

COMMITTEE REPORT

Date: 4 October 2018 **Ward:** Westfield
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 18/00586/FULM
Application at: Acomb Bowling Club Front Street York YO24 3BZ
For: Erection of 10no. dwellings following demolition of existing buildings
By: York West Developments Ltd
Application Type: Major Full Application
Target Date: 11 July 2018
Recommendation: Approved subject to Section 106

1.0 PROPOSAL

Application Site

1.1 The application relates to the bowling club which is located at the rear of the car park serving the Marcia Grey public house, Front Street Acomb. The members of the club have decided to make this application because the club has become unviable due to a decline in membership. There are now only 18 members, 7 of which are no longer active.

1.2 There is staff accommodation for the pub located at the end of the car park. The access road is Council owned and a right of access to the (former allotments, now overgrown and unused) land behind the Library and South View Terrace is in place.

1.3 To the eastern side of the bowling green is Vyner House, a residential development constructed in the 1980's. The complex steps down in height from 2.5 storey to single storey as it approaches Lowfields Drive. The ground levels at Vyner House are elevated some 2 m above the bowling green.

1.4 Houses along Lowfields Drive are to the south of the site. These are semi-detached houses which are set nominally lower (some 200mm) than the bowling green. The houses in line with the application site have gardens which are some 12 m shorter than others on this side of the street.

Proposals

1.5 The application has been amended and the proposed layout shows 10 houses around a T-shaped access. The entrance would be via the Marcia Grey and the right of access behind the library into the neighbouring site is unobstructed. Houses are 2-storey and each have their own parking. Housing mix is 6 x 2-bed, 3 x 3-bed and 1

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x 4-bed. The plans show space at the front of the Marcia Grey to accommodate deliveries for the public house.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest Acomb Area
Air safeguarding Air Field safeguarding

2.2 Relevant Policies of the 2018 Publication Draft Local Plan:

H2	Density of Residential Development
H3	Balancing the Housing Market
D1	Placemaking
D2	Landscape and Setting
D4	Conservation Areas
D6	Archaeology
T1	Sustainable Access
HW1	Protecting Existing Facilities
GI5	Protection of Open Space and Playing Fields
ENV3	Land Contamination
ENV5	Sustainable Drainage
DM1	Infrastructure and Developer Contributions

2.3 Relevant Policies of the 2005 Draft Local Plan:

GP1	Design
GP3	Planning Against Crime
GP4a	Sustainability
GP7	Open Space
HE3	Conservation Areas
HE10	Archaeology
H4a	Housing Windfalls
H5a	Residential Density
L1b	Loss of Local Leisure Facilities

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development - Heritage Officer (archaeology)

3.1 Planning conditions are recommended, for a written scheme of investigation to be prepared and carried out and for an archaeological building recording (a written description and photographic recording of the standing structures and Green) to Historic England Level of Recording 2.

3.2 Archaeological potential for the site to contain deposits and features relating to the Roman period is moderate to high based on previous finds in the area.

3.3 The bowling green is a heritage asset in itself. It is York's oldest bowling green and was founded at the turn of the 20th century. It has high historic and communal value as a recreational venue for local residents.

3.4 Should the scheme go ahead the bowling green should be recorded as a whole with particular attention given to the older, wooden buildings which border the green. A level 2 recording will be required along with relevant background information on the club

Design, Conservation and Sustainable Development - Countryside Officer

3.5 No objections to the scheme. An extended Phase 1 habitat survey has been undertaken and no evidence of bats were found. An informative is recommended which would remind the applicants of the Wildlife and Countryside Act with relation to the protection of nesting birds.

Education

3.6 No contributions are requested due to the size of the development proposed (bearing in mind NPPG requirements).

Flood Risk Management

3.7 No objections in principle but would require detailed foul and surface water drainage design to be sought and secured by way of conditions. We note the basic infiltration testing carried out but would require a condition so that further and more comprehensive and plot specific infiltration testing is carried out and soakaways designed to BRE Digest 365 (2016). In agreement with Yorkshire Waters response dated 17th March 2018 we would also require a condition to secure a drainage design with separate systems of foul and surface water systems on and off site.

Sport and Active Leisure

3.8 As the scheme would lead to the loss of the bowling club and given the current level of membership / use of the site officers ask for a contribution which would be used to improve facilities at York RI bowling club. A figure of 20k has been calculated

which considers recent use of the site; this is 5% of the cost of a bowling green and pavilion based on Sport England figures.

Public Protection

3.9 Officers ask that a noise report be carried out to ensure that noise levels in bedrooms and living rooms are in line with the World Health Organisation Community Noise Guideline standards for habitable rooms, with adequate ventilation provided. The report is required in particular due to the following noise sources -

Library

- ambulance sirens (ambulances use the library car park)
- biomass boiler behind the library

Public house

- customers noise (the beer garden is approx 33 m from the site)
- noise from the mechanical equipment

Waste Services

3.10 Officers have advised that due to the narrow access waste collection services would not enter the site (past the public house).

EXTERNAL

Ainsty Internal Drainage Board

3.11 The board note that surface water run-off should mimic existing rates. If a soakaway is proposed then it must be tested (to BRE guidelines) and able to accommodate run off from the development.

Police Designing Out Crime Officer

3.12 Officers commented on the original scheme. It was recommended that narrow access paths, if proposed to rear gardens, should be gated to prevent burglary; these narrow accesses to back gardens are no longer proposed.

3.13 It was recommended also car parking be located where it can be seen from owners houses. Failure to provide this can result in residents parking their vehicles directly outside their house, where the road is not designed to accommodate this. This can lead to neighbour disputes resulting in a demand for police services. The crime analysis also showed that criminal damage to parked unattended vehicles to be prevalent in the area.

Sport England

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3.14 Non statutory response is as follows –

- As the loss of a sports facility is proposed NPPF paragraph 97 applies which states “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 equivalent or better provision is provided”.
- The proposal involves the provision of additional housing therefore it will generate additional demand for sport. If existing sports facilities do not have the capacity to absorb the additional demand, then new and/or improved sports facilities should be secured and delivered in accordance with any approved local policy for social infrastructure, and priorities set out in any Playing Pitch Strategy or Built Sports Facility Strategy that the local authority has in place.
- In line with NPPF (Section 8) consideration should also be given to how any new development will provide opportunities for people to lead healthy lifestyles.

Yorkshire Water

3.15 No objection. The Flood Risk and Drainage Strategy Report prepared by MCA (Report 16115-Y-RP-001-R2 dated 12/03/2018) is acceptable. In summary, the report states that foul water will discharge to public combined sewer and curtilage surface water will discharge to soakaways.

3.16 As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. If, prior to determination of this application, the surface water disposal proposals are amended, further consultation with Yorkshire Water will be required.

3.17 If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

- Separate systems of drainage for foul and surface water on and off site.
- No piped discharge of surface water from the site to take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been approved and completed.

Publicity

3.18 There have been 6 representations made as consequence of publicity, including an objection from Vyner Court (with 24 signatures). Contributors were re-consulted on the revised plans.

3.19 Comments were as follows (note no further comments were received relating to the revised plans) -

Amenity

- Loss of outlook from Vyner House
- Noise disturbance during construction
- New trees should not block light to neighbours gardens
- Overlooking over houses on Lowfields Drive
- Foxes that have been observed on the former allotments site may be diverted elsewhere i.e. into neighbours gardens should the development proceed.

Access issues

- Inadequate access – the access is a narrow single lane and could not serve this scheme and the public house. Front Street is busy in this area, the library is next door and there are bus stops by the entrance

Design

- If the site is re-developed houses should be single storey
- Security – the site has been used as a shortcut in the past, with people travelling through the site and gardens on Lowfields Drive. Residents ask for measures to prevent this in future.
- Re-development of the site should be considered holistically along with the former allotments and the site (further west) behind Chancery Court. The revised plans are however an improvement in so far as they appear to allow an access to the Council owned land (behind the library which was bought by the Council 15 years ago to facilitate the expansion of a public service base in Acomb in association with the Explore Library. The expectation was that some flats could also be provided as the site is well located for the kind of amenities that older people need.

3.20 Westfield Ward Liberal Democrats have also provided the findings of a local survey undertaken with regards re-development of the site. The area surveyed included properties on Front Street including Chancery Court and Vyner House. The survey did not extend into Lowfields Drive In total 32 comments were received.

3.21 The majority of respondents do not object in principle to the development of the Bowling Green site. The majority wanted to see a “holistic” planning solution covering not only the Bowling Green but also the adjacent Council owned land to the rear of the

Library (former allotments) and the disused land to the side of Chancery Court (back of South View Terrace).

3.22 There was strong support for the inclusion of specialist accommodation aimed at older and/or disabled people in any development. Respondents pointed to the nearby location of key services for this group (doctor, dentists, Post Office, Library etc). There are concerns about additional traffic exiting onto Front Street via the pub access road. Traffic and parking on Front Street is already chaotic on occasions

3.23 Individual comments relating to the area, including the former allotments and land beyond were -

- It is important to plan the future of the land behind the library and back Chancery Court now. Accessibility for maintenance machinery is essential.
- Views on the future of the Chancery Court land were mixed. Some liked the overgrown look citing nature conservation reasons, others felt that the area needed to be cleared of weeds and overgrown bushes and trees needed to be loped
- There is strong support for retaining some green space which is at a premium on Front Street and indeed in the Westfield area in general. However, residents felt that any “pocket park” should be capable of being secured at night and several suggested that it should only be accessible during library opening hours.
- It was pointed out that the land to the rear of the library had been acquired by the Council 10 years ago to facilitate the expansion of the library into a “one stop shop”. Residents felt this was an idea that was worth reviving. Residents recognised that selling some of the land might be the only way of funding such an extension.
- Some residents felt that permanent provision for the ambulance station should be made (currently the ambulance parks on the library car park).

4.0 APPRAISAL

KEY ISSUES

4.1 Key issues are -

- Principle of the proposed use and loss of the bowling club facility
- Residential amenity
- Highway network management
- Land Contamination
- Ecology
- Archaeology

- Character and appearance of the conservation area

PRINCIPLE OF THE PROPOSED USE

Loss of the bowling green

4.2 The site currently accommodates a bowling club and is designated as Amenity Greenspace in the 2017 Open Space and Green Infrastructure update. According to the audit the Westfield ward (in which the site is located) has a deficiency of amenity green space and outdoor sports facilities. The study advises that in 2017 there was a lack of space to serve the local population as follows -

	Amenity Greenspace	Outdoor sports
Acomb	- 7.92ha	- 9.23ha
Westfield	- 6.10ha	- 4.98ha

4.3 This application is being made as members have decided to close the bowling club due to a decline in membership. We have been advised of the existing 18 members, 15 are over the age of 80 and 7 are no longer active participants.

4.4 With regards the loss of open space / recreational facilities planning policy either requires re-provision or for it to be demonstrated the facilities are no longer required or are unviable. The NPPF and Local Plan 2018 advise as follows -

NPPF (Section 8 Promoting healthy and safe communities)

4.5 Paragraph 91 states planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs - for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

4.6 Paragraph 96 states access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

4.7 Paragraph 97 states existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

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

Local Plan 2018 Publication Draft

4.8 Policy HW1: Protecting Existing Facilities states that the Council will work with local communities and voluntary sector organisations to help preserve and re-use existing community assets. Development proposals which involve the loss of existing community facilities, or facilities last used for community purposes, will not be supported, unless it can be demonstrated that:

- i. facilities of equivalent or greater capacity and quality (in terms of function, accessibility, adaptability and variety of use) are provided elsewhere on the site; or
- ii. facilities of equivalent or greater capacity and quality (as defined above) are provided off-site, in a location that equivalently or better serves the local community's needs; or
- iii. the facilities no longer serve a community function and demonstrably cannot be adapted to meet other community needs; or
- iv. in the case of commercial facilities, evidence is provided that demonstrates the facilities are no longer financially viable.

4.9 Policy GI5: Protection of Open Space and Playing Fields states that development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of environmental and/or recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost. Where replacement open space is to be provided in an alternative location (within the area of benefit) the replacement site/facility must be fully available for use before the area of open space to be lost can be redeveloped.

4.10 The background text to the policy states that open spaces, regardless of ownership, make a significant contribution to the character of York... There is a presumption against the loss of open space of environmental or recreational importance... Loss and replacement sites/facilities should not increase any identified deficiencies in open space in the area of benefit where the original site is located and consideration should be demonstrated as part of the planning process.

4.11 Members have decided to close the bowling club and officers accept the limited need for the existing facility. However there is a shortfall of open space in the locality, for recreation and sport and there are remaining members using the club at the

application site. As such in applying section 8 of the NPPF and Local Plan policy, in particular policy GI5, replacement provision is proposed.

