



Notice of meeting of

West & City Centre Area Planning Sub-Committee

To: Councillors Horton (Chair), Sue Galloway (Vice-Chair), Crisp, Steve Galloway, Galvin, Gillies, Looker, Reid and Sunderland

Date: Thursday, 16 October 2008

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

Site visits for this meeting will commence at 11.00am on Wednesday 15 October at Memorial Gardens.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

3. Plans List

Members will consider a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to planning applications with an outline the proposals and relevant policy considerations and the views and advice of consultees and officers.

- a) **14 Goodramgate, York, YO1 7LQ (08/01863/FUL)** (Pages 5 - 12)
Change of use from bar (use class A4) to restaurant with hot food take away (use class A3/A5). [*Guildhall Ward*] **[Site Visit]**
- b) **Harewood Whin, Landfill Site, Tinker Lane, Rufforth, York, YO23 3RR (08/01131/FUL)** (Pages 13 - 22)
Electricity from methane generator plant. [*Rural West York Ward*] **[Site Visit]**
- c) **All Saints Roman Catholic Comprehensive Lower School, Nunnery Lane, York, YO23 1AB (08/01846/FUL)** (Pages 23 - 34)
Proposed temporary building to provide a new drama suite. [*Micklegate Ward*] **[Site Visit]**
- d) **Knavesmire Primary School, Trafalgar Street, York, YO23 1HY (08/00975/GRG3)** (Pages 35 - 46)
Installation of six no. 6m high floodlights to existing multi-use games area (MUGA) and variation of condition 4 of permission 06/00116/GRG3 to allow MUGA to be used until 20:00 hours Monday - Friday. [*Micklegate Ward*] **[Site Visit]**
4. **Any other business which the Chair considers urgent under the Local Government Act 1972**

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 552030
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting us by e-mail, please send to both democracy officers named above)

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

This page is intentionally left blank

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন অর্ধাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোঅবী সর্ববরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ مہیا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 15 October 2008

The bus for Members will leave from Memorial Gardens at 11.00am

TIME (Approx)	SITE	ITEM
11.15	Harewood Whin Landfill Site Tinker Lane Rufforth	3b
12:00	Knavesmire Primary School, Trafalgar Street	3d
12:30	All Saints RC Lower School, Nunnery Lane	3c
13:00	14 Goodramgate	3a

This page is intentionally left blank

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 16 October 2008 **Parish:** Guildhall Planning Panel

Reference: 08/01863/FUL
Application at: 14 Goodramgate York YO1 7LQ
For: Change of use from bar (use class A4) to restaurant with hot food take away (use class A3/A5)
By: Mr David Leedham
Application Type: Full Application
Target Date: 1 October 2008

1.0 PROPOSAL

1.1 No. 14 Goodramgate comprises a two storey Grade II Listed Georgian shop most recently in use as a restaurant and bar. It also lies in a prominent corner site within the Historic Core Conservation Area at one of the principal approaches to the City Centre and the Minster at the junction of Ogleforth with Goodramgate. The proposal envisages the change of use from the existing bar use to a fish restaurant with some takeaway use. No material alterations are envisaged to the building; no parallel application for Listed Building Consent has thus been submitted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Central Historic Core 0038

2.2 Policies:

CYS6 Control of food and drink (A3) uses

CYS7 Evening entertainment including A3/D2

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

3.0 CONSULTATIONS

Internal:-

3.1 Design, Conservation and Sustainable Development raise no objection in principle to the proposal subject to an informative relating to the requirement for Listed Building Consent being appended to any approval

3.2 Environmental Protection Unit raise no objection to the proposal subject to a number of detailed conditions covering matters such as hours of operation and extraction of fumes and odours being appended to any permission.

External:-

3.3 Guildhall Planning Panel were consulted with regard to the proposal on 6th August 2008. No response has been forthcoming within the consultation period.

3.4 The National Trust object to the proposal on the grounds that late night opening would detract from the peaceful ambience of the area and also the increased quantity of litter arising from the proposal would detract from the historic character of the Conservation Area.

3.5 Some six letters of objection together with an 11 signature petition have been submitted in connection with the proposal. The following is a summary of their contents:

- i) Concern at increases in litter and odours arising from the proposal;
- ii) Concern at possible increases in anti-social behaviour arising from late-night opening in conjunction with the proposal;
- iii) Concern at increased traffic and on-street parking in relation to both customers and deliveries.
- iv) Concern at the impact of the proposal on the Character and Appearance of the Historic Core Conservation Area and the setting of the Minster.

4.0 APPRAISAL

4.1 Key Issues:-

- Impact of the proposal on the residential amenity of adjoining properties by virtue of odours, noise and litter;
- Impact of the proposal upon the level of anti-social behaviour in the locality;
- Impact of the proposal on the setting of York Minister and the character and appearance of the wider Conservation Area.;
- Impact of the proposal on local amenity through increased traffic and on-street parking.

4.2 Policies S6 and S7 of the York Development Control Local Plan set a firm policy framework in relation to Food and Drink Uses in the City Centre area. There is a presumption in favour of development where any impact upon the amenity of adjoining occupiers as a result of traffic, noise, smell and litter would be acceptable,

opening hours are restricted to protect the amenity of surrounding occupiers and acceptable external flues and means of extraction have been proposed. The current proposal envisages the change of use of a currently disused bar which had previously served hot food to a restaurant with take-away use specializing in fish and fish and chips. The upper floor would be used as the main restaurant area with the ground floor utilized for the take-away use with an internal sitting area for takeaways to be consumed. Concern has been expressed within the locality in relation to the level of odours, noise and litter associated with the scheme. In terms of odours the premises are already fitted with the means of odour extraction arising from the previous hot-food and bar uses which has been retained and is deemed to be adequate. To cover the event of additional facilities being required an informative requiring the submission of an application for Listed Building Consent will be appended to any permission. In terms of litter the applicant has stated his intention to retain take-away use as firmly subsidiary to the overall restaurant activity and has emphasized his intention to provide an internal sitting area for customers. A similar establishment in Swinegate operates without difficulty on the same basis.

4.3 In terms of the generation of anti-social behaviour in the locality the proposal envisages significantly shorter opening hours than those appertaining to the previous bar use causing the premises not to be open at the normal pub and night club closing time. The premises would also be used solely as an eating establishment and would not serve alcohol other than to accompany a meal.

4.4 In terms of additional traffic and parking generation Goodramgate and Ogleforth are subject to a strict regime of parking restrictions. The premises are geared as they have been previously to customers arriving on foot and as with the overwhelming majority of business premises within the walled City there is no staff or customer parking. Delivery to the premises as with other sites in the vicinity is generally by vehicles arriving in the early morning and late evening. This pattern would not change or intensify should the proposal be implemented.

4.5 Policy HE2 of the York Development Control Local Plan sets a firm policy presumption in favour of new development in historic locations which would maintain or enhance existing urban spaces and other townscape elements. The current proposal lies within the wider setting of the Minster a Grade 1 Listed Building. It would be one of a number of food related businesses in the direct vicinity and has previously been in use as a restaurant serving hot food. It would thus not have an adverse impact upon the setting of the building.

