

COMMITTEE REPORT

Date: 8 February 2024 **Ward:** Rawcliffe And Clifton Without

Team: West Area **Parish:** Clifton Without Parish Council

Reference: 23/01217/FULM

Application at: Limetrees 31 Shipton Road Clifton York YO30 5RE

For: Erection of 60no. bed care home (Use Class C2) with associated parking, landscaping and access following the demolition of existing buildings and the creation of new sports pitches for use by York Sports Club

By: Mr Garton, Ms Stubbs And Mr Elliot

Application Type: Major Full Application

Target Date: 12 February 2024

Recommendation: Approve following Sec of State Decision

1.0 PROPOSAL

1.1 Planning permission is sought in respect of a 60-bed care home (Use Class C2) and associated development including parking, landscaping and boundary treatment works, following the demolition of the existing buildings. Additionally, land to the north west (equating to 0.56ha) will be gifted to the York Sports Club to provide new sports pitches.

1.2 The care home, over three floors will provide 60 bedrooms each with an en-suite. 40 of the 60 bedrooms on the first and second floors will provide dementia care, with 20 rooms on the ground floor being used for residential care. Within the building there will communal areas, lounges and dining spaces, kitchens, staff areas, laundry room and assisted bathrooms. In addition, there will be an on-site hairdressers and cinema room.

1.3 The care home will employ 75 (approx.) staff at full capacity and staffed at all times on a shift basis, with around 22 staff per shift.

1.4 The care home will be arranged thus:

Ground floor	– 20 bedrooms with majority having garden access
First floor	– 23 bedrooms. 2no. balconies will be accessed from the lounge
Second floor	– 17 bedrooms with 5 bedrooms benefit from balconies. 1no. balcony will be accessed from the lounge

1.5 Externally, the car park will provide 28no. parking spaces two of which will be accessible/disabled spaces along with the provision of 2 electric vehicles charging points and a dedicated cycle store. The landscaping scheme proposes the planting of 41no. trees, with 5no. existing trees to be removed and 1no. tree to be replanted.

1.6 The landscaping area for the care home will include areas of paving and hard landscaping and a garden area with a pond and dry basin for drainage purposes.

1.7 An area of land is proposed to be gifted to York Sports Club for the creation of playing pitches (for Rugby Union) to relieve existing pressures on the main sports (rugby and cricket) pitches. York Sports Club are not seeking to significantly increase participation beyond the levels they currently operate. This area will accommodate adults and juniors/minis and will be flexibly laid on a week-by-week and season-by-season basis. The area of land will be able to accommodate up to 6 junior rugby pitches. There is a hatched area on the site plan which will be used only by under 7 – under 10s to exclude ball striking/kicking within this area. The area will be turfed to provide an appropriate playing surface. The application details that no new lighting will be required, with lighting from the existing pitches relied upon.

1.8 The application has been revised to address impacts upon protected trees, drainage, car parking and access. The revised application also provided a Construction Environmental Management Plan, a Written Scheme of Investigation (WSI), Ball Strike Report and a report considering the drainage of the proposed playing pitches.

The Site

1.9 The site is located off Shipton Road (A19) to the north west of York city centre. The site is surrounded to the south and west by playing fields associated with the York Sports Club, whose main built facilities and clubhouse are located to the south of the site. Clifton Park lies beyond the site to the north.

1.10 The site extends to 1.6Ha, with the southern part of the site occupying buildings car parking and access and the northern part providing open space and landscaping. The building on the site comprises of an interconnected two storey building that was previously occupied by two services; one being Leeds York Partnership FT providing Regional Deaf Child and Adolescent mental health services (CAMHS) who have relocated to Orca House, in the Link Business Park at Osbaldwick and the second tenant being the Tees, Esk and Wear Valleys NHS Foundation Trust who have relocated to the purpose-built mental health unit at Foss Park hospital. The site is currently in the ownership of NHS Property Services and have been vacant since the end of January 2022.

1.11 York Sports Club is home to York Rugby Union Football Club (York RUFC), York Cricket Club (York CC), York Tennis Club and York Squash Club. The Club

currently offers four full sized rugby union pitches and two dedicated cricket pitches. However, two of the rugby pitches overlap the outfield of the two cricket pitches and there is a demand for pitches from both sports during the April/May and September times as well as the same matchday window of Saturday afternoons. The nature of play and impact of both sports means that this often leaves areas unplayable for cricket. Additionally, the rugby club requires areas for warming up and training with cricket training and warmups taking place at dedicated nets and artificial wickets elsewhere.

1.12 There are many prominent mature and semi mature trees across the site and it is subject to a blanket TPO (Ref: 173/1991-A1) as well as individual trees with Tree Preservation Orders within the southern part of the site. In addition, there are 15 trees positioned along the north eastern boundary adjacent to Shipton Road that are classified as highway trees.

1.13 The site abuts but is located outside the boundary of the Clifton (Malton Way/Shipton Road) Conservation Area. The site is predominantly within Flood Zone 2 where there is a medium risk of flooding.

1.14 The area of the application site is considered to lie within the general extent of the Green Belt. The area proposed to be gifted to the York Sport Club for rugby union pitches is allocated as existing open space in the DLP (2018) Policies Map.

Planning History

1.15 There is extensive planning history relating to extensions to the building for medical purposes, however these do not have any direct relevance to this application.

1.16 There is substantial history relating to works to trees covered by Tree Preservation Orders.

2.0 POLICY & LEGISLATIVE CONTEXT

2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that an application is made in accordance with the development plan unless material considerations indicate otherwise. The development plan for this part of York is the saved policies of the revoked Yorkshire and Humberside Regional Spatial Strategy ("RSS") setting out the general extent of the York Green Belt. Along with the above, the other primary policy framework is the National Planning Policy Framework (NPPF).

2.2 The site is not located within the boundary of but is located adjacent to a designated conservation area (Clifton (Malton Way/Shipton Road) Conservation Area, designated 1975). 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.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

2.3 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.4 The sections of the NPPF that are considered to be of relevance to this planning application include: 5. Delivering a sufficient supply of homes; 6. Building a strong, competitive economy; 8. Promoting healthy and safe communities; 9. Promoting Sustainable Transport; 12. Achieving Well-Designed Places; 13. Protecting Green Belt land; 14. Meeting the climate change, flooding and coastal change and 15. Conserving and enhancing the historic environment.

DRAFT LOCAL PLANS

Development Control Local Plan (2005)

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

2.6 The DCLP policies that are considered to be of most relevant to this application include:

GP1	Design
GP6	Contaminated Land
GP15a	Development and Flood Risk
HE10	Archaeology
GB1	Development in the Green Belt

Draft Local Plan (2018)

2.7 The City of York Draft Local Plan (DLP) was submitted for examination on 25 May 2018 with four rounds of hearings undertaken to date. In accordance with

paragraph 48 of the NPPF (as revised), the relevant 2018 emerging plan policies are capable of being a material consideration in the determination of planning applications. Policies from the emerging plan which are considered relevant and can be attached moderate weight due to their compliance with the NPPF and lack of unresolved objections include:

DP2	Sustainable Development
DP3	Sustainable Communities
H2	Density of Residential Development
H3	Balancing the Housing Market
H9	Older Persons Specialist Housing
HW2	New Community Facilities
HW5	Healthcare Services
D1	Placemaking
D2	Landscape and Setting
D6	Archaeology
D7	Non designated heritage assets
GI4	Trees and Hedgerows
GI5	Protection of open space and playing fields
GB1	Development in the Green Belt
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access

2.8 There are a number of policies within the emerging plan that are subject to changes within the submitted plan, referred to as Main Modifications. As these changes have not been through the four rounds of hearings, in accordance with paragraph 48 of the NPPF, these policies can only be applied with limited weight.

SS2	The Role of York's Green Belt
CC2	Sustainable Design and Construction of New Development

Emerging local plan evidence base

2.9 The evidence base that underpins the emerging policies is a material consideration and can be afforded weight when determining planning applications. The evidence base that is considered to be of relevance to this application includes:

- Topic Paper 1 Approach to Defining York's Green Belt (May 2018) (TP1)
- Approach to the Green Belt Appraisal and Maps (2003) (SD107A)
- City of York Historic Character and Setting Technical Paper (Jan 2011)
- Topic Paper 1: Approach to defining York's Green Belt Addendum and Annexes (2021) (EX/CYC/59)

- Topic Paper 1 Approach to defining Green Belt Addendum – Annex 1 Evidence Base (EX/CYC/59a)
- Topic Paper 1 Approach to defining Green Belt Addendum – Annex 3 Inner Boundary Part 1 Sections 1 to 4 (EX/CYC/59c)
- Topic Paper 1 Approach to defining Green Belt Addendum – Annex 6 Proposed modifications (EX/CYC/59h)
- City of York Local Housing Needs Assessment by Icenl (July 2022) (EX/CYC/92)
- City of York Council Strategic Housing Market Assessment Update (2017)
- City of York Council Strategic Housing Market Assessment (2016)
- City of York Council Strategic Housing Market Assessment Addendum (2016)
- Active York Playing Pitch Strategy (2014) (SD083)
- Open Space and Green Infrastructure Update Sept 2017 (SD085)
- Open Space and Green infrastructure Main Report (2014) (SD086A)
- Technical Paper – Green Corridors (2011) (SD088)

Other guidance

- City of York Council Dementia strategy 2020-2027 ‘Dementia Together’
- Historic England Advice Note 7 (Second Edition) Local Heritage Listing: Identifying and Conserving Local Heritage

3.0 CONSULTATIONS

INTERNAL

City Development

3.1 In line with the decision of the Court in *Wedgewood v City of York Council* [2020] EWHC 780 (Admin), and in advance of the adoption of the emerging Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the Yorkshire and Humber Regional Spatial Strategy ("RSS") and may have regard to the emerging Local Plan (2018), insofar as can be considered against paragraph 48 of the NPPF (2021). Site specific features must also be considered.

3.2 Topic Paper 1 Green Belt Addendum January 2021 Annex 3: Inner Boundaries Part 1 Sections 1-4 (EX/CYC/59c) considers whether land in the vicinity of Rawcliffe Meadows/Clifton Ings serves Green Belt purposes concluding that, while land east of Shipton Road is built-up, exhibits a low degree of openness and does not contribute to the openness of the Green Belt, land to the west serves a number of Green Belt purposes. The application site contributes to purposes A (checking unrestricted sprawl), C (safeguarding the countryside from encroachment) and D (preserving the setting and special character of historic towns).

3.3 A number of modifications to the policy map are proposed as a result of the Local Plan's ongoing Examination. Modification PMM29 relates to the adjacent boundary with York Sports Club (excluding the sports club buildings from Green Belt) but makes no change to proposed Green Belt boundary at the former Lime Trees site. We advise that land is considered as Green Belt for the purpose of determining this application.

3.4 The Applicant does not consider the site to serve Green Belt purposes, however for the purpose of completeness have submitted their case that a) the care home development would fall within NPPF para 154 (g) and b) in any case, very special circumstances exist which clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal. The provision of sports pitches (without lighting) for the use of York Sports club may fall within the definition of 'not inappropriate' uses set out in NPPF para 155 (e), provided that the development maintains the openness of the Green Belt and does not conflict with the purposes of including land within it.

3.5 In relation to para 154(g), the essential character of the Green Belt is its openness, upon which development will have both visual and spatial impacts. NPPF para 154 (g) part 1 requires consideration to be given to whether there is a "greater impact on the openness of the Green Belt than the existing development". If the development is not considered to fall within the scope of para 154(g), very special circumstances should be demonstrated (para 153).

3.6 There are a number of heritage assets within the vicinity of the development site, including the Clifton (Malton Way/Shipton Road) Conservation Area. The submitted heritage statement considers the significance of the unlisted 1928 house at the Lime Trees unit, appropriately using the criteria set out in policy D7. Colleagues in Conservation and Design should advise whether the proposed development affects the setting of the conservation area and the Applicant's conclusion that the house does not meet the criteria to be identified as a non-designated heritage asset.

3.7 Part of the site is designated open space (Land to south Clifton Park Avenue), defined in the 2017 Open Space study as natural/semi-natural open space. While Rawcliffe ward is well provided in terms of levels of natural open space, its loss to formal playing pitches should be considered in the context of Policy GI5, with reference to the Active York Playing Pitch Strategy.

Design, Conservation and Sustainable Development (DCSD) (Archaeology)

3.8 The site is situated between two Roman Roads (Road 5 and 7) and evidence of Roman activity including burials is well documented in the Clifton Area.

3.9 There is a well-preserved medieval ridge and furrow present across some of the site. The proposed landscaping and sports pitches are located in the areas of medieval ridge and furrow and it would be preferable if some of the ridge and furrow could be retained as a landscape feature. If the scheme is approved, the ridge and furrow will need to be topographically surveyed ahead of destruction.

3.10 This proposal has the potential to disturb archaeological layers, particularly in relation to the Roman period through proposed re-development, landscaping and provision of sport pitches. The site has seen little in the way of disturbance through development meaning that Romano-British and potentially prehistoric archaeology may survive at shallow depths beneath the medieval agricultural features or outside of the extant building footprints.

3.11 The Application has submitted a Written Scheme of Investigation (WSI); its details have been verbally agreed along with the start of an archaeological evaluation.

Design, Conservation and Sustainable Development (DCSD) (Ecology)

3.12 No objections. The application site has been the subject to an appropriate level of ecological survey work and based on the findings of this survey work, required protection measures for key ecological features have been clearly and concisely detailed within the Construction Environmental Management Plan and Ecological Enhancement Management Plan. This document provides a detailed programme of ecological enhancement measures.

Design, Conservation and Sustainable Development (DCSD) (Landscape Architect)

3.13 The vast majority of the trees across the site are subject to an area TPO (ref: TPO 173/1991). Some individual trees within the site boundary are subject to TPO 46/47 and TPO 1982/48. The presumption is to retain all of the trees on site that are category A and B and/or subject to a TPO except those that are required for removal on arboricultural grounds due to ill health and poor condition.

3.14 The initial proposals raised a number of areas of concern across the development, including the widening of the access drive and additional pavement, extension of car parking areas, the position of the building in the south western corner of the site, which added up to a significant risk of harm to the existing mature tree cover that is subject to a tree preservation order and desirable for retention.

3.15 The proposals have been the subject to a number of discussions and amendments. The revised proposal now demonstrate that the proposed building has been pulled back from the Oak T303 an adequate distance. Similarly, it should be feasible to construct the reduced car park extension without significant risk of harm to Beech T296 and Pine T291 (provided there is sufficient room to demolish

the existing building and construct the proposed one without entering the recommended root protection area).

3.16 A coordinated CEMP and Arboricultural Method Statement (AMS) should be provided in order to illustrate that it is feasible and practicable to accommodate suitable site compound that to the recommended root protection areas (RPA). For example, confirmation required that Lime T315 (height approx. 16m) will not be in the way of the crane jib for the northern end of the proposed building?

3.17 The proposed landscaping strategy is of high quality. This includes a high number of new trees, using advanced nursery stock, which provides some mitigation for the losses.

3.18 Proposed garden fencing - Having had another look on site, the fence type alongside the footpath may look better in timber in this sylvan location. It would be helpful to know if the fencing has to be 1.8m high, or whether it could be lower, since it does not appear to secure the site. Thus, another option to consider might be a 1.5m high hit-and-miss timber fence; or, as suggested before, an instant hedge.

Design, Conservation and Sustainable Development (DCSD) (Conservation Officer)

3.19 Verbal discussions undertaken at an internal conservation surgery and in summary the following matters were raised:

- The playing pitches will change the nature of the site from wild area/meadow to a site that becomes manicured; further comments may be forthcoming from the landscape architect in this regards
- There will be a greater impact of the site along the frontage with Shipton Road (as a result of the widened access) and the photo in the D&A statement (Section 5) will emphasis that with the railings. Perhaps the demarcation of the boundary edge could be via gateposts/hedging to lessen the impact?
- Boundary treatment – there is concern that the boundary treatment comprising of the high estate fencing is more of a suburban treatment of the boundary definition, and this is inappropriate. If it is to separate the footpath then some definition comprising of soft landscape would be more appropriate. In addition, this doesn't extend up to the Sports club playing fields area? It is noted the comments of the Public Rights of Way team in that it is sensible to accommodate this path within the proposals, which includes the playing pitches area.
- Building design: we request the glass balustrade be replaced with steel/wrought iron railings to match others. Additionally, is the height 1.8m necessary? This further emphasises the inappropriateness of the materials.
- Materials – the area is characterised by its attractive landscape and Victorian villas, and the design/detailing of the building echo's references these; however the quality of the materials should reflect this. The site faces the conservation area and therefore there would be an impact on its setting. Its

detailing and materials would help to mitigate and justify the scale and impact of the proposed development. It is suggested that the building uses red brick, reference to the existing building and those in the immediate locality, and whether any of these bricks could be re-used? Additionally, the windows should be constructed using timber sash and the tiles should be either natural slate or natural plain clay tiles.

Flood Risk Management Team (FRMT)

3.20 With regards to foul and surface water disposal, the submitted flood risk and drainage assessment shows foul water being connected to the 225mm diameter public foul water sewer recorded within Shipton Road to the east of the development and surface water being connected to the 300mm diameter public surface water sewer located within Shipton Road to the east of the development at a restricted rate of 3.5 (three point five) litres per second with appropriate attenuation up to and including the 1 in 100 year event with 30% climate change event is generally acceptable in principle. A condition and drainage informative should be attached in order to protect the local aquatic environment and public sewer network.

3.21 Providing that the redevelopment of the grassed/scrub areas to informal sports pitches do not have any formal drainage and connection to the proposed care home surface water drainage system, we have no objections. As noted during the application these grassed/scrub areas are in Environment Agency Flood Zone 2 and therefore there must be no raising of existing ground levels. The report confirms there will be no raising existing ground levels, only limited cut and fill to level out the area of scrub land to ensure a smooth/safe playing surfacing.

Highways Network Management

3.22 Matters of consideration that have been subsequently addressed, including:

3.23 Widening of the access road- as a minimum a footway on one side of the access road is required and it makes sense to have this on the south side of the entrance as this is close to the pedestrian crossing on Shipton Road.

3.24 Car Parking – we can accept some reduction in car parking provision on site but would need to be cautious. The Travel Plan estimates that a maximum of 22 staff would be on site during the day. The travel plan also shows that the maximum number of staff on site at shift change time would be 27 (18 arriving in the morning and 9 leaving from the night shift). Based on current travel to work data (WU03EW - Location of usual residence and place of work by method of travel to work - MSOA level), 58% of staff working in this area would drive a car to work so that would give us at least 16 cars from staff (probably a bit more as night shift staff will be more likely to use a car). I don't think we can argue that more parking would be required as the previous use used to have people attending appointments throughout the day

so this new use wouldn't be worse. there is ample on street parking available on Shipton Road. The main impacts on side streets would be on Malton Way and Galtres Grove. Malton Way has double yellow lines already where required for safety reasons.

3.25 The parking arrangement is not ideal as drivers will have to reverse from a number of spaces without visibility of oncoming cars, but It is acknowledged that this is a private car park and will be managed internally.

3.26 Cycle parking - we require staff and visitor cycle to be provided in line with LTN1/20 and should be designed to accommodate all space/internal requirements and be accessible.

3.27 Travel Plan – requested a commitment in the travel plan (secured by condition) to a reasonable amount to fund the travel plan (this includes the work of a travel plan coordinator, regular surveys and travel plan measures for a 5 year period). It is up to the developers to estimate the amount of funding required but we need to understand how this will be delivered.

Public Rights of Way (PRoW)

3.28 There is a recorded public footpath running adjacent to the site boundary known as Clifton Without 18 (27/18/10). There is also a route running northwest parallel to Shipton Road from near the current entrance to Limetrees along the north eastern site boundary to Clifton Park Avenue. At present this route is not a recorded public right of way but is likely to carry public rights; PRoW have been made aware of up to 150years public use of this route by Clifton Without Parish Council. We are pleased to see that this footpath has now been shown on the revised site plans and it is indicated to be retained.

Public Protection (PPU)

3.29 Construction noise and dust - The Applicant has submitted a Construction Emission Management Plan and Construction Method Statement, along with a Demolition Statement, which have been updated to confirm there will be no piling on site due to there being strip foundations and the working hours updated. These satisfy the requirements of the Public Protection team, subject to all other dust and noise mitigation measures as started in these reports being implemented.

3.30 Air Quality - A condition is requested requiring a strategy for the provision of electric vehicle (EV) charging.

3.31 Land Contamination – A Phase 1 (desk top study) and 2 (site investigation) has been submitted and accepted; the conclusions outline that the site is suitable for

the proposed use. A condition relating to unexpected contamination is recommended.

3.32 Noise- Road noise from the A19 is likely to be the dominant noise source within this area. A condition is recommended to ensure that the structure of the building is designed to achieve the recommended internal noise levels. The building is also designed with a plant room within the second floor, and a condition is recommended to ensure that the amenity of prospective occupiers will be protected. Additionally, it is recommended that a condition restricts the times delivery vehicles and waste removal vehicles are able to access the development.

3.33 Odour- The development will provide a commercial kitchen and a condition is requested to ensure that the development provides adequate facilities for the treatment and extraction of cooking odours.

Housing

3.34 As this is a Class C2 care home only and there are no dwellings/apartments that would be used as domestic residences, there would be no affordable housing requirement.

3.35 The Local Housing Needs Assessment covering the period between 2021 and 2033, there is a total shortfall of 417 residential care bedspaces plus 367 nursing care bed space.

Lifelong Learning and Leisure (LLL)

3.36 Any response will be verbally reported.

Community Sports Development Manager

3.37 I am pleased to see that the development of the site by Yorkare will see York Sports Club (Rugby Union Section) receive a net gain of 6 No. 20x12m pitches, these are suitable for U7's matches and I believe that the new pitches will be used by different age groups for training purposes and relieve the overplay on the existing match pitches to improve their quality and longevity.

3.38 There are number of trees and shrubs in the centre of the proposed sports pitch area. I would ask that consideration is given to move or remove the two areas of trees and shrubs to the Shipton Road boundary to allow for a larger more useable space where multiple larger pitch configurations could be considered to support the growth of the club.

3.39 The pitches are required to be drained and meet Sport England's Natural Turf for Sport design guidance standards for Rugby Union, so that the pitches are

useable year-round. I have contacted the developer and they have confirmed that they propose to provide a local land drainage solution that does not discharge to the public sewer and that will suit the local site conditions. The developers ground team, at their cost will undertake this as part of the works. I note that the land will be gifted to the York Sports Club and would ask that this will be in perpetuity.

EXTERNAL

Clifton (Without) Parish Council

3.40 No objection to the principle of developing the site to provide a dementia care home, however concerns are raised in respect to certain aspects of the scheme, including:

- the importance of the site as part of York's Green Infrastructure Corridors and the Green Belt; it is important to retain much of the wild character of the existing space which is particularly important for key species (such as owls and bats)
- the existing undertakings to replace trees with TPOs that were removed in late 2022 / early 2023 have not yet been fulfilled
- gifting the area to the sports club will lead to the long-term loss of biodiversity as wild land will be replaced by monoculture grasses. A smaller number of mini-pitches may enable the land to be better managed to retain and encourage biodiversity. Request that conditions are attached requiring management of that area to maintain existing biodiversity
- seek controls to prohibit lighting being installed in the sports pitch area and to limit floodlighting within the site generally
- seek condition for the retention and management of the hedge that runs alongside the footpath on the North East side of the site. This hedge may qualify as an 'important hedge' under the 1997 hedgerow regulations because: it runs alongside a footpath, it has less than 10% gaps, it has at least 1 standard tree per 50metres and it has a parallel hedge within 15m
- object to the limited offers in relation to the recycling and re-use of the existing structures and building materials. We request that conditions are imposed to ensure the maximum possible re-use/recycling of the existing buildings and building materials.
- the impact of a substantially larger total built footprint, and a substantial increase in the average height of the building (taking the current highest point and building everything up to that line). We must avoid such a development establishing a precedent for future developments in the York Green Belt within the emerging local plan.

Clifton Planning Panel

3.41 No objections in principle. It is welcomed that the building will be sited away from the road together with the proposed landscaping and gifting part of the site for

sports practice facilities for York Sports Club. We are encouraged that the massing and appearance was consistent with the local vernacular of housing across Shipton Road and Malton Way.

3.42 We strongly support the comments from local residents objecting about parking arrangements and the replacement of trees. The points made are valid and would help embed the proposal, especially the boundary fencing and landscaping to enhance the privacy of the residents of the care home and local residents using the public pathways.

3.43 We are dismayed that up to 4 mature trees would be removed with no specific commitment made to replace these like for like. We are not convinced about the amount of car parking and would have liked to see proposals for expanding the parking facilities as well as provision for additional EV charging points for the future.

Yorkshire Water

3.44 No objections, subject to condition requiring works to be carried out in accordance with the submitted flood risk and drainage assessment.

Environment Agency

3.45 No objection subject to a planning condition requiring the development to be carried out in accordance with the submitted flood risk assessment and the mitigation measures in terms of the finished floor levels being implemented.

Sport England

3.46 The Applicant has undertaken a ball strike assessment, which considers ball trajectory modelling from the existing rugby pitches and cricket. It concludes that a ball stop fence will assist in preventing ball strike. The low risk arising from rugby ball strike can be mitigated by the inclusion of an 8m run of 1m fencing and a 17m run of 2.5m fencing. We withdraw our objection subject to the requirement of ball stop mitigation being secured through a planning condition.

3.47 However, it does not appear that the ball strike assessment has concerned any ball strike issue in relation to the new area of playing field. Further clarity is required, and Sport England maintain its objection as a non-statutory consultee. Further information has been provided by the Applicant in this regard, and any response will be reported at the meeting.

North Yorkshire Police

3.48 The overall design is appropriate and does not raise any significant concerns in relation to Designing out Crime. There are some aspects that could be improved

to enhance the security of the scheme and include: boundary treatments, cycle parking and lighting.

Vale of York Clinical Commissioning Group

3.49 Any response to be reported at the meeting.

4.0 REPRESENTATIONS

4.1 The application has been advertised by site notice and neighbour notification. In total 12 letters of representation have been received. 4 letters of objection have been received citing the following concerns:

- replacement of trees (undermining the squash courts) following felling of three mature trees have not been undertaken
- during community consultation event advice was provided that no more than 2 trees would be felled to enable the development and request assurances required that this remains the case
- protection of existing saplings and bushes along the green lane parallel to the A19
- seek boundary fence for first length of green garden to allow interaction between care home residents and local residents
- unclear where visitors will park if 34 spaces are sufficient for employees
- issue of parking for users of York Sports Club must be addressed; it is already inadequate- events can create carnage in the surrounding neighbourhood (nose to tail parking on Malton Way, cars parked across drives and illegally on grass verges) – there is a disregard for local residents and the measures taken by YSC are woefully inadequate. Residents on Malton Way rely on on-street parking
- where will the contractor vans, lorries and cars park when construction begins
- ensure adequate parking for staff and visitors - Malton Way is used as the overflow car park for Lime Trees. The additional pitches will attract more users who will most likely drive to the site
- police have attended multiple incidents on Shipton Road outside the Sports Club where parking made entering and exiting the Club difficult
- residents have provided these comments to the developers but they have not been addressed
- The hedgerow that runs along the north west site boundary qualifies as important under the 1997 Hedgerow regulations and request the LPA apply a hedgerow retention order to this hedge.

4.2 7 letters of support have been received including 3 from representatives of York Sports Club (one as Trustee) and one on behalf of York RUFC and cite the following:

- reuse of brownfield land
- well located

- care home use will provide essential care facilities for the community
- design is in keeping/sympathetic to the surrounding area
- building in need of development before it becomes completely derelict
- retention of trees maintains a green corridor along this section of Shipton Road and around the Clifton Park, which other uses might not retain
- York Sport Club and its constituent clubs are in dire need of more playing surfaces
- will provide improved training and facilities for junior and senior sport in the area
- will be of benefit York and the wider community, encouraging more people to be active/taking part in sport
- currently the abandoned tennis courts are in a poor state of repair and attract antisocial behaviour
- regeneration of this site will address issue of safety, security and visual perspectives

5.0 APPRAISAL

5.1 Key Issues:

- Green Belt considerations
 - whether the site is within the Green Belt
 - principle of development in the Green Belt – Residential Care Home
 - harm to openness and purposes of the Green Belt – Residential Care Home
 - Principle of development and harm to the openness and purposes of the Green Belt – Playing pitches for use by York Sport Club
- Loss of healthcare services
- Provision of care home facilities
- Provision of additional playing pitches for use by York Sports Club/loss of open space
- Heritage impacts
 - non designated heritage assets
 - impact on setting of adjacent conservation area
- Archaeology
- Design
- Landscaping & Protected Trees
- Ecology
- Highways and parking
- Amenity Impacts
- Flooding and Drainage
- Sustainability
- Environmental Impacts
 - lighting
 - noise
 - odour
 - land contamination
 - construction impacts
- Green Belt – Consideration of Very Special Circumstances

ASSESSMENT

Green Belt Considerations

Whether the site is within the Green Belt

5.2 The site that is the subject of this application is shown to fall within the Green Belt under Policy SP2 of the DCLP 2005, although the weight that can be attached to this policy is very limited. Further, the site is to be retained within the proposed Green Belt under Policy SS2 in the DLP (2018), although due to unresolved objections the policy requirements of policy SS2 can only be applied with limited weight.

5.3 In line with the decision of the Court in *Wedgewood v City of York Council* [2020] EWHC 780 (Admin), and in advance of the adoption of the DLP, decisions on whether to treat land as falling within the Green Belt for development management purposes should take into account the Yorkshire and Humber RSS and may have regard to the DLP (2018), insofar as can be considered against paragraph 48 of the NPPF (2021). Site specific features must also be considered.

5.4 The Applicant contends that the site should not fall within the Green Belt, citing that the site is already developed and is contiguous with urban development to the north of the city centre. The Applicant further notes that following the Council's proposal to remove the York Sports Club buildings from the Green Belt, the retention of the Lime Trees site as falling within the Green Belt has no clear justification and the creation of a Green Belt boundary between two buildings, with open space beyond is not consistent or logical.

5.5 The Council's strategic approach to the Green Belt within York has been set out at a high level through Topic Paper 1 'Approach to Defining York's Green Belt' (May 2018). A revised addendum Topic Paper 1 'Approach to Defining York's Green Belt Addendum' (Jan 2021) clarified the methodology and revised the text to properly represent the methodology developed and applied for the setting of York's Green Belt boundaries.

5.6 In addition, the Council has undertaken further work in respect to the methodology that has been followed in the setting of inner and outer Green Belt boundaries, forming part of the emerging plan's evidence base. Relevant to this application site is Annex 3: Inner Boundaries Part 1 Sections 1- 4, which outlined that there were no proposed changes to the inner Green Belt boundary which continues along Shipton Road.

5.7 Following the Local Plan Examination Phase 4 hearings, the Council agreed to modify the boundary to the adjacent York Sports Club by excluding the sports club

buildings from the Green Belt. This was in response to the Inspector's concerns regarding the approach to Green Belt boundaries where sports fields are part of a wider complex where the boundary has been drawn tight around buildings, rather than the overall complex itself.

5.8 This proposed modification to the York Sports Club makes no change to the proposed Green Belt boundary at this application site. Therefore, officers consider that the application site is regarded as falling within the general extent of the Green Belt.

Principle of development in the Green Belt – Residential Care home

5.9 As outlined in NPPF paragraph 142, the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

5.10 The NPPF (paragraph 152) goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.11 Paragraph 154 of the NPPF states that LPAs should regard the construction of new buildings in the Green Belt as inappropriate unless they fall within certain specified exceptions.

5.12 The site comprises an area of land connected with the provision of medical services; the southern part of the site is occupied by buildings, car parking and access and the northern part providing open space and landscaping. The site is considered to constitute previously developed land as detailed by NPPF (NPPF Annex 2: Glossary, p71) "Land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure". The definition also sets out that it should not be assumed that the whole of the curtilage should be developed, and it is acknowledged that built development is proposed in a similar location to the existing building.

5.13 Paragraph 154 (g) of the NPPF allows for the partial or complete redevelopment of previously developed land within the Green Belt, which would not have a greater impact on openness of the Green Belt than the existing development. It is within this exception that the proposed development would fall to be considered.

Harm to openness and purposes of the Green Belt – residential care home

5.14 Paragraph 143 of the NPPF states that the Green Belt serves 5 purposes:
a) to check the unrestricted sprawl of large built-up areas

- b) to prevent neighbouring towns merging into one another
- c) to assist in safeguarding the countryside from encroachment
- d) to preserve the setting and special character of historic towns
- e) and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.15 The site is located in area identified in Figure 3.1 Historic Character and Setting of York of the Publication Draft Local Plan (2018) as a 'Green Wedge'. Green Wedges as outlined in the City of York Council Local Plan – The Approach to the Green Belt Appraisal (2003), which was produced to aid the identification of those areas surrounding the City that should be kept open, are broad areas of undeveloped land usually bounded on three sides by urban development part of which may comprise of the historic strays and 'ings' and river floodplains. They are important for the following reasons;

- i) undeveloped open space with a rural feel reaching close to the centre of the city.
- ii) allow an open aspect and views towards important city landmarks including the Minster.
- iii) physical separation between urban form of a different character.
- iv) open areas which build upon the presence of the strays and form a more pronounced separation between areas of different urban form, character and history.

5.16 Specifically, the site is identified to fall within the area C6: Extension to Rawcliffe Meadows and Clifton Ings, is open agricultural and semi-improved grass land that provides an open setting to the city and affords views of the Minster. There are distinctly different characters to the Shipton road area; to the north east it is a dense urban development of the continuous urban area of York stretching out to the ring road which is in contrast to the general peaceful ambiance of that to the south west of Shipton Road.

5.17 It is further evidenced through the Green Belt methodologies, in Topic Paper 1 Green Belt Addendum (January 2021) that the land to the west of Shipton Road, serves a number of Green Belt purposes. The application site contributes to purposes 1 (checking unrestricted sprawl), 3 (safeguarding the countryside from encroachment) and 5 (preserving the setting and special character of historic towns).

5.18 The NPPF states (para. 142) that the fundamental purpose of Green Belt policy is keep land permanently open. The concept of 'openness' in this context means the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site.

5.19 The replacement building is broadly in the same location as the existing main building. The cluster of existing buildings that make up the current Lime Trees building are a mis-match of new and old, and are separate structures albeit close

together. The mis-match helps to break up the mass of the built development. The existing buildings are predominantly single storey with a flat roof, with the proposed building being 2.5 storey in a single mass. The proposed building is longer and higher than the existing buildings on site. It is therefore concluded that the volume of the proposed development on site is significantly more than the existing development and the proposal would have a greater extent of solid massing resulting in the proposed building to have a significant impact on openness. In addition, the larger single building would have an increased visual impact.

5.20 The replacement building therefore would result in harm to the openness and permanence of the Green Belt and is considered to be inappropriate development in the Green Belt. As the site is identified as a 'Green Wedge', the proposal is considered to harm three of the five purposes (a, c and d) of the Green Belt outlined in paragraph 143 of the NPPF. The replacement building therefore gives rise to harm of the Green Belt by reason of inappropriateness, and in line with the NPPF should not be approved except in very special circumstances.

Principle of development and harm to the openness and purposes of the Green Belt – Playing pitches for use by York Sport Club

5.21 The north western part of the site provides recreational open space and landscaping. A proportion of this land is proposed to be gifted to the York Sports Club to provide new rugby pitches. The rugby pitches will be used primarily for junior training and matches. There will be no additional facilities required for the use of the land in this manner, such as lighting and changing facilities, which are already provided by the Sports Club.

5.22 There are certain forms of other development, outlined in paragraph 155 of the NPPF that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. One of those exemptions includes sub section e) "material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds".

5.23 There would be no greater effect upon the spatial and visual aspects arising from the change of use. As assessed above, the application site contributes to the purposes of designation of the Green Belt, specifically purposes A (checking unrestricted sprawl), C (safeguarding the countryside from encroachment) and D (preserving the setting and special character of historic towns).

5.24 The proposal, specifically the residential care home, gives rise to harm to the Green Belt by reason of inappropriateness which should not be approved except in very special circumstances.

Loss of healthcare services

5.25 Policy HW5 (Healthcare Services) of the DLP (2018) seeks to ensure that any development proposals which include existing primary or secondary care services, must re-provide the service as part of the proposal or demonstrate the facilities are no longer required or that relocating facilities would better meet the community's needs.

5.26 The site has been vacant since the end of January 2022 and prior to that date two services occupied the premises; one being Leeds York Partnership FT providing Regional Deaf Child and Adolescent mental health services (CAMHS) who have relocated to Orca House, in the Link Business Park at Osbaldwick. The second tenant was the Tees, Esk and Wear Valleys NHS Foundation Trust who have relocated to the purpose-built mental health unit at Foss Park hospital. It has been confirmed by the NHS (NHS England and NHE Improvement (NHSE/I)) in October 2021 that there are no on-going healthcare requirements for the premises.

5.27 In respect to the relocation of the CAMHS to Orca House, the NHS Foundation Trust advise on their website that that Lime Trees site no longer met their needs with Orca House being more accessible and is able to provide increased, high-quality space for clinical activity, group work and onsite training. It is considered that the facilities provided in Orca House better meet the community's needs.

5.28 The relocation of the services already taken place from the Lime Trees site demonstrates that the facilities are no longer required and the new facilities at Orca House and Foss Park hospital better meet the community's needs in respect to these specific services.

Provision of care home facilities

5.29 NPPF paragraph 63 sets out that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies and includes (but not limited to) older people. The Council's commitment to meeting the specific housing needs of the aging population and people with disabilities or additional mobility requirements are supported by draft policy H9 (Older persons specialist housing) of the DLP (2018). The policy states that developments that are specifically designed to meet the accommodation needs of older people will be supported where they:

- i. contribute to meeting an identified need;
- ii. are well designed to meet the particular requirements of residents with social, physical mental and/or health care needs; and
- iii. are in an accessible location by public transport or within walking distance to a range of community facilities including shops, medical services and public open spaces or they are provided on-site.

5.30 The explanation to the above DLP policy advises that whilst the majority of older people will live in mainstream housing there will be a need for new specialist accommodation provision such as sheltered housing and extra care provision.

5.31 The Council's Local Housing Needs Assessment (LHNA) by Icení (July 2022) provides an overview on housing need and mix covering the 2021 to 2033 period. In respect to the older person population, the report (para 1.33) states that the older person population has some distinct characteristics, including a high representation in the owner-occupied sector. An ageing population means that the number of people with disabilities is likely to increase substantially. The key findings for the 2021-2033 period include-

- a 21% increase in the population aged 65+ (potentially accounting for 63% of total population growth)
- a 29% increase in the number of people aged 65+ with dementia and a 26% increase in those ages 65+ with mobility problems
- a need for around 610-670 additional housing units with care – all in the market sector

5.32 The LHNA (Table 6.7) sets out that there is a current shortfall of 219 residential care bedspaces along with a shortfall of 144 nursing care bedspaces and this shortfall is expected to increase to 417 residential care bedspaces and 367 nursing care bedspaces by 2033. The proposed care home will provide 40 bedrooms for dementia care, with the remaining 20 spaces for residential care. As such, the provision of 60 bedrooms in total would help in meeting this identified need outlined in the LHNA, in addition to providing specialist accommodation for dementia patients.

5.33 The NPPF (section 11) promotes an effective use of land in meeting the need for homes and other uses. Paragraph 124(c) sets out that substantial weight should be given to the value of using brownfield land within settlements for homes as well as (d) promoting and supporting the development of under-utilised land and buildings which would help to meet identified need for housing where supply is constrained, and available sites could be used more effectively.

5.34 Lime Trees is located off Shipton Road and is a sustainable location with access to local services, facilities and public transport. The site is within walking distance to 'Clifton Park' bus stops on Shipton Road.

Provision of additional playing pitches for use by York Sports Club/loss of open space

5.35 Section 8 (Promoting healthy and safe communities) and specifically paragraph 96 of the NPPF sets out that planning decisions should aim to achieve

healthy, inclusive and safe places which (c) enables and support healthy lifestyles, for example through the provision of sports facilities.

5.36 Local plan policy HW2 supports applications for new or expanded communities when an existing deficit or future need has been identified. This policy states that they should be designed to be adaptable and multi-purpose, enabling a wide range of community uses. Any new or expanded facilities must be accessible and well-served by public transport, footpaths and cycle routes.

5.37 The southern part of the site that is occupied by buildings and car parking is identified as 'outdoor sport facility' within the CYC evidence base; Open Space and Green Infrastructure update 2017, with the northern part of the site designated as natural/semi-natural open space. Draft Local Plan policy GI5 seeks to protect the character of, and loss of open space of 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 equal or better standard that which is proposed to be lost. Continuing in the justification to policy GI5 (para. 9.16) which states that there may be circumstances where development proposals can enhance the character, use and visual amenity of open space, and provide ancillary recreational facilities or materiality improve the recreational or biodiversity of the site. Such proposals will be determined on a case-by-case basis on their merits and how they conform to sustainable development. The Active York Playing Pitch Strategy (2014) should be used to assess and guide the need for new provision and improvement of pitches across York.

5.38 The Open Space and Green Infrastructure update (2017) sets out that overall, in the Rawcliffe ward there is surplus provision of natural and semi-natural open space. It is identified that there is also a surplus of outdoor sports facility within the ward. The York Active Playing Pitch Strategy (2014) outlines that there is a total of 21 rugby union (RU) pitches across all sites which have or have the potential to have community access. Many of these pitches are on education sites including private schools with some community access. The analysis indicates that there is a shortage of 4 junior pitches and surplus of 15 senior pitches. Using population projections, the analysis indicates that by 2023 the deficiency of junior pitches will have increased to 8 pitches and the surplus of senior pitches reduced to 10. This indicates that the total overall provision of pitches for RU is likely to be adequate, but the pitch mix may need to be shifted to meet the needs of the junior game.

5.39 The Applicant sets out that at York Sports Club there is a conflict between the use of the existing rugby and cricket pitches. Across the Club's estate, they can offer four full sized Rugby Union pitches in addition to two dedicated cricket pitches. However, two of the rugby pitches overlap the outfield of the two cricket pitches and whilst this is workable most of the time, there is demand for pitches from both sports during April/May and September and during the same matchday window of Saturday afternoons. The gifting of 0.56Ha of land can accommodate up to 6 junior rugby

pitches. The Applicant indicates that these pitches will be used by the Rugby Club for training, warm up and matches with the focus on juniors, however, the Sport's Club intend that other community teams (women's, mixed ability etc) will use this area as they do not benefit from sufficient training or match play due to limited available pitches across the existing Sports Club estate. The pitches will not be marked ('white lined') to allow the club flexibility to suit the Club's schedules. The Applicant has set out that the gifting of the land for playing pitches is to relieve existing pressures on the main sports pitches and they are not seeking to significantly increase participation beyond the levels they currently operate.

5.40 There is an area adjacent to the proposed care home shown hatched on the proposed site plan which will be reserved for under 7s – under 10s only as the type of play does not allow kicking and therefore would not result in the potential for ball strike from the proposed new playing pitches.

5.41 The provision of sports pitches will provide playing pitches that are not connected to education sites, benefiting existing community teams. With up to 6 junior playing pitches being provided this will assist in meeting the anticipated deficit/need as outlined in the Active York Playing Pitch Strategy. Whilst the Open Space and Green Infrastructure update highlights a deficiency in children's play areas and young persons facility, these types of facilities are not considered to be compatible with the proposed use of the site as a care home, providing residential and dementia care. Whilst there is a surplus of outdoor sports facility/amenity green space within the ward, the proposal to provide playing pitches will assist in addressing current issues of conflict between cricket and rugby union already provided at the existing sports facility.

5.42 The northern part of the site is generally devoid of structures; in the intervening period it has been left to overgrow. There is no public access to the site, other than along the footpaths, and it has not been maintained. The site is currently enclosed from the Sports Club through fencing and the proposals will see this area opening up, although access will only be from within the Sports Club. Along with there being no structures within the northern part of the site, the character of the land will not change; it will remain generally open with a recreational function, although the nature of the recreational use will change.

5.43 It has already been outlined that the site is within a sustainable location with access to public transport.

5.44 The Applicant has accommodated the existing footpath that runs northwest parallel to Shipton Road along the northeastern site boundary to Clifton Park Avenue. Whilst this is not a recorded public right of way it is likely to carry public rights. Given its position within the site, and the potential for an enclosure to separate this path, it is not considered that users of the footpath would conflict with the prospective occupiers of the proposed care home or the playing pitches.

Heritage Impacts

Non-designated heritage asset

5.45 The Planning Practice Guidance explains that non-designated heritage assets are buildings, monument, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets (Paragraph: 039 Reference IDL 18a-039-20190723 Revision Date: 23 07 2019).

5.46 In respect of considering potential impacts in determining an application on non-designated heritage assets, the NPPF (para. 209) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.47 Draft Local Plan policy D7 sets out that there are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes, conservation area appraisals and review and as part of the decision-making process on planning applications. Historic England's Local Heritage Listing Advice Note 7 sets out the commonly applied selection criteria for assessing the suitability of assets for inclusion in a local heritage list and includes: asset type, age, rarity, architectural and artistic interest, group value, archaeological interest, historic interest and landmark status. Applying this criteria to the application site and building:

Asset type: building – records indicate that it was originally built as the medical superintendent's house for the north Riding Mental Hospital (later Clifton Hospital). This use ceased in 1960s when it was converted to an adolescent psychology unit.

Age: built between 1907 and 1929.

Rarity: The architect was J.R White, architect at County Hall, Northallerton. The hospital was a local authority institution before being taken over by the NHS in 1948. Works of J.R White are unknown although they are likely to have been involved in other local authority projects.

Architectural and Artistic Interest: it is a plain example of the 'arts and crafts' influenced houses that were common in this period. It has an unbalanced appearance due to the inclusion of an extra bay on the north eastern site.

Elaborations include substantial chimneys, protruding brick quoins and a flat roof loggia at the front entrance (although it is noted that this appears somewhat clumsily executed by comparison with the rest of the house and could be a later addition). Most rainwater goods have been converted from cast iron to plastic and windows are modern uPVC with the possible exception of a stained glass stairwell/first floor landing window on the rear elevation. Subject to extensions in 1989 and latterly additional modern buildings erected.

Group value: No group value.

Archaeological Interest: well-preserved medieval ridge and furrow present across some of the site. The Council's archaeologist considers that the site of 31 Shipton Road to be an area of archaeological interest. The archaeological interest of the site is considered to be non-designated heritage assets and are covered under the 'archaeology' section below.

Historic Interest: it is one of few surviving buildings associated with Clifton hospital, although its late date, original non-clinical association and lack of architectural interest result in a minimal historic interest.

5.48 The building at Lime Trees is not a designated heritage asset. Nor is it recorded in the York Historic Environment Record or locally valued by being on the York Open Planning Forum, a locally created register of buildings and structures that are of importance and interest to local communities because of their architectural or historic interest.

5.49 Using Historic England's criteria in order to assess the suitability for inclusion in a local list, the LPA agree with the Applicant's assertion that the existing building lacks sufficient significance to constitute a non-designated heritage asset. As such, there is no requirement to take into account the requirements of NPPF para. 209. No objection is made to its demolition.

Impact on setting of adjacent conservation area

5.50 The site sits adjacent to the Clifton (Malton Way/Shipton Road) Conservation Area, which was designated in 1975. It is a designated heritage asset. Paragraph 205 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Continuing in paragraph 212, LPAs should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals

that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

5.51 Policy D4 of the DLP (2018) relates to development within or affecting the setting of conservation areas, stating that developments that are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area will be supported.

5.52 The main elements that contribute to the character and appearance of the Clifton Conservation Area include: the interesting and varied design of the houses themselves, by a significant architect (Barry Parker, known for the design of the village of New Earswick); the design of the estate as a whole 'epitomising the qualities of the garden suburb of that period', the estate's 'leafy landscaped setting' created by wide grass verges on Malton Way and Shipton Road frontages, the generous grass verges on the two minor cul-de-sacs, the mature large gardens and the garden hedges.

5.53 It is acknowledged that the largely undeveloped nature of the site may make a contribution to the ability to appreciate the historical development of the conservation area, retaining the character of the parkland of Clifton Hospital that was present when the estate was designed. There is little connection between the Lime Trees site and the conservation area; the house constructed in 1928 pre-dates the construction of most of the houses in the conservation area, it was not designed by Barry Parker, not built as a private dwelling, and has no architectural similarity with the houses on the estate.

5.54 In terms of the proposed development, the new building is of traditional design, with styling cues taken from the dwellings within the conservation area. In addition, the quality of materials is important, to further reference the conservation area and other surrounding development and to assist in mitigating and justifying the scale and impact of the proposed development. The Council's conservation officer recommends the use of red brick, and windows to be constructed using timber sash and tiles either natural slate or natural plain clay tiles.

5.55 As such, the proposed development, including the demolition and replacement of the existing building, will preserve the character and appearance of the Clifton (Malton Way/Shipton Road) conservation area. There would be no harm to the designated heritage asset and therefore there is no requirement to weigh this harm against the public benefits of the proposal, in line with paragraphs 206-208 of the NPPF.

Archaeology

5.56 The application site lies outside of the Central Area of Archaeological Importance (AAI) although the Clifton area has well documented evidence of Roman

activity, including burials. The site is considered to be an area of archaeological interest; it is situated between two Roman roads running from the North West (Road 5 and Road 7). Road 5 runs to the south of the site and was preceded by Road 7 to the north. Cemeteries and individual burials are often located by the site of Roman roads. There is a well-preserved medieval ridge and furrow present across some of the site. The Council's archaeologist considers that the site at Lime Trees to be an area of archaeological interest.

5.57 As such, any of the archaeological features and deposits on the application site are non-designated heritage assets. Paragraph 209 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.58 The proposed landscaping and sports pitches are located in the areas of medieval ridge and furrow and whilst it would be preferable to retain these as a landscape feature, this would not be possible given the proposed uses of this space (amenity area for prospective residents and playing pitches). However, it is recommended to topographically survey the ridge and furrow ahead of destruction and any harm would be mitigated through a suitable worded condition.

5.59 The proposed building works, particularly arising from excavation of foundation for the new building and new services, landscaping and the formation of the sport pitches have the potential to disturb archaeological layers, particularly relating to the Roman period. The Council's Archaeologist notes that the site has seen little in the way of disturbance through development meaning that Romano-British and potentially prehistoric archaeology may survive at shallow depths beneath the medieval agricultural features or outside of the extant building footprints.

5.60 The Council's Archaeologist recommends that an evaluation including the sports pitches area and any available space around the extant building and other intrusions (e.g., pond and attenuation tank areas) would be a suitable measure to ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ. Any harm to non-designated heritage assets (archaeological features and deposits) would be mitigated through the condition and the application is considered to comply with paragraph 209 of the NPPF.

Design

5.61 Section 12 of the NPPF advises that good design is a key aspect of sustainable development, creating better places in which to live and work and helps to make development acceptable to communities (para. 131).

5.62 Continuing, paragraph 135 of the NPPF sets out six design expectations for proposed developments and include;

- a) it will function well and add to the overall quality of the area;
- b) visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history;
- d) establish or maintain a strong sense of place;
- e) accommodate and sustain an appropriate amount and mix of development; and
- f) create places that are safe, inclusive and accessible, which promote health and well-being, with a high standard of amenity for existing and future users.

5.63 As detailed above, the proposed building has been sensitively designed, taking cues and architectural detailing including window design, stonework and barge boards, from the surrounding built development, notably the dwellings located within the Clifton conservation area and the Victorian villas along Shipton Road.

5.64 The replacement building will remain generally in a similar location to the existing building; it is set back from the road although with a widened access and the increase in height and massing of the replacement building, there will be a greater impact from the building in this location. The area is characterised by its attractive landscape, and it is envisaged that by retaining the majority of the trees and enhancing the landscape, its setting would be maintained. Further, to assist in mitigating the scale and impact of the new building, the quality of materials is deemed to be of importance to enhance and echo the references to the architectural details of surrounding built development such as the Victorian villas, and its setting within the landscape.

5.65 There remains the use of 2no. glass balustrades on the western facing elevation at a height of 1.8m serving terraces, with other terraces detailed in wrought iron railings. Discussions have been undertaken with the Applicant in respect to this detailing, as officers seek a consistent approach across the building and consider that the glass balustrade contrasts with the design approach of the building. It is agreed that the details of the balconies (railings/balustrade) can be negotiated through conditions so that the Applicant can explore options further and review Care Quality Commission guidance.

5.66 The detailed materials, including bricks, windows and tiles to be used in the construction of the development can be developed through planning condition to ensure that the whole design concept can be developed. Representations have been made from the Council's Conservation Officer and Clifton (Without) Parish Council relating to the potential for the re-use of bricks; the Applicant has set out that the existing buildings/extensions making up the Lime Trees site were not matched, and varying brick types have been used. The proposed care home will be constructed using one uniform brick and requires a larger number of bricks than the existing buildings can provide.

5.67 The boundary treatment has been the subject to negotiation, in order to avoid high estate fencing that is considered to be more of a suburban treatment and given the landscape setting, emphasis should be made to defining soft landscaping features to provide adequate demarcation. One of the main areas of concern has been in respect to the footpath route running northwest parallel to Shipton Road from near the current entrance to Lime Trees along the northeastern site boundary to Clifton Park Avenue. Whilst this is not a recorded public right of way it is likely to carry public rights. This has been accommodated within the proposals and whilst a 1.8m high close boarded fence is proposed, this will be positioned within the site and be set back from the site's frontage, which has established hedgerow and tree canopy. The effect of such a suburban treatment is balanced against protecting the privacy and security of prospective residents. The Applicant has considered alternative treatments including mesh fencing and it is considered that a suitable treatment as well as re-considering whether a smaller height would suffice, as recommended by the Landscape Architect, can be developed through a suitably worded planning condition.

5.68 To the other remaining site boundaries, the Applicant proposes a 1.2m high estate fencing, which will maintain a generally open aspect with the Sports Club and preserve the open landscape character. There will be low level wrought iron railings around the building demarking the private gardens from the wider communal areas, which again will provide an open aspect.

5.69 Overall, given the location of the site outside the conservation area and in a landscaped and generally open setting, the development is sensitively designed, and quality of the proposed development will be appropriate. Subject to certain aspects being developed through planning condition, the overall development will be visually attractive and sympathetic to local character complying with para. 135 of the NPPF.

Landscaping & Protected Trees

5.70 Section 12 of the NPPF focuses upon achieving well-designed and beautiful places, with the creation of high quality, beautiful and sustainable buildings fundamental to what the planning and development process should achieve. Paragraph 135 b) seeks to ensure that development are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Further, in paragraph 136 of the NPPF, it states that trees make an important contribution to the character and quality of urban environments. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in the development and that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

5.71 The vast majority of trees across the site are covered by a blanket Tree Preservation Order (TPO) (ref: TPO 173/1991). Some individual trees within the site boundary are subject to individual tree preservations (ref: TPO 46/47 and TPO 1982/48). The proposals involve the removal of 4no. existing trees to be removed, with one tree to be re-planted.

5.72 The existing driveway approach to the existing building is loosely lined with trees including four mature Limes (T285 – category A and T286, T311 and T312 – all category B and a semi- mature Ash T287– category C). The trees make up a valuable landscape feature of the site as well as play a part in the namesake of the property.

5.73 The proposed plans show the removal of the Ash and two of the Limes (T287 and T286, T312 respectively). The remaining two Limes will be retained. Concerns were raised by the Council's Landscape Architect in respect to the potential risk of harm to the remaining Lime trees on the northern side of the driveway by way of new parking and enclosures (to accommodate plant, cycle parking and bin stores) within the recommended Root Protection Areas (RPAs). The Applicant has rearranged the parking and required enclosures in this location. Furthermore, evidence has been presented that demonstrates that the proposals would not lead to any increased areas of hardstanding adjacent to the retained Limes T311 and T285 as there is currently hardstanding in this location and this area has been used for car parking in the past. The Landscape Architect is content that having assessed the conditions to the north side of the driveway it would be possible to retain the two lime trees as proposed.

5.74 Due to the reorganisation of parking and relocation of the enclosures, as well as the building being pulled back from the Oak (T303), the proposals will further result in the loss of a category C Cherry (T314), however this is noted to be of lower value than the Oak.

5.75 The three trees to be removed currently sited on the southern side of the driveway (Ref: T287, T286 and T312) are required in order to facilitate the improvements to the access, including the widening of the driveway; allowing for a refuse vehicle to turn within the site and to enter and exit in a forward manner and providing a new footway to the southern carriageway as this is close to the pedestrian crossing on Shipton Road. It is also this location as to where the semi-mature willow (T313) will be re-planted.

5.76 The proposed plans show car parking to be provided underneath the low canopy and within the RPA of Beach T296, which is an attractive, mature category A tree. Spaces identified as 3-10 are a result of an existing arrangement, following historical, surfaced, shallow excavation within the RPA that has now grown over.

5.77 There has been an overall reduction in car parking spaces from the initial scheme, with the spaces underneath the tree canopy and to the east of the Beach T296 removed and further re-arrangement of spaces 21-28 as shown on the proposed plans. These will be constructed using a cellweb matting system. Along with the Beach T296, the Pine T291 is identified of being particular merit and susceptible to decline if any damage is incurred to their roots or the rooting environment. The revised car park areas avoid the RPA of the Pine T291 and subject to there being sufficient room to demolish the existing building and construct the proposed one without entering the recommended root protection area.

5.78 The Landscape Architect has outlined the car park extension would likely result in the decline of the Sycamore closest to the entrance given its proximity of the proposed construction. However, as this group of trees are a lower quality (category c) they could be replaced, although this would result in a temporary gap in the tree cover. It is acknowledged that the scheme increases the presence of cars and is harmful to the landscape character.

5.79 The proposals initially sought for the building's footprint to be closer to the south western boundary of the site than the existing footprint, resulting in the building being uncomfortably close to the mature Oak (T303 – category A). The revised plans demonstrate that the building has been pulled back along with removal of patio areas and revision of a patio door to a window, reducing the amount of hard landscaping and construction works in this area.

5.80 In terms of the proposed landscaping plan, the Landscape Architect advises that the landscape masterplan and planting plans are of a high quality and respond positively to the setting. The landscaping scheme indicate replacement tree planting along the driveway with 'Fagus sylvatica 'Dawyck', which is a narrow form of Beech and is a suitable replacement. Other new native tree planting within the landscaped grounds would make a positive supplement to the tree cover as viewed from Shipton Road and small ornamental trees would provide highlights adjacent to the garden path and features. Overall the landscaping plan includes a high number of new trees (41no. in total), using advanced nurse stock, which provides some mitigation for the losses.

5.81 Officers recognise that there are concerns about the level of loss of protected trees, and further potential risk of harm from construction impacts, while recognising that the proposed landscaping scheme provides a high level of replacement planting. These concerns are weighed against the improvements to the access within the site for pedestrians and vehicles, the provision of an appropriate level of car parking and provision of other facilities to support the operation of the care home and measures to encourage sustainable travel (bin stores, plant, and cycle parking), are on balance, considered to be essential and proportionate to support the delivery of the proposed residential care home.

Ecology

5.82 Chapter 15 of the NPPF outlines that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

5.83 The Application is supported by an Ecological Appraisal (Dec 2022) and is an appropriate level of ecological work. Survey work outlines that no bat roosts or evidence of bats were detected on site and some of the buildings on site have features that could support roosting bats although they have a low suitability of bat interest. The report indicates that all trees with bat roosting suitability will remain in situ. Additionally, the report highlighted that the site is suitable for nesting birds with various designations and the Applicant is made aware of works being undertaken outside of bird nesting season. There are no ecological constraints in respect to invasive non-native species, badgers, great crested newts or reptiles.

5.84 The Council's Ecologist outlines that the required protection measures for key ecological features have been clearly and concisely detailed within the Construction Environmental Management Plan and Ecological Enhancement Management Plan. The Ecological Appraisal includes ecological enhancement measures including a recommendation of at least 6no. bat boxes to be installed on building or trees within the site. A condition shall ensure that these ecological enhancements are implemented.

Highways and parking

5.85 The NPPF (para. 109) advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Draft policy T1 (Sustainable Access) supports development where it minimises the need to travel and maximises the use of more sustainable modes of transport.

5.86 The site is accessed via an existing junction with Shipton Road and is subject to a 40mph speed limit within the vicinity of the existing junction. Footways are provided on both sides of Shipton Road. There is an existing pedestrian refuge island approximately 15m to the south of the existing site access.

5.87 The 'Clifton Park' bus stops are positioned close to the application site on Shipton Road, the northwest bound stop approximately 120m away, and the southeastern bound stop approximately 50m away. Shipton Road is a high frequency bus corridor, served by the Park and Ride service No. 2 between Rawcliffe Park and Ride and the city centre. In addition, bus services 29/29A (York – Linton-on-Ouse – Easingwold), 30 (York – Alne – