

COMMITTEE REPORT

Date: 3 November 2016 **Ward:** Hull Road
Team: Major and **Parish:** Hull Road Planning
Commercial Team Panel

Reference: 16/01256/GRG3
Application at: Hull Road Bowling Green Alcuin Avenue York
For: Erection of 4no. temporary modular buildings to provide cafe and community space
By: City of York Council
Application Type: General Regulations (Reg3)
Target Date: 7 November 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the siting of 4 no. modular buildings to provide a cafe and community facilities for a temporary period of 4 years. The buildings would be sited on an unused bowling green. Paths would be cut into the former bowling green to allow access, they would be constructed using timber edging and recycled road planings. In addition a path would be laid through the existing landscape border between the children's play area and the cafe. An area to the south of the proposed units would be used as an outside seating area but would be retained as grass. Temporary consent is requested so it can be assessed if there is a demand for this facility. If this were found to be the case, and a suitable organisation could be found to run a permanent facility, then the option of a permanent building would be explored in the future. Refuse storage would be sited within one un-used room in the pavilion.

1.2 The applicant has advised that the current pavilion building adjacent to the site cannot be used as it is considered to be too small and not fit for the intended purpose. The pavilion is used as a base for York Flourish, as well as storage for tools and equipment by the CYC Environment and Community team.

1.3 The application is reported to sub-committee because the applicant is City of York Council and an objection has been received.

2.0 POLICY CONTEXT

2.1 Policies:
CYGP1 Design
CYGP7 Open Space
CYGP23 Temporary planning permission
CYS6 Control of food and drink (A3) uses
CYS7 Evening entertainment including A3/D2

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections. The car parking proposed originally in the park has been removed to give priority to pedestrian users of the recreational space. The cafe is for local residents who will reside within walking distance of the facility. On street parking is available adjacent to the park. Cycle parking has been provided.

Flood Risk Management Team

3.2 Surface water drainage information can be sought via condition

Public Protection

3.3 There is the potential for noise from the venue, and people attracted later in the evening, to cause complaint if it the site is inadequately managed. However it would appear that the Police are supportive of the proposals in terms of it being likely to reduce antisocial behaviour which may occur at the moment within the park, due to the increase supervision afforded by the proposals.

3.4 Request conditions for the adequate treatment and extraction of cooking odours, and details of machinery that will be audible from outside the premises.

Public Realm

3.5 There has been no bowling in the park for about 10 years and not aware of there being a shortage of greens in the city.

EXTERNAL

Hull Road Planning Panel

3.6 No comments received

Police Architectural Liaison Officer

3.7 No concerns about the use of this facility, which should be supported. No information has been supplied to show how crime prevention has been considered and how it will be incorporated into this proposal to protect the building and its fabric 'out of hours'.

This information should be a requirement in order to determine whether this development will comply with paragraphs 58 and 69 of the NPPF. Request a planning condition to secure full written details.

Environment Agency

3.8 No comments

Publicity and Neighbour Notification

3.9 One objection received making the following comments:

- Increase in vehicular traffic and associated parking increasing the risk to pedestrians and cyclists
- The proposed opening times (08.00 to 22.00 hours 7 days a week) are inappropriate for a residential area
- The value of the parkland will be diminished and construction is contrary to the principles of green recreational space.
- The centre may act as a focal point for anti-social behaviour.
- Consideration of noise and odour problems have not be satisfactorily addressed in the planning application

4.0 APPRAISAL

KEY ISSUES

- Loss of the bowling green
- Impact to visual amenity and character of the area
- Impact to residential amenity
- Crime and design

ASSESSMENT

Planning Policy

4.1 The National Planning Policy Framework (NPPF) indicates a strong presumption in favour of sustainable development. The NPPF sets out in its core principles that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.2 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

4.3 Policy GP23 refers to applications for temporary planning permission. It states that permission will be granted for the temporary use of land or the erection of buildings for a limited period, provided there would be no loss of amenity or the applicant can demonstrate that there is no viable permanent alternative immediately available; and where appropriate, plans are to be brought forward for permanent development.

Loss of Bowling Green

4.4 In paragraph 74 of the NPPF it states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or 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 the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

4.5 The supporting document to the emerging Local Plan: Open Space and Green Infrastructure (2014) states that within the Hull Road ward whilst there is a surplus in parks and gardens there is a deficit in sports provision within the ward and the application site is shown as part of the current outdoor sports provision. The site is also shown as part of a District Green Corridor although the proposal is not considered to adversely impact on this.

4.6 The 'Playing Pitch Strategy' (2013) which is one of the supporting documents for the emerging Local Plan states there are 19 bowling greens and 24 bowling clubs within the city and whilst it states that the number of users has fallen it goes on to say there are programmes to retain and increase club membership, open up bowls to a new range of participants and find ways of raising the profile of the game. Therefore the existing greens should be afforded protection to accommodate this development work. However the report makes reference to the 2 no. bowling greens at Hull Road Park as being closed. Public Realm has confirmed it has been closed for 10 years, and a relatively large number of greens elsewhere in the city have closed in the intervening period. The land no longer has the appearance of a bowling green and could not be used as such without significant works. The siting of the unit would be for a temporary period and the intrusive works to allow for paths etc could be reversible and their removal could be sought via a condition.