4.6 Policy HE3 of the York Development Control Local Plan sets a firm policy presumption in favour of new development within Conservation Areas which would not have an adverse effect on their character or appearance. The premises have been in use as either a restaurant or as a bar serving food for a considerable time. The surrounding area has a number of similar uses currently taking place without a significant adverse effect upon amenity. As one of the principle routes into the City Centre for tourists and other visitors to the City such uses help to secure the long term vitality and viability of the area. On balance therefore it could not be argued that the proposed use would have an adverse impact upon the character and appearance of the Conservation Area and the terms of Policy HE3 would thus be complied with.

4.7 Policy HE4 of the York Development Control Local Plan sets a firm policy presumption in favour of new development in relation to Listed Buildings which would not have an adverse impact upon their character, appearance or setting. The current proposal envisages a simple change of use making use of the existing facilities within the building with minimal impact upon character or appearance of the building. However in view of the significance of the building it would be reasonable to append an informative regarding the need to apply for Listed Building Consent to any planning permission given.

COMMITTEE TO VISIT

5.0 CONCLUSION

5.1 No. 14 Goodramgate comprises a Grade 11 Listed Georgian Shop unit previously in use as a bar/restaurant occupying a prominent corner site within the Historic Core Conservation Area. The current proposal envisages the change of use of the property to a combined take-away and fish restaurant. Significant concern has been expressed in relation to the potential impact of the proposal on the residential amenity of neighbouring properties and the character and ambience of the area. In view of the relationship to the surrounding pattern of land uses there would not be a demonstrable adverse impact upon the character or appearance of the Conservation Area or the setting of York Minster a Grade 1 Listed Building. The City's Environmental Health Officer has specified a series of conditions to deal with any concerns in respect of residential amenity.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Plans date stamped 23rd July 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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 hereby permitted shall be confined to the following hours:

Monday to Friday	09:00 to 21:00
Saturday	09:00 to 21:00
Sunday	10:00 to 21:00

Reason: To safeguard the amenity of neighbouring residents

4 All 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 18:00
Sundays and Bank Holidays 10:00 to 16:00

Reason: To safeguard the amenity of local residents

5 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the Local Planning Authority for approval. These details shall include maximum(LA max(f)) and average sound levels(LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the Local Planning Authority. The machinery, plant or equipment and any proposed noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To safeguard the amenity of local residents.

6 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for approval ;once approved it shall be installed and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To safeguard the amenity of neighbouring residents.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the residential amenity of neighbouring properties by virtue of noise, litter and odour, impact upon the levels of traffic generation and on street parking, impact upon the levels of anti-social behaviour occurring within the locality, impact of the proposal on the character and appearance of the Historic Core Conservation Area and the setting of York Minster. As such the proposal complies Policies S6, S7, HE2, HE3 and HE4 of the City of York Local Plan Deposit Draft.

2. NEED FOR LISTED BUILDING CONSENT.

The premises the subject of this permission are Listed Grade 11. The applicants attention is drawn to the fact that any works to the interior or exterior that would

materially affect its special character or appearance require the specific written consent of the Local Planning Authority. Failure to obtain the required Consent is an offence.

3. PROTECTION OF RESIDENTIAL AMENITY.

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 pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974, the following guidance should be attached to any planning approval:

i) 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.

ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228:Part1:1997, 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".

iii) 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.

iv) 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.

v) 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.

vi) There shall be no bonfires on the site.

Contact details:

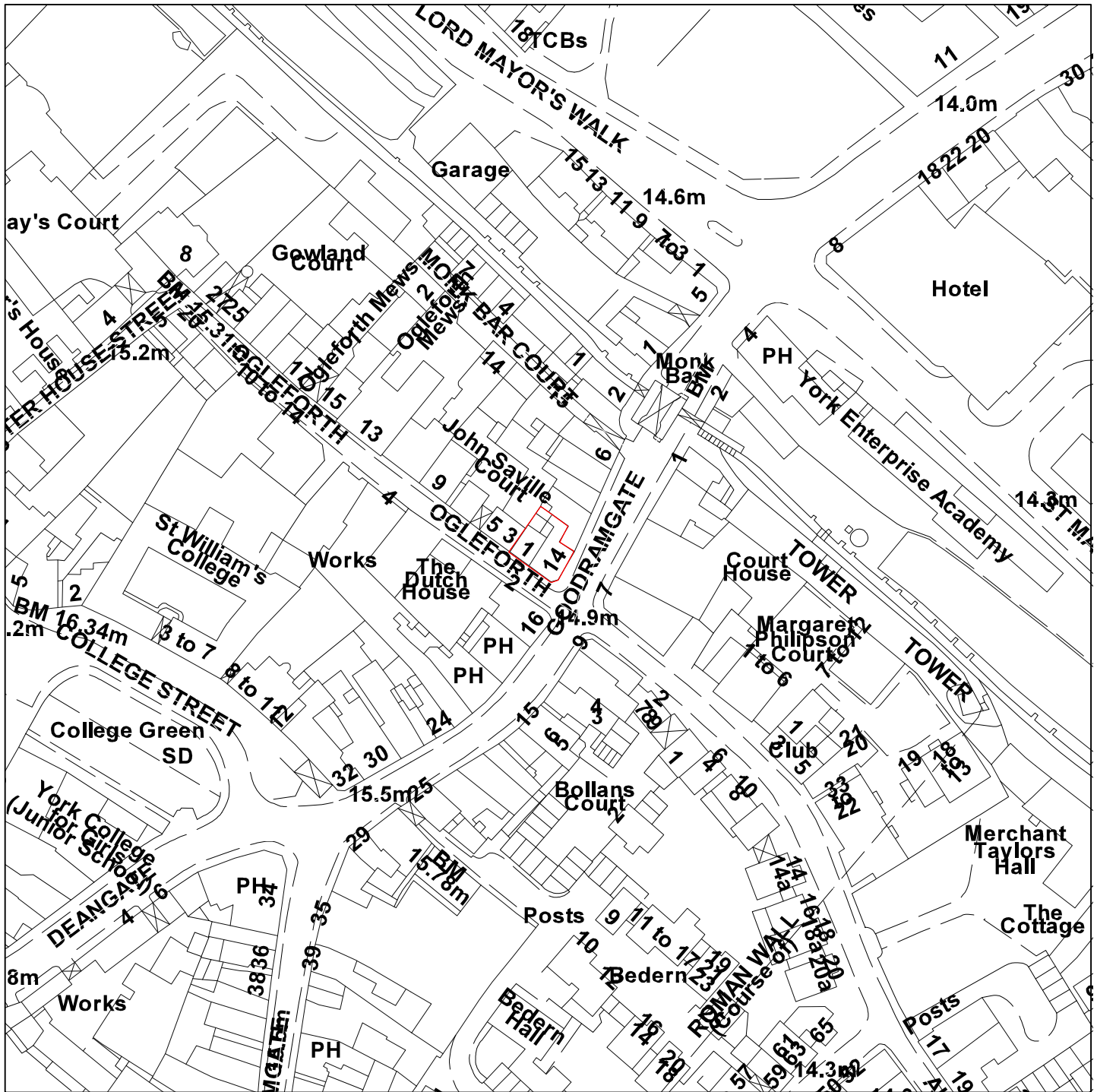
Author: Erik Matthews Development Control Officer
Tel No: 01904 551416

08/01863/FUL

14 Goodramgate



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 October 2008
SLA Number	Not Set

This page is intentionally left blank

CYGB1
Development within the Green Belt

3.0 CONSULTATIONS

Internal:-

3.1 Highway Regulation raise no objection to the proposal

3.2 Environmental Protection Unit raise no objection to the proposal.

3.3 Design, Conservation and Sustainable Development raise no objection to the proposal.

External:-

3.4 Yorkshire Water Services ; Any representations will be reported verbally at the meeting.

3.5 The Environment Agency raise no objection to the proposal.

3.6 Marston Moor Internal Drainage Board ; Any representations will be reported verbally at the meeting.

3.7 Yorkshire Gliding Centre; .Any representations will be reported verbally at the meeting.

3.8 Rufforth Parish Council raise no objection to the proposal on condition that the noise is properly mitigated, the plant is visually screened and that it remains in place for only a temporary period.