4.12 The level of contribution (5% of the cost of a replacement facility) has been calculated bearing in mind recent use of the bowling club; there are currently 11 active members, and will be used at York RI Bowling Club (which is also in the Acomb area). This would be the first contribution towards this project and would therefore accord with the pooling regulations. The contribution is required in order to make the proposals policy compliant; to account for the loss of open space. This approach accords with NPPF policy which advises planning obligations must be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution has been agreed with the applicants and will be secured through a S106 agreement.

4.13 Policy GI6 relates to new open space in conjunction with development proposals. It states that all residential development proposals should contribute to the provision of open space for recreation and amenity. It goes on to explain circumstances where off site provision would be appropriate and refers to the supplementary planning guidance on open space dated 2014. An off site contribution to account for future residents is not requested in this case, in line with government policy which states that such tariff-based contributions may only be sought when 11 or more dwellings are proposed.

Principle of housing at the site

4.14 The NPPF weighs in favour of approving residential development, unless either

- the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.15 Paragraph 68 of the NPPF identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. It states that to promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

4.16 Comments have been provided by the Westfield Ward Councillors that the preference would be for a holistic re-development that also included the overgrown (Council owned) land to the west of the site. Whilst officers are sympathetic to this idea the Council has no firm plans to re-develop these sites, there have been no

discussions with the applicants about such a scheme to our understanding, and there are no proposals related to the sites in the emerging Local Plan. This application has to be assessed on its own merits and national policy. The development would not prevent re-development of the Council owned sites, which could be accessed either through the application site or via the library access road. In this respect the NPPG states arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan.

4.17 Local policy in policy H2: Housing Density recommends building at some 50 dwellings per hectare at urban sites such as this. This scheme is around 30 dwellings per hectare. The shortfall is though because the site access, via the public house is within the site, as are areas behind the public house and library which have rights of access to neighbouring property. The need to preserve the amenity of surrounding houses (considering their proximity to the existing bowling green) was also a factor in considering the amount of development suitable for the site.

4.18 Of the 10 houses proposed 6 would be two bed and 3 three bed. The mix reasonably meets identified need in policy H3 of the Local Plan which states that “The City of York Council SHMA and Addendum (2016) suggests that the focus of new housing provision should be on two and three bed properties”.

4.19 There is no affordable housing requirement in accordance with national guidance which states that planning obligations should not be sought from development proposing 10 units or less.

ACCESS / HIGHWAY NETWORK MANAGEMENT

4.20 The NPPF states that it should be ensured that -

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

4.21 A condition is proposed to secure electric vehicle charging facilities and sustainable travel is an option at this site given its location within the Acomb district centre.

4.22 The proposed access is via the side of the public house. Where the access would pass the side of the public house it is typically 3.4 m wide with a pinch point of 3 m. This is an informal access with space for pedestrians and vehicles to pass. It is deemed to be acceptable given the small scale of development proposed and could accommodate emergency services. However waste services have advised their vehicles would not enter the site. As such the applicants have acknowledged they will need to use a private service for waste collection (Building Regulations advice is that residents should not have to transport their waste more than 30 m to a collection point and this distance would be exceeded). This would be secured through condition so it is suitably managed.

AMENITY

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

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

4.25 The amended plans have addressed initial concerns over neighbour's amenity. The number of houses has reduced which allows a more spacious layout which would provide a sense of openness.

4.26 Sections have been provided which confirm the extent (some 2 m) the proposed houses will be lower than Vyner Court. Plots 8, 9, 10 are between 19 - 21 m from neighbouring buildings in Vyner Court. Plot 7 has been positioned so it does not appear over dominant over the adjacent section of Vyner Court which is single storey.

4.27 Plots 3, 4, 5, and 6 are approximately 20 m from the rear elevations of houses on Lowfields Drive. Whilst this separation is nominally under the 21 m applied as a guide in suburban locations, the proposed houses would be spaced 5 m apart to allow a sense of openness and bedroom windows on the upper floors have a vertical emphasis and are fairly narrow. Overall the proposed houses would not cause undue overlooking, and would not be over-dominant or over-bearing.

4.28 It is considered necessary to prevent 2 storey side or rear extensions to houses on plots 3-7 because any further reduction in the relevant separation distances, or

introducing a terracing effect, would lead to a development which would feel over-bearing over the neighbours.

4.29 A noise assessment can be secured through condition to ensure adequate noise levels on site. Houses are orientated so primary windows face away from the neighbouring library and public house. Houses and gardens are some 30 m from the neighbouring commercial areas and there are intervening buildings between the beer garden and the nearest house - plot 10. It is noted there is a planning condition on the library site that prevents the use of ambulance sirens during the evening.

DESIGN & FUNCTION

4.30 The fundamental design principles are established with section 12 of the NPPF: Achieving well designed places. There is further guidance on design in the NPPG which relates to functionality and distinctiveness and the consideration of layout, form, scale, detailing and materials. Local design advice is contained in Local Plan policies D1: Place-making and D2: Landscape and setting.

4.31 The NPPF states planning decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

4.32 The houses have been arranged on site so to protect neighbours amenity. In accordance with Secure by Design principles there is natural surveillance of the public areas, which are clearly defined. Each house would have a private rear garden which will have restricted access. Rear gardens back onto neighbouring gardens which is also recommended practice on security grounds.

4.33 The buildings would be of traditional materials (red brick and slate) and of a scale (2-storey) which would relate acceptably to its surroundings.

4.34 Car parking is suitably dealt with. It would be clearly allocated and spaces would be overlooked by their owners or within each curtilage. The larger (3 and 4 bed) houses have 2 spaces each.

LAND CONTAMINATION

4.35 A desk based assessment with regard to potential land contamination and whether the site would be suitable for houses with gardens has been undertaken.

4.36 The study concludes that the risk from the presence of contamination on the site is Moderate/Low without mitigation. It recommends that ground investigations, followed by a site specific contamination risk assessment should be carried out to allow the design of appropriate remedial measures. Such measures to deal with contamination, including submission of a verification report to demonstrate the site would be suitable for its end use can be secured through planning conditions.

ECOLOGY

4.37 The NPPF states that when determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

4.38 Surveys have been undertaken and it can be confirmed that there are no bat roosts currently on site, or any other protected species.

ARCHAEOLOGY

4.39 The site is in the Acomb Area of Archaeological Importance. Section 16 of the NPPF on Conserving and enhancing the historic environment is applicable.

4.40 Local Policy D6: Archaeology of the Publication Draft Local Plan explains the local policy approach to dealing with designated and undesignated archaeological assets. The background text to the policy advises that understanding the significance of these assets, both designated and undesignated, are fundamental to their conservation, enhancement and management. Development proposals will always need to be accompanied by a heritage statement that is proportionate to the size and impact of development proposals and the nature of archaeological evidence. Where harm to archaeological features and deposits is unavoidable, development proposals will be expected to provide detail on appropriate mitigation measures agreed with the Council.

4.41 Conditions are proposed to deal with archaeology, with respect to both demolition of historic buildings associated with the bowling green (York's oldest) and on groundworks.

CONSERVATION AREA

4.42 The site access and public house building lie within the Acomb Conservation Area. Re-development of the site has potential to affect the setting of the Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

4.43 The application, as amended, proposes partial removal of the front boundary wall to accommodate delivery vehicles to serve the public house without blocking the access. The front wall is a recent (unauthorised) addition of modern materials and utilitarian appearance. The railings which run from the wall to the public house (also unauthorised and excessive in height) will also be removed. These works will not harm the character and appearance of the Conservation Area.

5.0 CONCLUSION

5.1 Given the decline in use of the bowling green and subject to a S106 agreement to secure upgrades to alternative bowling facilities at York RI alternative uses for the site can be considered. The site is suitable for housing given its location and local housing need. The scheme would provide the housing types for which there is identified need and has been designed so to respect neighbours amenity. Conditions can be used to secure adequate mitigation and that the site functions appropriately in respects of site drainage, highway network management, ground conditions and designated heritage assets.

5.2 Approval is recommended subject to completion of a legal agreement to secure a (regulation compliant) off site contribution of £20,000 towards bowling club facilities at York RI.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the prior completion of a Section 106 Agreement (or deed of variation as appropriate) to provide a contribution of £20,000 (index-linked) towards replacement/enhanced facilities for bowling at York RI.

