

1.6 Works have commenced on site. Although the works undertaken were those which would not require planning permission, the school has advised the contractor to cease work prior to the determination of this application.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Schools Copmanthorpe Primary 0190

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYT4
Cycle parking standards

CYED1
Primary and Secondary Education

CYGP11
Accessibility

CYHE2
Development in historic locations

3.0 CONSULTATIONS

EXTERNAL

3.1 6 letters of objection have been received from residents on Low Green (two from the same residents). They raise concerns regarding the provision of information relating to the nature of proposal and operation of the unit; that the Justification Statement is incomprehensible; that the Statement has been hidden in a document entitled 'Proposed External Works', that the proposal should be withdrawn and resubmitted with additional information. Concern has been raised regarding the proximity of residential properties to the bungalow; additional noise; traffic and air pollution. Highway safety issues are raised including: turning in the cul-de-sac; problems with existing delivery lorries and caravans; existing problems with school parking/drop off blocking driveways; that the provision of 2 parking spaces is inadequate; that existing parking by those attending out of hours functions is for

longer periods and has caused hazards for residents. Photographs have been forwarded of a vehicle parking across a resident's driveway. That no information has been submitted with regard to noise restrictions, or rubbish generation. Conditions should be placed upon the operation to control noise and stopping restrictions placed on part of Low Green to prevent parking.

COPMANTHORPE PARISH COUNCIL:

3.2 Do not object to the application.

POLICE CRIME PREVENTION DESIGN ADVISOR:

3.3 Most incidents of anti social behaviour and crime in the vicinity (100m radius) are acts of criminal damage. The type of use for the building (school club) and the age of children using the building should have no impact on crime or anti-social behaviour.

INTERNAL:

HIGHWAYS NETWORK MANAGEMENT:

3.4 Raise no objections to the proposal. Further discussions with Highways Network Management took place regarding residents concerns raised with respect to parking and highways safety. Highways Network Management are satisfied that there is sufficient car/cycle parking within the site and that as pick up drop off would mainly take place outside core school pick up/drop off, the use could be accommodated without prejudice to highway safety.

ENVIRONMENTAL HEALTH:

3.5 No objections. However, raise concerns about the possible implications to surrounding residential properties in respect of noise associated with children in play. They state that although the residential properties within the vicinity will accept they live next to a school and expect some noise, the building is nearer to some properties (some would be no more than 15 metres away) and as the unit is proposed to be open from 07:30 conditions should be placed to restrict hours of outside play and operation. They should be, for the school club Monday to Friday 07:30 to 18:00; with use of external areas for the school club restricted to Monday to Friday 08:30 to 18:00. The evening classes should be restricted to 21:00. A demolition and construction informative should be applied to protect amenity.

4.0 APPRAISAL

RELEVANT HISTORY

4.1 An identical application was submitted in April 2008, reference (07/02984) this was withdrawn because further information was required.

POLICY

4.2 The Development Control Local Plan 2005, states its aim is to support and encourage the continued presence of educational facilities within the City, to foster a culture of education, lifelong learning and to widen the access to education.

4.3 Policy ED1 of the Development Control Local Plan relates to Primary and Secondary Education Facilities and states that extended facilities will be granted permission provided that they meet a recognised need; are of a scale and design appropriate to the character and appearance of the locality; an area of open space is sufficient to meet the need for pupils; where a development is capable, that joint or dual use for community benefit is provided.

4.4 Policy GP1 'Design' 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.

4.5 Policy GP4a 'Sustainability' requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling.

4.6 National planning policy contained within PPS1 'Delivering Sustainable Development', states that good design is indivisible from planning. Design which is inappropriate within its context, or which fails to take opportunities for improving the character and quality of an area or the way it functions should not be accepted.

KEY ISSUES

4.7 The key issues relate to planning policy principles, highways, residential amenity and potential crime generation.

POLICY PRINCIPLE

4.8 In policy terms the thrust of the Development Control Local Plan including Policy ED1, seeks to support lifelong learning opportunities and to widen access to education. The school has stated that the use would provide a quality learning environment for early years (pre school children), would also ensure provision for disabled access and out of hours provision for school age children. The proposed uses of a school club and evening classes (including an art club) would be consistent with the provision of non residential educational facilities, under Use Class D1, as provided by the school itself. The proposal is therefore supported in principle subject to an assessment of the associated impacts upon highways, residential amenity, visual amenity and crime, as outlined below.

HIGHWAYS ISSUES

4.9 The school has some 40 car parking spaces and dedicated cycle parking facilities on site. 2no. existing car parking spaces would be dedicated for the unit and a drop off area would be provided within the school site, adjacent to the bungalow. Access would be taken from the main school entrance, via Low Green which is a residential cul-de-sac.

4.10 A number of local residents from Low Green have raised concerns regarding traffic generation, existing problems with parking by parents on pavements outside the school gates, blocking access to properties and problems with traffic and delivery vehicles on the Low Green Cul-de-Sac. It is noted that the parking provision required by the City Council within the Development Control Local Plan are maximums. Because it is considered that the school has sufficient parking provision within the site and because the majority of car borne users would access the facility out of school hours, it is considered that the use could be accommodated without detriment to highway safety. Parking and drop off are identified as taking place within the school grounds and it is noted that the building is in an accessible location and can be accessed on foot or bicycle. Provision of after school/evening uses for an art club could be accommodated as main car park would be less busy at these times.

RESIDENTIAL AMENITY

4.11 The bungalow is situated within the school grounds, adjacent to the playground, but is located nearer to the surrounding residential properties than the main school building. The nearest properties to the proposed site are situated on Low Green, at the end of Reygate Grove and on Malbys Grove.

4.12 A number of residents from Low Green have commented that the proposal would prejudice the quiet enjoyment of their properties and have raised the issue that information regarding the nature and operation of the facility has not been provided/ or was difficult to find. It is noted that the statement of use was included on file and scanned to the web site.

4.13 The proposed use would be consistent with a non residential educational (D1) use. Although the proposal would generate additional comings and goings, movements would generally be outside of main school hours, the facility would be related to the main educational function of the school and it is not unusual for schools to operate outside these core times. It is however, considered that a condition should be imposed to ensure that opening hours of the school club be restricted to 07:30 to 18:00 Monday to Friday to protect residential amenity and that a condition be imposed to ensure that there would be no outside play until 08:30 Monday to Friday to protect the amenity of nearby occupiers. The hours of operation of evening classes should be restricted to 21:00 to protect amenity. No additional information has been provided with respect to other proposed community uses and it is considered that proposals for other non educational community uses should require permission, to ensure that they could be accommodated without detriment to residential amenity.

4.14 A condition would be imposed with regard to proposed lighting to ensure that the design and location is satisfactory in order to protect the amenity of neighbouring occupiers.

CRIME

4.15 A resident has raised concern that the proposed use would increase crime in the area. The Police Crime Prevention Design Advisor has stated that the proposal would have no impact upon crime or anti-social behaviour.

VISUAL APPEARANCE

4.16 Minor renovations are proposed to the building including new windows and it is considered that they would improve the appearance of the property which has become run down. Details of the proposed disabled access and lighting would be conditioned to ensure that visual and residential amenity is protected.

5.0 CONCLUSION

5.1 The proposed use would be consistent with the City Council's aims of providing lifelong learning opportunities and educational facilities. It would provide extended learning opportunities at the site in line with the main educational function of the school. The school is in an accessible location and has sufficient on site car and cycle parking. The additional uses would take place outside of main school hours when the main car park is less busy. Highways Network Management are satisfied that the proposal could be accommodated without detriment to highways safety. A number of conditions are proposed in order to restrict hours of operation in order to protect the amenity of neighbouring occupiers. Taking the above into account and with the imposition of conditions, the application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

3 The use hereby permitted shall operate within Class D1 (non residential institutions) of the Use Classes Order 2005.

Reason: To be consistent with the provision of non residential institutional activities associated with the main school building and in the interests of the amenity neighbouring occupiers.

4 The hours of operation of the school club shall be confined to 07:30 - 18:00 Mondays to Fridays, with no operation of the school club on Saturdays, Sundays and

Bank Holidays.

Reason: To safeguard the amenities of nearby neighbours.

5 The hours of operation of the evening classes shall be confined to 18:00 to 21:00 Mondays to Fridays with no use on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby neighbours.

6 The use permitted of external areas for educational or play purposes associated with the school club shall be confined to the following hours: Monday to Friday 08:30 to 18:00 with no use on Saturdays, Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby neighbours.

7 Prior to commencement of the approved use, details of the proposed lighting to the building shall be submitted to and approved by the Local Planning Authority. The lighting shall then be installed in accordance with the approved details.

Reason: To protect the visual amenity of the area and the residential amenity of neighbouring occupiers.

8 Prior to the commencement of the use hereby permitted, detailed drawings of the disabled access ramp shall be submitted to and approved in writing by the Local Planning Authority and the ramp shall be constructed in line with the approved details.

Reason: To ensure that the ramp is constructed to the appropriate standards and that visual appearance of the building is maintained.

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 residential amenity, highways issues, visual amenity and impact upon crime. As such the proposal complies with Policies ED1, HE2, GP1, GP11, of the City of York Development Control Local Plan 2005 and national guidance contained within PPS 1 'Planning and Sustainable Development' and PPG 13 'Transport'.

2. 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 remediation scheme 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 should also be 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.

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