4.0 APPRAISAL

4.1 Key Issues:-

- Impact from noise arising from the plant on the surrounding area;
- Visual impact from the plant on the adjoining area.
- Impact upon the open character and purposes of designation of the Green Belt.

4.2 Policy MW5 of the York Development Control Local Plan sets a clear policy framework for considering and determining applications for waste management proposals. This framework includes the need for the facility, its proposed location, its impact on adjoining land uses and the duration of the proposal, measures for eliminating leakage and gas emissions and proposed measures to minimise the environmental impact of visual intrusion and noise. The current proposal represents a straight forward replacement of an existing energy from land fill gas plant which is gradually becoming obsolescent as the working activity progresses around the site. In terms of visual impact from the plant , it lies adjacent to one of the principal

working areas to the east of the main site office and adjacent to the existing energy from methane plant and would not be readily visible in long or short distance views from outside of the site as a result of the local landform and mature landscaping. In terms of noise impact the generator is designed to operate at a noise level of 75dba at 1 metre distance with the gas plant designed to operate at a noise level of 68dba at 1 metre distance. This noise level is comparable to that emanating from a standard air conditioning unit and would not be readily perceptible from outside of the site. There would thus be no impact upon local amenity arising from noise generation. There are identified problems in respect of landfill gas at the site and the proposal would assist in mitigating their impact.

4.3 Policy GP5 of the York Development Control Local Plan sets down a clear policy framework for determining applications for renewable energy related development. It stipulates that the development of renewable energy facilities will be encouraged providing there would be no adverse impact upon on the visual amenity of the surrounding area. The current proposal is directly associated with an existing energy from landfill gas facility and is generally small in scale. The terms of Policy GP5 have thus been complied with in respect of the current proposal.

4.4 Policy GB1 of the York Development Control Local Plan sets a firm policy presumption against new development in the Green Belt unless very specific criteria are met. These include that the scale, location and deign of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and involves the re-development of an existing major developed site. The current proposal envisages a small scale adjustment to existing activities at the site which would have limited impact upon the open character or purposes of inclusion of the site within the Green Belt. In terms of the duration of the intended activity it is intended to remain in place for a period of 15 years whilst significant quantities of methane gas continue to emanate from the site. In the interests of amenity it would be advisable to condition any permission to require the removal of the existing and proposed plant and the re-instatement of the site to its pre-existing appearance.

5.0 CONCLUSION

5.1 Harewood Whin comprises a substantial landfill waste disposal site operating under a series of planning permissions dating back to the 1970s and a licence for disposal from the Environment Agency. The current proposal represents a straight replacement for the existing energy from landfill gas plant which is becoming obsolescent as tipping activity within the site progresses. It is small in scale and would have no materially adverse impact upon the amenity of the area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

NPL-123-003, SN123-004, NPL-123-002A . Date stamped 29th April 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 Piling or any other foundation design using invasive methods shall not be undertaken other than with the prior written approval of the Local Planning Authority , which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in strict accordance with the approved details.

Reason: To protect controlled waters.

4 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use , shall be submitted to the Local Planning Authority for approval. These details shall include maximum (LA_{max(f)}) and average sound levels(LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written 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.

Reason: To safeguard the amenity of nearby properties.

5. In the event of the electricity generation and gas handling plant hereby approved no longer being operationally required , the plant shall be dismantled and the site re-instated to its previous appearance.

Reason: To safeguard the character of the site in the interests of visual amenity.

6. Notwithstanding the application details hereby approved , in the event of the pre-existing electricity generation and gas handling plant no longer being operationally required , the plant shall be dismantled and the site re-instated to its previous appearance.

Reason: To safeguard the character of the site in the interests of visual amenity.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon amenity by virtue of noise and visual appearance and impact upon the openness and purposes of designation of the Green Belt. As such the proposal complies with Policies MW5, GP5 and GB1 of the City of York Local Plan Deposit Draft.

2. The proposed development will require an Environmental Permit and the applicant is advised to contact the Environment Agency for further information on applying for a licence.

Contact details:

Author: Erik Matthews Development Control Officer

Tel No: 01904 551416

This page is intentionally left blank

08/01131/FUL

Harewood Whin Landfill Site, Rufforth



GIS by ESRI (UK)



Scale : 1:10000

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 October 2008
SLA Number	Not Set

This page is intentionally left blank

08/01131/FUL

Harewood Whin Landfill Site, Rufforth



Scale : 1:2500

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 October 2008
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Micklegate
Date: 16 October 2008 **Parish:** Micklegate Planning Panel

Reference: 08/01846/FUL
Application at: All Saints Roman Catholic Comprehensive Lower School
Nunnery Lane York YO23 1AB
For: Proposed temporary building to provide a new drama suite
By: The School Governors
Application Type: Full Application
Target Date: 18 September 2008

1.0 PROPOSAL

1.1 The application seeks planning permission for a prefabricated classroom unit for a drama suite on part of a grassed area to the south of the main tarmac playground for All Saints Lower School Site. The site is adjacent to cricket nets and a rounders pitch. It is intended that the mobile sectional building would be required for a three year temporary period pending funding from the Department for Children, Schools, and Families.

1.2 The oldest buildings on the school site are listed as Grade 1 and the school grounds are shared with the Bar Convent, a Grade I Listed Building dating from the 1760's. There is now a range of buildings on the lower school site that date from various periods to the present day. The school site is bounded on two boundaries by buildings in different ownership that either overlook or would be affected by the proposal. The site is visible from the rear elevation of the residential property in South Parade to the south west, a series of Grade II listed buildings dating from 1825-8. To the north west of the site, there is a blank gable of an office development that is accessed from Blossom Street. The site lies within Central Historic Core Conservation Area no.1.

1.2 The building would measure 12m x 9.4m x 3.48m high with a flat roof and an external painted finish. There would be a ramped entrance to the main door, and steps would be required from the emergency exits due to varying ground levels. The temporary classroom would be adjacent to an existing historic boundary wall that divides the grassed playground from the tarmac playground and is associated with the former convent gardens. The proposed prefabricated building would be unrelated to existing buildings on the site and would appear as a stand alone unit.

1.3 The agent and applicant have submitted additional information relating to site levels and the educational need for the building. The accommodation is required in association with recent curriculum changes to support the new Diploma Model. The school's premises officer has advised that there are few alternative sites for a mobile unit; the proposed area is not used for the formal teaching of sports and pupils rarely play on it; the accommodation is urgently required for teaching; and funding and

timing would not allow a permanent building to be built immediately to meet this need. The intention is to provide permanent accommodation for dance and drama in a second floor development above an existing and recently built single storey extension that abuts the tarmac playground.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYHE2
Development in historic locations

CYGP1
Design

CYHE4
Listed Buildings

CYED11
Protection of Playing Fields

CYGP23
Temporary planning permission

CYNE6
Species protected by law

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development – Conditions recommended

3.2 Environmental Protection Unit- No objections subject to conditions

3.3 Highway Network Management- No objections

EXTERNAL CONSULTATIONS

3.4 Sport England- Initially recommended refusal, but would remove objection if the rounders pitch is reoriented and conditions are applied to any permission

3.5 Micklegate Planning Panel- No objections

3.6 Seven representations have been received at the time of writing that raise the following planning issues:

- Proposed building would have no architectural merit for its position in the conservation area on the property of a Grade I Listed Building- the gardens and garden walls
- The proposed building would be close to the listed terrace of South Parade and would be a potential eye-sore as an intrusive building when viewed from these properties. Area is a significant piece of historic landscape.
- The building on the grassed area would reduce the low level of greenery on the site, result in the loss of valuable playing fields in this day of obesity problems
- The site forms part of a green oasis in a dense urban environment that is a habitat for bats and allows unimpeded views that would be destroyed
- There is no indication of the length of the time the temporary building would be needed, and this is essential in order for residents to assess its likely impact within a meaningful strategy for the long-term development of the site. Likelihood and scale of future funding and indication of possible sites for a permanent replacement building should form an essential part of the application. Without this, there would be pressure to retain a convenient resource.
- The building would unacceptably encroach on the green open space which forms part of the curtilage and historic setting of the Bar Convent complex and proposed design would be a major visual intrusion in this context of open grassland, mature trees, and old brick walls of the former convent gardens
- More appropriate site would be closer to the school. Not an appropriate location for a permanent building.
- Proposed building would be closer to domestic and office properties than any other school buildings
- Proper environmental assessment should be carried out to calculate the 'whole-life' impact on resources and the environment.
- If approved, a strict time period should be imposed

4.0 APPRAISAL

4.1 Key Issues

- Land use
- Impact on the visual amenity of the listed building and the conservation area
- Impact on the amenity of neighbouring occupiers
- Highway safety
- Sustainability
- Protected Species

4.2 Policy Context

Planning Policy Statement 1: " Planning for Sustainable Development " aims to protect the quality of the natural and historic environment. 'The Planning System: General Principles', the companion document to PPS1, advises of the importance of amenity as an issue.

Planning Policy Guidance Note 15 " Planning and the Historic Environment " seeks to ensure that the special characteristics of listed buildings and conservation areas are not adversely affected by inappropriate developments.

Policy HE2 of the City of York Deposit Local Plan (Fourth Set of Changes), approved for development control purposes on 13 April 2005 states that within or adjoining conservation areas, and in locations which affect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

Policy HE4 of the City of York Local Plan relates specifically to listed buildings and states that consent for development in the immediate vicinity of listed buildings, demolition, internal and external alteration, and changes of use will only be granted where there is no adverse effect on the character, appearance or setting of the building.

Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy GP23 of the City of York Local Plan highlights the criteria which a development must satisfy in order to be granted temporary planning consent. In summary these area: a) no loss of amenity for local residents; or b) there are no viable permanent alternatives immediately available; and c) plans will be brought forward for a permanent development; and d) the period of consent requested is the minimum required to bring forward a permanent development; or e) a trial period is necessary.

Policy ED11 seeks to protect the loss of playing fields associated with educational establishments unless exceptional circumstances exist.

Policy NE6 of the Local Plan that ensures that animals protected by law, or their habitats, are not harmed by development and that applicants undertake proper assessments and mitigation measures as appropriate.

ASSESSMENT

LAND USE

4.3 This application seeks planning permission for a temporary classroom to accommodate a drama/ dance classroom to be sited on a grassed part of the main playground at the rear of the school. The school authorities advise that the proposed

temporary building would be required for approximately three years while funds are accrued for a permanent classroom. Supporting information indicates that national funding would be available for this purpose but it would require a three-year period to build up sufficient funds to cover the building costs. From this information it appears that the aim is to provide permanent accommodation for drama/ dance within the main school building as part of a building programme authorised by the school governors to meet the accommodation shortfall. The school strongly advises that the mobile classroom would only be required on a temporary basis; it would not be used in the evening for non-school uses; and would be removed on completion of the proposed permanent accommodation in the first floor extension above the girls toilets in the main school complex. The local planning authority can confirm that it has recently received an application for planning permission for the proposed first floor extension. Members should note that whilst this indicates that the school has a commitment to meeting its accommodation problems in the long-term with permanent buildings, this commitment would be dependant on planning permission being granted for the proposed permanent accommodation and future funding being available for the building work. It is therefore considered that there is a reasonable degree of compliance with parts c) and (d) of Policy GP23 that requires the applicant to demonstrate that plans have been brought forward for permanent development and that the period for which consent is sought is the minimum required to allow the permanent classroom development to be implemented.

4.4 This site is not ideal as it is remote from the main school complex, poorly relates to existing built development on the site, intrudes into an attractive open space that contributes to the character of the area, impinges on the use of the adjacent sports facilities, reduces the level of play provision for pupils, and affects the outlook of the residents who live in the nearby residential terrace of South Parade. The school, its agents and council officers have considered alternative locations for the temporary unit but the alternatives were dismissed as unsuitable or inappropriate as they involved the loss of more valuable playground space that is used for both educational and recreational use, would provide insufficient space to accommodate the size of the proposed building, or detrimentally affected trees and neighbours.

4.5 Part a) of Policy GP23 of the Local Plan states that planning permission for the temporary use of land or the erection of temporary buildings for a limited period should only be granted where there would be no loss of amenity to the occupants of adjacent property as a result of the proposal. It is considered that the change to the amenity of the area would be contrary to this section of Policy GP23 and the amenity implications would have to be weighed against the educational need of the school. On balance it is considered that due to the lack of alternative locations for the siting of a temporary building, the constraints of the site, the complexities in planning for new school buildings, and the educational need of the school, a temporary planning consent for a three year period would be a reasonable timescale for a temporary building in this sensitive location if Members were of a mind to approve the application.

4.6 There is a requirement for the local planning authority and Sport England to assess the implications of and prevent the loss of sports facilities and opportunities in order to ensure that sport and recreational needs are met. (Policy ED11). It is noted on site, and acknowledged by the school authorities, that there is a serious

deficiency of formal and informal open space within the lower school site for its number of pupils and the need to provide an acceptable level of outdoor space. Consequently, any loss or infringement of an existing facility must be carefully assessed. The proposed development would result in the loss of part of an existing grassed sports field adjacent to cricket nets and close to a rounders pitch approximately 4 metres away. The school has advised that the area the building would occupy is rarely used by pupils and does not form part of any formal sport provision. Initially, Sport England objected to the proposal as the proposed building (with three windows in the elevation to the rounders pitch) would be too close to the existing rounders pitch. The objection has now been withdrawn as the reorientation of the existing rounders pitch would allow the safe use of the pitch whilst accommodating the temporary building. Sport England would also require planning permission to be granted on a temporary basis only for a three year period, and the classroom to be removed at the end of the temporary period with the area is returned to a sports provision use. The agents have submitted revised plans showing a revised layout of the rounders pitch that have been agreed with Sport England for Member's consideration. The affected grassed area is a small area of a much larger tarmac and grassed playground. It has a limited contribution in the total playground area, and it appears on the basis of the amended plan agreed with Sport England that no area of formal sport provision would be detrimentally affected by its loss. It is considered that the applicant has demonstrated that there are exceptional educational circumstances that would warrant the loss of a small area of playing area to accommodate a temporary building for a limited three year period and that the site would be capable of being returned to recreational use at the end of the limited period. As such there would be no conflict with Policy ED11 of the Local Plan.

VISUAL IMPACT

4.7 The proposed prefabricated building would be sited within an attractive open area within and at the grounds of the school/ convent complex that includes Grade I listed buildings and historic garden walling. It is an asset that is highly valued by the residents of South Parade that overlook the area, many of whom have expressed concern about the impact of the proposed form of temporary building in this open location. The proposed temporary building would have a significant visual impact on the openness of the area, detracting from its character that makes a positive contribution to the character of this part of the conservation area. The location of the proposed building would also alter the historic character of the former convent gardens with its historic walling and open character. The proposed building would be adjacent to an historic garden wall and visually interrupt its length. It would appear as a prominent structure, designed and built of non-permanent materials that would be unsympathetic to the layout of the existing school buildings and intrude into the open character of this part of the conservation area. It is neither the site nor form of building that would supported by planning policy unless the applicant can demonstrate a need to outweigh policy considerations. The temporary building would have no architectural merit and would create a precedent for a permanent building in the same or similar location, and would lead to pressure to retain the non-permanent structure as a resource for further educational use.

4.8 Whilst the proposed building would have a significant impact on the character of the conservation area and affect the visual amenity the occupiers of the residents in South Parade that overlook the site, the proposal would have limited impact on the public view of the conservation area. Public views of this area are limited and the visual intrusion of a new building in this location would not detrimentally affect a visually prominent or important part of the conservation area. Additionally it is noted that the building would only be required for a temporary period and that the site would not be sterilised and could be effectively conditioned to ensure that the area is returned to its recreational use. On balance it is considered that the educational requirement for the building as part of the school's building programme would outweigh the limited level of harm to the amenity and character of the area that would occur if the temporary building is built in this location.

4.9 The proposed temporary building would be an acceptable distance from the listed buildings on Blossom Street and the listed properties on South Parade. The proposed temporary building would be approximately 27 metres from the gardens on South Parade and the setting of the Bar Convent buildings is separated from the site by the existing modern school buildings that have a more immediate impact on the listed buildings. It is considered that the proposal would not affect the special interest of the listed buildings on or near the site, and would accord with Policy HE4 of the local plan and related national guidance that seeks to protect listed buildings from inappropriate development.

NEIGHBOUR AMENITY

4.10 The building would be sited in an existing playground/open space that generates noise at certain times of the day. It would be an acceptable distance from the residential property in South Parade and it is intended that the building would be used during normal hours of 08:30-16:00, apart from the occasional need to use the building up to 18:30 during the run up to external examinations. It is not intended that the building would be used for any external uses, e.g. evening classes. As the proposed drama/ dance use could have the potential to cause noise which may affect local residential amenity, the Environmental Protection Unit advises that the hours of the use should be controlled to school days and times, if Members are minded to approve the planning application.

HIGHWAY SAFETY

4.11 The site of the proposed prefabricated building is not generally accessible by vehicular traffic. At the moment, the School has granted permission for a temporary vehicular access across part of the adjacent grassed area in relation to construction work at the rear of the Bar Convent buildings fronting Blossom Street. The Highways Section has no objections to the proposed development as the proposed additional accommodation would not increase school roll or staffing numbers.

SUSTAINABILITY

4.12 Whilst a full sustainability appraisal was not submitted with the application, the applicants have stated that the proposed temporary unit has good insulation values and adequate heating levels for the relatively short period of time the unit is likely to be in use.

PROTECTED SPECIES

4.13 There is concern from an objector who overlooks the site that the habitat of bats in the area would be affected by this building. The Council's ecologist has advised that it is unlikely that bat roosts or bats would be affected by the proposed building, and no mitigation measures would be required in this instance. The proposal would not conflict with Policy NE6 of the Local Plan that ensures that animals protected by law, or their habitats, are not harmed by development and that applicants undertake proper assessments and mitigation measures as appropriate.

5.0 CONCLUSION

5.1 It is concluded that the school has demonstrated a proven need for the building to meet its educational requirements to deliver a change to the curriculum, and that it is committed to a permanent solution to its accommodation shortfall such that the building would be required for a three year period. It would then be removed with the land returned to its recreational use. On balance, it is considered that the school's educational need outweighs the harm to the visual amenity and character of this part of the conservation area and the outlook from the rear elevation of the dwellings in South Parade caused by the unsympathetic siting of a temporary structure in a conspicuous location in a pleasant open area. It is recommended that planning permission be granted for a three year period with conditions that ensure that the site is returned to recreational use.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The temporary building hereby approved shall be removed from the site and the use discontinued with the land reinstated to its former recreational use and condition at or before 31.10.2011 unless planning permission for the continued use of the building and the land hereby approved has been granted by the Local Planning Authority.

Reason: The temporary building in this location and the loss of recreational provision for the school would be inappropriate on a permanent basis.

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

Drawing No. 2402C/11A Received by email on 17 September 2008

Drawing No. 2402C/10 Received 25.7.2008

Design details and finishes as contained in agent's letter, dated 12 September 2008 and received on 15 September 2008

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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 hereby permitted shall be confined to the following hours:

Monday to Fridays 08.00 hrs to 18.30 hrs

Saturdays not at all

Sundays and Bank Holidays not at all

Reason: To minimise the impact of noise on the nearby occupants amenity.

4 ARCH2 Watching brief required

7.0 INFORMATIVES:

Notes to Applicant

1. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction 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 IIA of the Environmental Protection Act 1990.

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

i) 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.

ii) 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".

iii) 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.

iv) 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.

v) 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.

vi) There shall be no bonfires on the site

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the visual amenity and character of the conservation area, the special interests of nearby listed buildings, the amenity of neighbours, the provision of educational facilities, loss of playing fields, and the habitat and conditions for a protected species. As such, the proposal complies with Policies GP1, GP23, HE2, HE4, ED11, and NE6 of the City of York Development Control Local Plan- Incorporating the Proposed 4th Set of Changes; and national planning guidance contained in Planning Policy Guidance Note No. 15 " Planning and the Historic Environment" and Planning Policy Statement 1 " Delivering Sustainable Development. "

Contact details:

Author: Fiona Mackay Development Control Officer (Tues - Fri)

