

to demonstrate that the noise level from the substation does not increase background noise levels across all frequencies.

EXTERNAL:-

Ainsty(2008) Internal Drainage Board:-

3.2 Raise no objection to the proposal.

Publicity/Neighbour Notification:-

3.3 Two responses have been received raising the following issues:

- The proposal would result in a narrow dark access to the rear of Hob Moor School, increasing the risk for children
- Potential for increasing anti-social behaviour. The flat roof of the substation could be used to access the roof of the adjacent garages and could result in criminal damage to the substation itself
- The proposal for the substation should have been an integral part of the application for the redevelopment of the site. Both applications should now be subject to an Environmental Impact Assessment

4.0 APPRAISAL

KEY ISSUES

- Impact on the visual amenity of the wider street scene;
- Impact on anti-social behaviour in the locality;
- need for an Environmental Impact Assessment.

LOCAL PLAN

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

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

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

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

4.4 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

IMPACT ON THE VISUAL AMENITY OF THE WIDER STREET SCENE

4.5 Central Government guidance as outlined in paragraph 127(c) of the NPPF indicates that planning decisions should ensure that new developments are visually attractive as a result of good architecture, layout and appropriate landscaping. Policy D1 (Place making) of the Publication Draft Local Plan 2018 indicates that developments should incorporate a high standard of design.

4.6 The proposal relates to the construction of a brick built electricity sub-station measuring approximately 4 metres square and approximately 2.5 metres in height. It would incorporate a flat roof and be constructed of buff coloured facing bricks to match the proposed “Centre of Excellence” building. It would be located to the east of the proposed Centre of Excellence from which it would be separated by a rear access path to the adjoining Hob Moor School. Beyond the access path there is a block of garages and a residents' parking area together with a residential bungalow. The building is modest in scale and utilitarian in design. It would adopt a palette of materials characteristic to the surrounding area and would be integrated into the landscaping associated with the proposed Centre of Excellence. Concerns have been raised in respect of the possible creation of a dark area adjacent to the school access path and a consequent impact on the safety of children using the path. However, given the modest dimensions of the building (4 metres in length and width and 2.5 metres in height) it is not considered that it would have an unduly overbearing presence or detrimental impact on the use of the footpath.

IMPACT UPON ANTI-SOCIAL BEHAVIOUR IN THE LOCALITY

4.7 Central Government guidance as outlined in paragraph 91 of the NPPF indicates that planning decisions should aim to achieve healthy, safe and inclusive places which are safe and accessible and where crime and disorder do not undermine community cohesion. Policy HW7 of the Publication Draft City of York Local Plan indicates that new developments should provide networks of paths that are safe and easy to navigate.

4.8 Concern has been expressed that the proposed substation, by virtue of its flat roof design and location adjacent to an access path and an area of residential garages within a backland site, may become a focus for anti-social behaviour. It is, however, clearly within the defined curtilage of the Centre of Excellence and intervisible with it and as such any issue of anti-social behaviour could be reduced as part of the management and day-to-day operation of the Centre. The issue can be further addressed by a condition requiring further detailed measures to be submitted as part of any planning permission.

NOISE

4.9 Concern has also been raised in relation to the possibility of noise from the substation impacting on nearby residents. At the request of the Council's Public Protection Officer, further information has been submitted in relation to the likely noise levels of the noise emanating from the substation. Having assessed this information, the Public Protection Officer has recommended a condition requiring a further noise assessment to be carried out on completion of the development to demonstrate that the noise levels from the substation do not increase background noise levels across all frequencies, with appropriate mitigation measures to be incorporated if required.

ENVIRONMENTAL IMPACT ASSESSMENT

The need for an Environmental Impact Assessment (EIA) is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Both this proposal and the associated Centre of Excellence constitutes a form of urban development falling within Schedule 2 of the Regulations. The minimum threshold in respect of urban developments which would trigger the need for an EIA outlined in the schedule is where the area of the development exceeds 1 hectare. The proposed development, either singly or in combination with the adjacent Centre of Excellence, falls significantly below this threshold and as such an Environmental Impact Assessment is not required.

5.0 CONCLUSION

5.1 In December 2018 planning permission was granted for the erection of a part single storey part two storey centre for disabled children and their families following the demolition of existing care home (Ref: 18/01467/GRG). Planning permission is now sought for the erection of a brick built electricity sub-station with associated parking in order to service the Centre of Excellence proposal. The proposal is modest in scale and would not give rise to any material harm to the visual amenity of the wider street scene. At the same time any environmental impacts or risk of anti-social behaviour can be mitigated by planning conditions attached to any planning permission. For these reasons the proposal is considered to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:- YSB-GDA-VI-ZZ-DR-A-90_20-0005_PO1_;

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval on completion of the works. 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 becomes operational and shall be appropriately maintained thereafter.

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

5 Prior to the construction of the building beyond foundation level full details of all security measures in respect of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the approved details prior to the development being first brought into use and maintained as such thereafter.

Reason: To deter anti-social behaviour within the site and to secure compliance with Policy HW7 of the Publication Draft Local Plan 2018.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Sought clarification in respect of noise and emf emissions in respect of the scheme.

Contact details:

Author: Erik Matthews Development Management Officer

Tel No: 01904 551416