

COMMITTEE REPORT

Date: 9 September 2025 **Ward:** Heworth
Team: East Area **Parish:** Heworth Planning Panel
Reference: 25/01168/GRG3
Application at: Hemplands Kids Club Burnholme Youth Centre Bad Bargain Lane
York YO31 0LW
For: Erection of a boundary fence of 2.4 metres high
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 15 September 2025
Recommendation: Approve

1.0 PROPOSAL

The Site

1.1. The application site is the former Hemplands Kids Club, now referred to as York Explorers, in the Heworth ward. The site is currently vacant; however, the former and proposed use of the site is as a Kid Club and community venue. The site is adjacent to Applefields School to the east, Burnholme Sports Centre to the south and Burnholme Library to the west. The site faces several residential properties on the northern side of Bad Bargain Lane.

The Proposed Development

1.2. The application proposes the addition of a 2.4-metre-high fence to the north and west boundaries of the site, with a total length of approximately 40 metres. The proposed fence would be adjacent to Bad Bargain Lane to the north boundary and adjacent to the access to the car park on the west boundary. The proposed green metal mesh fencing would be in keeping with the existing fence to the east boundary of the site. The proposed fence would incorporate a vehicle gate (approximately 3 metres in width) and a pedestrian gate (approximately 0.9 metres in width) to the west boundary. The vehicle gate would be open all day, except during the operating times of the kid's club, between 3 and 6pm, when the gates would be locked for the children's safety. No changes are proposed to the availability of the existing parking spaces or the use of the site.

Site History

1.3. There are no relevant previous planning applications on the site.

2.0 PLANNING POLICY

2.1. Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise.

2.2. The development plan is the City of York Local Plan.

City of York Local Plan (Local Plan)

2.3. The Local Plan was adopted on 27 February 2025. Local Plan Policies relevant to the determination of this application are:

- Policy D11 – Extensions and Alterations to existing buildings, states that plans to extend or alter existing buildings will be supported where the design positively contributes to the surrounding area and is in keeping with the local character.
- Policy T1 – Sustainable Access, states that development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it.

National Planning Policy Framework (NPPF)

2.4. The NPPF is a material consideration relevant to the determination of this application. The relevant sections of the NPPF for the determination of this planning application are:

- Chapter 4 ‘Decision making’ – States that local planning authorities should approach decisions on proposed development in a positive way.
- Chapter 9 ‘Promoting sustainable transport’ – States that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Chapter 12 ‘Achieving well designed places’ – States developments should be of high quality and sustainable. Development should reflect local character and design preferences.

3.0 CONSULTATIONS

Heworth Planning Panel

3.1. No comments received.

4.0 REPRESENTATIONS

4.1. The application has been advertised via neighbour notification letter. 2 representations had been received during the consultation period.

4.2. One objection to the scheme was received, due to the positioning of the layby, which may impact highway safety, and loss of parking spaces.

4.3. One comment was received in support of the application, as it would deter anti-social behaviour and damage to the site.

5.0 APPRAISAL

Key issues

5.1. The key issues which need to be considered in the determination of this planning application are as follows:

- Visual impact on the site and surrounding area
- Highway impact

Visual impact on the site and surrounding area

5.2. The proposed metal mesh fence would be visually in keeping the existing fencing at the site, in scale and design. The fencing would improve the safety and security of the site, in line with its use as a kid's club. Residential properties are opposite the site. The proposed fencing would be positioned in front of the hedge to the north of the site when viewed from Bad Bargain Lane, mitigating the appearance of the fence in the streetscene. The visual impact of the proposed fencing on the streetscene would be acceptable, given the adjacent uses of the school and library which reduce the residential character of the area and contribute to a mixed use streetscene on the south side of the road. The proposed fencing would front approximately 22 metres of Bad Bargain Lane, and the remaining fencing would face the adjacent library.

5.3. It was confirmed by the applicant that no removal of hedges or trees would be required to facilitate the addition of the proposed fence, however the pruning of 1 tree may be required at a low level to allow the fence height to be maintained. The pruning of the tree to the front of the site to allow for the addition of the proposed fence is not considered to cause visual harm to the surrounding streetscene.

Highway impact

5.4. The application form states that 7 vehicle parking spaces and 1 disability space are currently provided and no changes to this are proposed. The parking spaces provided are within the yard area to front, which would be enclosed by the proposed fencing. As the proposed vehicle gate would be open outside of the hours of operation of kid's club, it is not considered that the proposed fencing would reduce availability of parking spaces. During operational hours of the kid's club (between 3 and 6pm), the existing arrangement is that the yard to the front of the site, where the proposed vehicle gate would be, is temporarily closed off to allow the space to be used as part of the outdoor area of the site. It is therefore not considered that the proposed fence would have any material impact on the availability of parking spaces or the functionality of the site.

5.5. An objection was received with regards to the position of the pick-up lay-by in the access road to the car park to rear. Concerns were raised that there would be no provision for children leaving the Kids Club on foot to access the pavement, as the pedestrian gate is opening onto the lay-by. However, as the existing pedestrian access to the site would be maintained with the addition of the pedestrian gate, there is not determined to be any impact to highway safety.

6.0 CONCLUSION

6.1. The proposal would have an acceptable impact on visual amenity and highway safety. The proposed scheme complies with The City of York Local Plan, and The National Planning Policy Framework.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Block Plan - Drawing no. E00657-1002 Dated 11.06.25

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

3 The materials to be used shall match those of the existing fencing in colour, size, shape and texture.

Reason: To achieve a visually acceptable form of development.

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Item No: 5b

8.0 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 39) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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