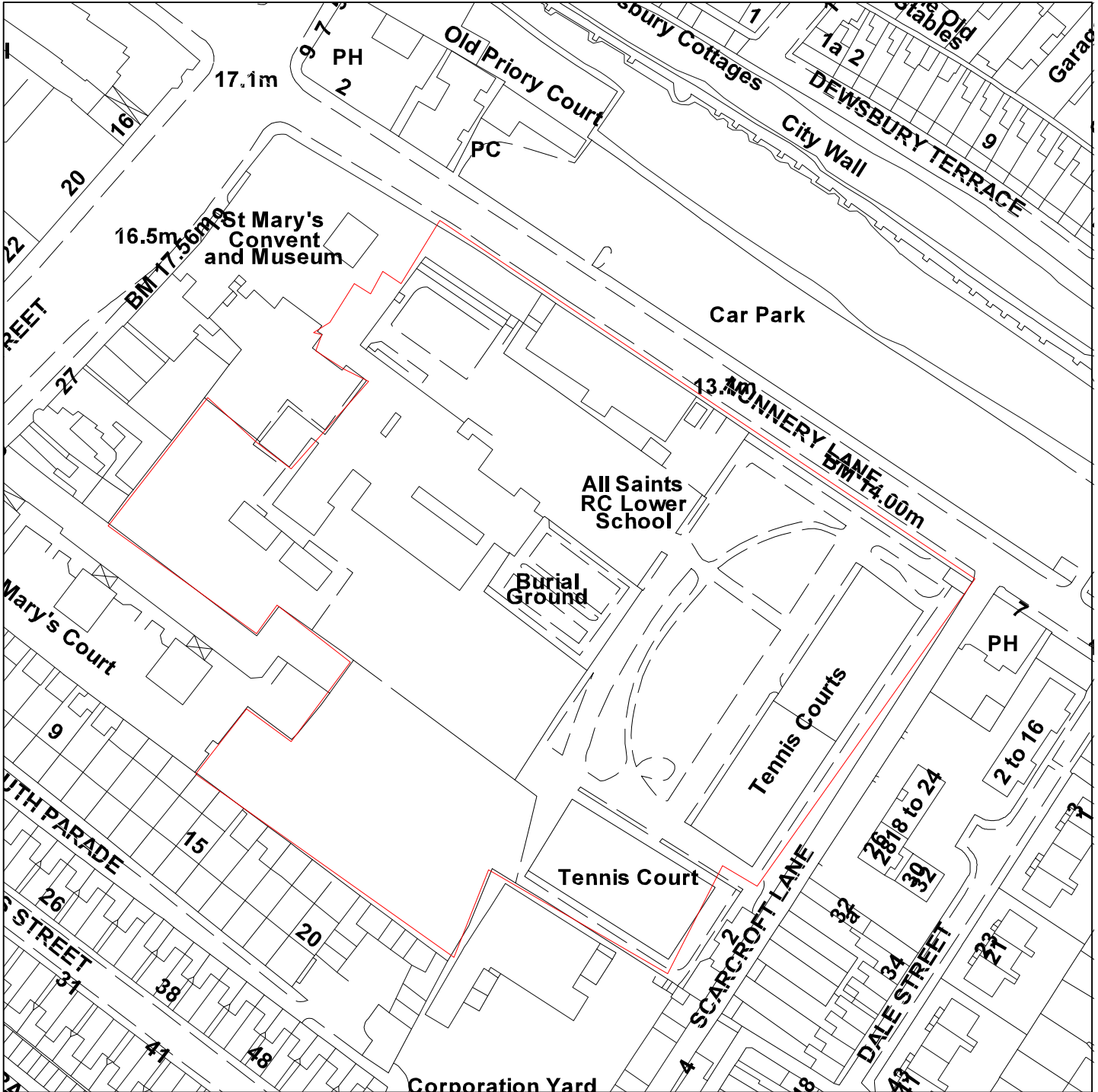
Tel No: 01904 552407

08/01846/FUL

All Saints RC Lower School, Nunnery Lane



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 October 2008
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Committee: West/Centre Area
Date: 16 October 2008

Ward: Micklegate

Reference: 08/00975/GRG3
Application at: Knavesmire Primary School Trafalgar Street York YO23 1HY
For: Installation of six no. 6m high floodlights to existing multi-use games area (MUGA) and variation of condition 4 of permission 06/00116/GRG3 to allow MUGA to be used until 20:00 hours Monday - Friday.
By: Knavesmire Primary School
Application Type: General Regulations (Reg3)
Target Date: 8 July 2008

1.0 PROPOSAL

1.1 The application relates to the Knavesmire Primary School, the building itself is of early C20th build, mainly of brick and varying in height between one and two storey. North of the building is a flat area which comprises of a car park and a recently built Multi Use Games Area (MUGA), the part of the site pertinent to this application. There is housing adjacent the MUGA to the north and east, on Trafalgar Street and Count De Burgh Terrace.

1.2 Planning permission is sought to install 6 floodlights around the MUGA. These would each be 6m high. It is also asked that the MUGA can be used until 20:00 on weekdays. Permission was initially granted for the MUGA, subject to a condition that it only be used until 18:00 and not at all on weekends. 4 letters in objection were received when the application for the MUGA was originally submitted, the grounds of objection included noise associated with the use of the facility.

1.3 This application is brought to sub committee as the original application for the MUGA was determined at sub committee on 6 April 2006 and objections have been received to the proposal with concerns Council owned land.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Schools Knavesmire Primary 0206

2.2 Policies:

CYGP1 Design
CYNE6 Species protected by law

CYNE7 Habitat protection and creation
CYED1 Primary and secondary education

3.0 CONSULTATIONS

COUNTRYSIDE OFFICER

3.1 With regard to general wildlife and birds such as owls, the impact of lighting would not be an issue. The presence of Barn Owl in a location like this would be highly unusual as there is no suitable habitat or sufficient foraging anywhere near the area. Tawny Owl could be possible, however, officers do not consider that there is sufficient foraging here for Tawny on a regular basis and the trees themselves are a little immature to be of significant interest for roosting. Besides which, as owls roost during the day and hunt at night, there is a greater possibility of disturbance from the school during the day than recreational activities in the evening.

3.2 Bats are a different issue, lighting can cause disturbance from a roost and Noctule (it has been reported in representations that Noctule and Pipistrelle bats live onsite) are more sensitive than most, however, Noctule generally roost in trees and the trees present on site are considered to have a very low potential for bats because of their age, condition and size. Any Noctule therefore may be passing over but that is all that is most likely to occur. Pipistrelles could be roosting in the school and so could be affected; officers have seen no evidence of recent bat activity at the site, although there is potential for bats to roost in the school building, in gaps under tiles, between bricks and under eaves, and in corners next to guttering. The roof is ideal in presenting roosting opportunities. The proposed lighting levels over the school building are high and could thus deter bats emerging from their roosts at foraging times. Light levels on other sides of the MUGA are lower and are unlikely to affect bats.

HIGHWAY NETWORK MANAGEMENT

3.3 No objection. Ask for a standard condition to prevent glare etc from the lights affecting road users, should the application be approved. Highways lighting engineers have advised that the proposed floodlights would be acceptable in terms of light pollution.

ENVIRONMENTAL PROTECTION UNIT

3.4 Due to the proximity of houses to the site, there are concerns that noise associated with the use of the MUGA will harm residential amenity. Noise generated from sports facilities such as MUGA's is not so much constant noise, but short duration impact noise, for example shouting and screaming. EPU suggest that the permitted hours of use are not extended.

LIFELONG LEARNING AND CULTURE

3.5 Support the application. The MUGA at Knavesmire primary has been operational for some time now and is proving to be a valuable facility for curricular and extra

curricular PE. However without floodlighting there is no opportunity for community use during the winter months. The provision of floodlighting would allow community use for netball and football training and will allow the school to respond to the national agenda for increasing opportunities for physical activity for young people. The floodlighting has been requested until 20.00 rather than 21.00, which is the case in some other facilities, which reflects the school's desire to minimise disruption to the local residents.

PLANNING PANEL

3.6 Make the following comments regarding the proposal -

- Advise that any previous agreements with local residents about the times of use of the MUGA should be respected, unless an alternative can be agreed.
- The applicants should demonstrate the development will not affect bats and that light spill will not affect residential amenity.
- Lights should be turned off when not in use.
- Residents should be consulted about potential noise issues, and protocols should be established to control noise.
- No other apparatus should be attached to the lights (for example telecommunications equipment).

