases on the emailed list of cases then please e-mail or telephone the relevant planning enforcement Officer.

Reason: To update Members on the number of outstanding planning enforcement cases and level of financial contributions received through Section 106 agreements.

Contact Details

Author:

Author's name
Robert Harrison
Principal Development
Management Officer.
Tel. No: 553775
Directorate: **Economy
and Place**

**Chief Officer Responsible for the
report:**

Chief Officer's name
Michael Slater
Assistant Director (Planning and Public
Protection)

**Report
Approved**



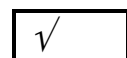
Date 11.03.2019

Specialist Implications Officer(s) *List information for all
Implications:*

Financial
Legal:

Patrick Looker
Andrew Docherty

Wards Affected: *All Wards*



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