1 TIME2 Development start within three years

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

001 P05, 005 P04, 030 P00, 031 P00, 105 P19, 106 P01, 110 P02, 110.1 P02, 111 P02, 111.1 P02, 112 P02, 112.1 P02, 113 P02, 113.1 P02, 130 P02, 131 P00

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

3 Dilapidation survey

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

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

4 Investigation of Land Contamination

Prior to any groundworks commencing a supplementary investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model

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Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 Remediation Scheme

Prior to groundworks commencing, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 Verification of any Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

7 Reporting of Unexpected Contamination

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

be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

8 Archaeology – recording

Prior to demolition and commencement of groundworks a programme of archaeological building recording; a written description and photographic recording of the standing structures and bowling green, to Historic England Level of Recording 2 shall be carried out and submitted to and approved in writing by the Local Planning Authority. A copy of the recording shall be deposited with City of York Historic Environment Record.

Reason: To record and advance understanding of the significance of the heritage assets to be lost (as the site is of archaeological interest) in accordance with Section 16, paragraph 199 of the NPPF.

9 Archaeology - Evaluation

A programme of post-determination archaeological evaluation is required on this site combining a mixture of trial trenching and strip, map and recording.

A) No archaeological evaluation or groundworks shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI shall conform to standards set by the Chartered Institute for Archaeologists.

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

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the

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preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. (There shall be presumption in favour of preservation in-situ wherever feasible).

Reason: The site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ, in accordance with NPPF section 16.

10 Drainage

Prior to the commencement of construction details of site specific foul and surface water drainage works shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

The proposed soakaway surface water system shall be shown to work through an appropriate assessment carried out to BRE 365 standards, to prove that the ground has sufficient capacity to accept surface water discharge and to prevent flooding of the site and surrounding land. Should the soakaway test fail an alternative means of drainage, which will demonstrate peak run-off from the site attenuated to 70% of the existing rate, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site, in accordance with the NPPF in particular paragraph 163.

11 Drainage

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

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

12 Materials

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, specific manufacturers details of the external materials (including RAL colours for any powder coating where applicable) to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of good design and visual amenity, in accordance with the NPPF, paragraph 127.

13 Noise assessment

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the NPPF paragraphs 127 and 180.

14 Landscaping

The development hereby approved shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate hard and soft measures, including the number, species, height and position of trees and shrubs.

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

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

15 Electric vehicle charging facilities

Each of the dwellings hereby approved shall be fitted with an electric vehicle charging point prior to occupation.

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Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy and Air Quality Action Plan.

INFORMATIVE: The installation of the maximum amount of electric vehicle charging points is recommended. Charge points should be weatherproof, outdoor recharging units for electric vehicles with the capacity to charge at up to 7kw (32A). Groundworks and cabling should be sufficient to upgrade that unit and to provide for an additional recharging unit of the same specification in a nearby location. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

16 Cycle storage

The development hereby approved shall not be occupied until details of covered and secure cycle storage for each dwelling has been submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details.

Reason: To promote sustainable transport in accordance with section 9 of the NPPF.

17 Waste collection arrangements

The development hereby approved shall not be occupied until details of arrangements for waste collection have been approved in writing by the Local Planning Authority. Waste collection shall be carried out in accordance with an approved waste collection scheme at all times.

Reason: In the interests of good design, in accordance with NPPF paragraph 127, because domestic public waste collection services have advised they would not collect waste from the application site due to the narrow access.

18 Construction of site access

The development hereby approved shall not be occupied until full details of the proposed site access, including any associated works within the highway, details of surfacing materials, the front boundary wall and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details.

Reason: To provide a safe means of access, in the interests of highway safety and the character and appearance of the conservation area, in accordance with NPPF paragraphs 108, 127 and 192.

19 Construction hours

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

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents

20 Removal of specific PD rights to plots 3, 4, 5, 6, 7, so no permitted 1st floor extensions to side or rear permitted without permission

There shall be no enlargements to the houses on plots 3, 4, 5, 6, 7 that would extend beyond either the side or rear of the original dwellinghouse and would exceed 3 metres in height without the prior written planning permission of the Local Planning Authority.

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

21 Restricted use of plot 7 flat roof area

There shall be no balcony or other means of enclosure added to the single storey flat roof area of house at plot 7 and the flat roof area shall not be used as an outside amenity space.

Reason: To prevent overlooking over neighbouring houses.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH
In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans to address identified issues and through the use of planning conditions and a legal agreement.

2. LEGAL AGREEMENT

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

3. WORKS IN THE HIGHWAY

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

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550
- streetworks@york.gov.uk

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323