SAFER YORK PARTNERSHIP

3.7 No objection.

PUBLICITY

3.8 The application was publicised by site notice and letters of neighbour notification. 20 representations have been made, 7 of which support the proposal.

3.9 The letters in support advise that the proposal would improve the facilities at the school, and allow community use, and also enhance safety. The Micklegate Ward Police Sergeant also supports the scheme, as it would provide a recreational facility for children. He advises that Police officers in the area would monitor the site.

3.10 Objections have been made on the following grounds:

NOISE

3.11 Concern that the school playground is becoming a mini-sports venue; this has impact on residential amenity and the residential character of the area.

3.12 When the MUGA was first allowed, it was agreed with residents at planning committee that the hours of use were to be restricted, until 18:00 hours and no floodlights would be installed, as these elements would harm residential amenity. 18:00 is a reasonable cut off point, when people are likely to be returning from work,

thus noise is less likely to cause harm. However an extension to 20:00 would affect residents. The school has met with local residents over this proposal and residents have unanimously been against such a proposal.

3.13 There is already significant noise disturbance when the MUGA is in use. Noises such as rattling of the fencing, when balls strike it, and shouting, which would be louder if the MUGA were used by older age groups. The area is residential in character, with houses adjacent the site, and further use of the facility will detract from resident's level of amenity.

LIGHT POLLUTION

3.14 The lights will be prominent, appear out of place and cause light pollution. They will affect people trying to sleep - such as shift workers and children.

HIGHWAY SAFETY

3.15 Fear that the facility will be available for wider community use (and not for the benefit of school children). This will lead to increased volumes of traffic in the area and in future there would be further demand to increase the hours of use, into the evening and on weekends.

3.16 Traffic will affect highway safety and cause problems for residents parking cars in the area. Car parking for residents is problematic already, due to customers of the nearby Working Man's Club (WMC) parking in the area and as there are parking restrictions at the entrance to the school.

CRIME AND DISORDER

3.17 The MUGA attracts 'gangs/youths' who congregate in the area. This proposal would exacerbate the situation and lead to crime and nuisance. There are also reports of people either breaking in, or entering the MUGA out of its permitted hours of use which affects noise levels, this issue has required Police involvement after the site was broken into continuously. Since the MUGA was installed it is reported over £10,000 damage has occurred at the school.

3.18 Balls coming out of the site could damage property.

BIODIVERSITY

3.19 There are bats roosting in the school, and in the trees adjacent the MUGA. The lights will affect them, preventing them from leaving their roosts to hunt. Bats are protected by law and the applicants should have the potential impact evaluated by a professional before floodlighting is installed. It is also thought there is a barn owl which visits the sycamore tree onsite. Owls are also a protected species and its habitat would be disturbed by the proposed lighting and noise.

3.20 Affect on property values.

3.21 Note that all letters in support are short, and originate from people who do not live near the site and thus would not be detrimentally affected by the application.

4.0 APPRAISAL

4.1 Key issues

- Visual impact
- Impact on residential amenity
- Impact on wildlife
- Highway safety
- Crime and anti-social behaviour

POLICIES OF THE DRAFT LOCAL PLAN

4.2 GP1 Refers to design, for all types of development. It states that development proposals will be expected to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; use appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces; provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from overdominant structures.

4.3 NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats.

4.4 NE7 relates to habitat creation and protection. It states that development proposals will be required to retain important natural habitats and where possible include measures to enhance or supplement these.

4.5 ED1 relates to new and extensions to primary and secondary schools. It advises such facilities should be permitted, provided they meet a recognised need, the scale and design of the development respects its surrounds, adequate open space/playing fields are provided and where community/dual use is possible, this be incorporated into the scheme.

VISUAL IMPACT

4.6 The proposed structures supporting the lights would be 6m high and apart from the 1m high base, 9cm in diameter. 6 columns are proposed, 3 to each side of the MUGA. The existing fencing around the MUGA is 3m in height. The columns can be colour coated, to blend in with the MUGA's boundary fence and the surrounding trees, this would be a condition, were the application approved.

4.7 By virtue of their spacing, dimensions, height and colour, and as they would be partially screened by the surrounding trees, the columns themselves would not appear unduly prominent and would not detract from the appearance of the area.

IMPACT ON RESIDENTIAL AMENITY

LIGHT SPILL

4.8 The Institute of Lighting Engineers (ILE) provide guidance on the reduction of light pollution. ILE advise that in urban locations, before 23:00 light levels should not exceed 10 Lux, after 23:00 light trespass into windows should not be above 2 Lux.

4.9 Based on the data supplied by the lighting company light spill from the floodlights would be between 0 - 1 Lux at the windows of the houses on Trafalgar Street, which are around 20m from the MUGA. A Lux level of 1 is akin to moonlight. 33 Count De Burgh Terrace and 51 Trafalgar Street are closer to the MUGA but their side elevations face the school, there are no windows on the side elevation of the former, only a landing window on the latter. Also the lights are directed to light the other direction toward the MUGA. Lux levels in the garden/yard areas of these dwellings would again be around 1 Lux, which would not affect residential amenity. It would be a condition, were the application approved that the lights were turned off outside the permitted hours of operation.

4.10 The proposal would comply with ILE guidance by virtue of the level of lighting proposed and times of operation, as the lights would be turned off before 23:00 hours.

NOISE

4.11 The use of the facility generates noise through raised voices and also balls striking the fencing around the MUGA. The site is surrounded by dwelling houses and residents advise that the existing facility creates a certain amount of noise nuisance. It was agreed when the MUGA was first granted permission that its hours of operation be restricted, to 18:00. An extension of hours would allow the facility to be used by the wider community in addition to the after school clubs. This would be consistent with policy ED1 (primary and secondary education) of the Local Plan which advises where a development is capable of joint or dual use for community benefit, this should be encouraged.

4.12 It is inevitable that there will be noise associated with the use, and their needs to be an agreed curfew when the facility will be closed and secure to respect the amenity of the surrounding residents. 18:00 hours was previously agreed, however it is considered that it would be reasonable to allow later hours on one or two occasions during the week (not weekends), to give a balance between allowing the school to make use of the facility and providing respite for residents. It is suggested that the school publicises this information so residents are aware what times the MUGA will be in use and for what purpose. This could be located on a notice board or similar at the school, which is visible from the public realm. If noise from a certain user group were to occur consistently the school could be advised and act accordingly.

BIODIVERSITY / WILDLIFE

4.13 It has been reported that bats roost in and around the school buildings . Also that bats and owls use the corridor of trees along the north boundary of the site and between the MUGA and Trafalgar Street for hunting. Policy NE6 of the Local Plan

(see 4.3) seeks to protect such species. Lighting can affect bats as it can deter them from leaving their roost to forage, a practice which generally occurs at dusk in summer and milder winter/autumn nights.

4.14 The Council's Countryside officer (see 3.1 and 3.2) advises that there are no records of bats at this site, although potentially they could roost in the school building. To reduce light spill over the school building a shield could be installed on the lights, this would deflect light away from the building and would thus enable bats to leave their roost to forage, should they be present in the school building.

4.15 Although it may be that Tawny Owls would forage in the area, such practice generally occurs during the day, and thus they would be affected by the day to day operation of the school more so than the MUGA at night.

