

## COMMITTEE REPORT

**Date:** 5 June 2014                      **Ward:** Fulford  
**Team:** Major and                      **Parish:** Fulford Parish Council  
                    Commercial Team

**Reference:** 14/00641/FUL  
**Application at:** Fulford School, Fulfordgate York YO10 4FY  
**For:** Erection of detached building to house electrical substation  
**By:** City Of York Council  
**Application Type:** Full Application  
**Target Date:** 14 May 2014  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is Fulford Secondary School. It is proposed to erect an electrical sub-station at the entrance to the school. It would be erected on an area of tarmac used for car parking and a section of grass verge. The sub-station is being erected in response to the proposed expansion of the school.

1.2 The building originally proposed was 7.5m wide, 3.1m deep and 3.2m high. Revised plans were submitted in the course of the application slightly altering the size of the flat roof brick building. The revised building is 6.3m wide, 3.8m deep and 3.0m high. The 0.7m increase in depth has meant that the building is proposed 0.1m from the palisade fence that adjoins the site rather than 0.55m as originally proposed.

1.3 The application is brought to Committee as it is submitted by the City Of York Council and objections have been received.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001  
DC Area Teams GMS Constraints: East Area (1) 0003  
Schools GMS Constraints: Fulford 0246  
Schools GMS Constraints: St. Oswald's CE Primary 0228

2.2 Policies:

CYGP1      Design  
CYED1      Primary and Secondary Education  
CYNE1      Trees, woodlands, hedgerows

Application Reference Number: 14/00641/FUL

Item No: 4e

## 3.0 CONSULTATIONS

### INTERNAL

#### City Archaeologist

3.1 This site is of archaeological interest. It lies outside the formally defined area of Archaeological Interest but in an area that has produced significant archaeological features and deposits dating from the third millennium BC to the medieval period.

An archaeological watching brief on all groundworks will be required to record these features and deposits.

#### Environmental Protection Unit

3.2 No objections based on sound details submitted. Informatives suggested in respect to contamination and construction.

### EXTERNAL

#### Fulford Parish Council

3.3 Object for the following reasons:

- That the proposed location is inappropriate being too close to a public footpath, tennis courts and public open space.
- Insufficient information has been provided regarding the reasons for re-location of the substation.
- The design and access statement is considered to be wholly inadequate and there is no information on the impact of construction on adjacent trees.

#### Neighbours and Publicity

3.4 No comments received.

## 4.0 APPRAISAL

4.1 The key issues in assessing the proposal are:

- Impact on streetscene
- Impact on neighbours living conditions.
- Loss of car parking
- Crime and safety
- Impact on trees

4.2 The National Planning Policy Framework 2012 (NPPF) sets out the Government's overarching planning policies.

At its heart is a presumption in favour of sustainable development. The framework states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. A principle set out in paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. The NPPF states that there are three dimensions to sustainable development - an economic role, a social role and an environmental role.

4.4 In respect to schools Paragraph 72 states that the Government attaches great importance to ensuring sufficient school places are available and give great weight to the need to create, expand or alter schools.

4.5 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.6 Local Plan Policy GP1 'Design' states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and vegetation. The design of any extensions should ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.7 Local Plan Policy ED1 relates to schools. It states that the development should meet a recognised need, and be of a scale and design appropriate to the appearance and character of the locality.

4.8 Local Plan Policy NE1 relates to trees. It states that trees of value shall be protected and replanting shall be undertaken to compensate for their loss.

#### Impact on the streetscene

4.9 The sub-station building is functional in appearance. It would be preferable if it were not located at the entrance to the school site. The approach to the school is relatively attractive and the grounds well landscaped. The case officer visited the school with the applicant to ensure that no preferable alternative sites were available. The location of the very high voltage underground power line running into the site imposes constraints on possible locations.

It is understood that sites within the vicinity of the bike sheds and existing sub station are not suitable either because of technical issues with the cabling or because of the need to re-locate the large bike sheds to an alternative site. The electricity supplier prefers the proposed site as its location towards the edge of the school grounds makes access for maintenance easier. It also reduces the length of high powered cable running through the school site which reduces safety issues relating to any excavation work that may take place within the school grounds in future years.