Impact on the visual amenity and character of the area

4.7 The former bowling green forms part of a formal layout with the existing pavilion at its centre. The cafe/community space would consist of four rectangular modules one containing a kitchen and the 3 other units to be used as community/cafe space. The dimensions would be 13 metres by 10 metres, and 3.6 metres in height. There would be 1 no. ramped entrance and 2 no. stepped entrances.

The windows and doors would have blue roller shutters. The modular unit would be finished in off-white colour.

4.8 The proposed siting conflicts with the current symmetrical layout. The building would have a utilitarian appearance which is at odds with the character and visual amenity of the park and would result in some harm to its appearance. However, the proposed facility is likely to encourage more people to use the park and it is considered that the temporary harm is outweighed by the application's public benefits of providing community facilities. The applicant has expressed an intention that if the facility is successful then a permanent alternative would come forward. At such time consideration would be given to the location and appearance and respecting the character and appearance of the park.

Impact on residential amenity

4.9 The proposed unit would be visible from Alcuin Avenue; however the distance and the partial screening from the trees and some shrubs would mitigate any harmful impact.

4.10 The applicant has not specified the nature or extent of the cafe use. As such it is considered necessary and reasonable to condition further details regarding kitchen extraction etc in the interests of residential amenity. The proposed opening times of the cafe would be 08.00 to 22.00 hours Monday to Sunday, the community facilities would be open 08.00 to 22.00 hours Monday to Friday and 08.00 to 18.00 hours on Saturday. The building would be a minimum of 44 metres from the dwellings in Alcuin Avenue it is unlikely there would be any significant noise disturbance from the use of the proposed facility. However the use of the facility outside of these hours would be likely to result in noise and disturbance to nearby residents given the character of the area and the lack of other commercial uses. Therefore it is considered necessary to condition the opening hours.

Prevention of Crime

4.11 There is a requirement to consider crime and disorder implications, under S17 of the Crime and Disorder Act 1998. The NPPF states that decisions should aim to ensure development creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions.

4.12 It is set out in paragraph 58 and 69 of the NPPF that planning decisions should aim to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

4.13 From the Police response there does appear to be an existing anti-social behaviour problem in the area.

The building would have a high visibility during daylight hours; however this is not the case during night time hours. The park is not locked at night. The proposed hours of use of the facility would be 08.00 hours until 22.00 hours, from the site visit there did not appear to be any lighting within the park. Roller shutters are proposed to the door and window openings. The elevations show the void under the units enclosed. Enclosing the unit within its own secure grounds is not considered reasonable in this park location and would be a detriment to the character of the park. However there are additional measures that could be undertaken to prevent anti-social behaviour and reduce the fear of crime such as illumination between the units and the park access etc and therefore it is considered necessary and reasonable to condition a statement of crime prevention measures and their implementation.

5.0 CONCLUSION

5.1 The proposed development would result in the temporary loss of open space that was formerly used as a bowling green. In addition by virtue of its appearance it is considered to result in some harm to the visual amenity and character of the park. The development would provide community facilities and a cafe which would be of benefit to the local community and encourage more users of the park. Temporary consent is requested by the applicant to test the demand for the facility; if there was a proven need a permanent proposal would come forward. It is considered that the temporary harm is outweighed by the application's public benefits of providing community facilities and by the fact that it would be in place for a limited period of four years.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The building shall be removed by 30 November 2020 and the land shall be reinstated to its previous appearance and condition unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

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

'West Elevation' received 04 October 2016;
'Site Plan' Revision 2 received 04 October 2016;
'Location Plan' received 04 October 2016;
'Plan and Elevations' received 04 October 2016;

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

3 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The information is sought prior to commencement to ensure that the drainage scheme is initiated at an appropriate point in the development process.

INFORMATIVE

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 must be attenuated to the existing Greenfield rate (based on 1.40 l/s/ha). 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.

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

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

Note: It is recommended that the applicant refers to the DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

5 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 and approved in writing by the Local Planning Authority. 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 background noise level 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.

6 Prior to the occupation of the development a statement of crime prevention measures to be incorporated in to the design of the scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented to the satisfaction of the Local Planning Authority prior to the occupation of any modular unit. Crime prevention measures shall accord with the advice set out in the National Planning Policy Framework and comply with the aims and objectives of 'secure by design'.

Reason: In the interest of the amenity of the users of the development and the park. So the proposed development will comply with paragraphs 58 and 69 of the NPPF: to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. The information is sought prior to commencement to ensure that the scheme is initiated at an appropriate point in the development process.

7 The building shall not be occupied until the areas shown on the approved plans for cycle parking have been constructed and laid out in accordance with the approved plans, this area shall be used for such purposes until 30 November 2020 (the expiry of the temporary planning consent), the land shall be reinstated to its previous appearance and condition unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

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

8 The hours of operation of this approved use shall be confined to 08.00 to 22.00.

Reason: To safeguard the amenities of nearby residential properties.

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 (paragraphs 186 and 187) 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 additional information
- Requested revised plans
- Use of conditions

Contact details:

Author: Victoria Bell Development Management Officer

Tel No: 01904 551347