4.16 Overall it is considered that the proposal would not conflict with policies NE6 and NE7, which seek to protect protected species and their habitats.

TRAFFIC

4.17 There is space for car (at least 18 spaces) and cycle parking within the school grounds and it is considered that this would be adequate to accommodate additional users of the MUGA, were this to occur on an evening. The site is also within a built up area and close to a bus stop. Highway network management did not object to the original proposal for the MUGA or this application, which seeks to extend the hours of use. Overall there is no evidence that as a direct consequence of allowing the MUGA to open for 2 additional hours each day, and potentially allowing community use, there would be a material impact on on-street parking or harm to highway safety.

CRIME / ANTI SOCIAL BEHAVIOUR

4.18 In relation to the existing circumstance, if the MUGA is a hotspot for 'gangs' at night when closed, then allowing it to be lit and used by supervised groups would in theory aid in deterring such activity. The facility is enclosed by a 3m high fence and requiring that the MUGA be closed securely when out of use is considered to be adequate to prevent intruders.

5.0 CONCLUSION

5.1 The proposed floodlights would be of acceptable appearance and based on the information submitted along with the application, light spill would not affect residential amenity. It is also proposed to extend the hours of operation by 2 hours, so the MUGA could operate until 20:00 Mondays to Fridays. As there is noise associated with the MUGA it is considered that if this were to occur every night through the week, residents would be adversely affected. It is considered that it would be reasonable that the MUGA be allowed to be used later two nights a week, this would strike a balance between taking advantage of the MUGA facility and restricting the harm on residential amenity.

5.2 Mitigation measures have been proposed to reduce the lightspill onto the school building as there is potential for bat roosts in the building. Control of lightspill would allow the building to remain as a potential habitat for bats.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans RBS 070582 (but with height of floodlights 6m)
- 3 Notwithstanding the approved plan the floodlights shall be 6m high, with the dimensions as shown on column and floodlight elevations sheet date stamped 16.4.08.

Reasons: In the interests of visual and residential amenity.

- 4 Prior to first use of the lights details of measures to prevent lightspill onto the school building and the subsequent overspill readings (Lux levels) shall be submitted to and approved in writing by the Local Planning Authority. The development shall commence in accordance with the approved details and be retained as such thereafter.

Reason: To prevent harm to bats, which are a protected species.

- 5 The MUGA shall only be used between the hours of 08:00 to 18:00 Mondays to Fridays and not at all on Saturdays and Sundays, apart from any two nights of the week (Monday to Friday only) when the MUGA may be used until 20:00 hours. The two nights of the week on which the MUGA may operate until 20:00 shall be displayed, along with the user groups, on a notice which shall, at all times, be displayed in accordance with details that shall be approved in writing by the Local Planning Authority.

Outside the permitted hours of operation the MUGA shall be locked/secured and the lights turned off.

Reason: In the interests of amenity

INFORMATIVE

It is suggested the required information is displayed on a notice board or similar by an entrance to the site.

- 6 The lighting columns shall be colour coated green, to reasonably match the MUGA fence within 1 month of installation.

Reason: In the interests of visual amenity.

7.0 INFORMATIVES:

REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual and residential amenity, highway safety and species protected by law. As such the proposal complies with Policies GP1, ED1, NE6 and NE7 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer
Tel No: 01904 551323

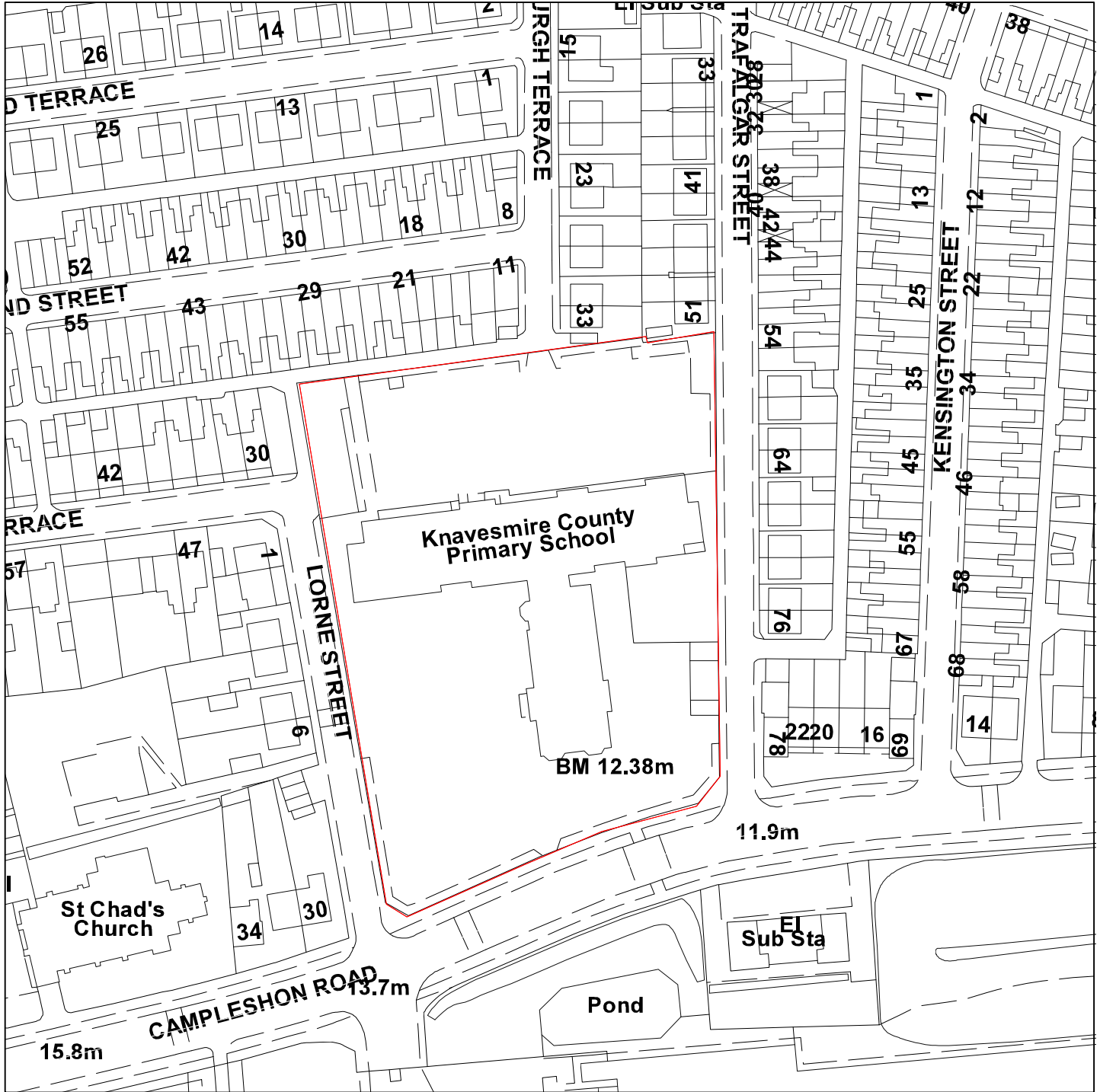
This page is intentionally left blank

08/00975/GRG3

Knivesmire Primary School, Trafalgar Street



GIS by ESRI (UK)



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Not Set
Department	Not Set
Comments	Application Site
Date	06 October 2008
SLA Number	Not Set

This page is intentionally left blank