4.10 The applicant confirmed that proposed site was the preferred choice of the school's Senior Leadership Team which makes higher level decisions regarding new developments. The team includes the head teacher and business manager.

4.11 On balance it is considered given the essential nature of the sub-station and the limited places where it could be located any impact on the streetscene is not such to justify refusal. It is the case that it is a relatively modest building and its impact will be partly softened by nearby trees. It is noted that it will also impact on the adjacent tennis courts. The courts are surrounded by netting and floodlights and are of little aesthetic value and the adjacent changing rooms and store building are functional in appearance. It is not considered that any impact on character would be so significant as to justify refusal of the application.

#### Impact on neighbours living conditions.

4.12 The development would have little impact on the light and outlook of neighbouring houses. It is noted that the caretakers house is now used as an educational/community building.

4.13 The key issue is the impact of noise on living conditions, particularly when background noise levels are low. The Council's Environmental Protection officers requested details of the level and nature of sound that would be emitted from the sub-station. They confirm that based on the sound power level of 59dB (A) at 1000 Hz there would be no objections. It is understood a similar sub-station is sited at Tanner Row near West Offices. This was visited at peak generating time (mid-day) and it was noted that even immediately outside the structure the 'humming' noise coming from the building was barely audible.

#### Loss of car parking

4.14 The proposed development will lead to the loss of two or three car parking spaces and will require the re-location of space for a small number of motor cycles to park. It is understood that parking at the school site is at a premium, however, it is not considered that the loss of a small number of spaces will have a significant material impact on parking conditions on roads around the school site.

## Crime and safety

4.15 A 2m high palisade fence runs between the school boundary and the adjacent playing field/tennis courts. On the side of the playing fields is a public footpath. The path is relatively well used, particularly by school children. It is not considered that the sub-station will significantly increase safety risks to users of the path as the sub-station is separated from it by the existing fence. The sub station will obscure views of the path, however, this is for a small strip and the level of overlooking of the path as a whole will generally be little different. The footpath into the school is on the opposite side of the road to the sub-station.

## Impact on trees

4.16 Plans indicate that the sub station will lead to the loss of one mature flowering cherry tree and may require the canopy of two adjacent trees to be cut back. Although it is unfortunate to see the loss of the tree, in the context of the locational constraints for the sub station it is considered justifiable. It would appear that the tree to be lost is in poor 'health'. It is noted that the tree to the north of the site of the sub-station will help soften the impact of the structure when entering the grounds. The area of school in close proximity to the sub-station is attractively landscaped. Conditions have been included relating to trees. These require the protection of adjacent trees during construction work and for any further trees lost through development to be suitably replaced.

## **5.0 CONCLUSION**

5.1 It is acknowledged that the sub-station would to some extent detract from the setting of the approach to the school, as well as the adjacent open space, as it is by its nature a functional building. However, the new sub-station is essential to allow an adequate electricity supply to be maintained to the proposed enlarged school. Because of safety and technical reasons there are no alternative preferable locations. On balance, it is not considered the harm caused by the structure is such to outweigh the benefits from maintaining an electricity supply to the vital facility.

## **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:-

Revised elevations and site plans 130121 SPL Rev A received by email by the Local Planning Authority on 25 April 2014.

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 development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

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.

4 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

5 The noise level of the equipment in the building shall accord with the ENA Technical Specification 35-1 received by the Local Planning Authority from Northern Powergrid on 25 April 2014.

Reason: In the interests of residential amenity

6 Prior to the commencement of development a construction method statement shall be submitted to and agreed in writing with the Local Planning Authority showing temporary protection to retained trees in accordance with British Standard BS5837. The works shall be undertaken in accordance with the approved method statement.

Reason: To minimise the impact on nearby trees.

7 Any trees immediately adjacent to the sub-station 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 new trees, the size and species of which shall be agreed in writing by the Local Planning

Authority.

Reason: To protect the appearance of the school site when viewed from adjacent land.

## **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 an acceptable outcome:

Additional details were sought to address concerns in respect to noise and a site visit undertaken to explore alternative sites where the sub-station could be located.

### **2. CONTAMINATED LAND**

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 scheme remediation 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.

### **3. DEMOLITION AND CONSTRUCTION**

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 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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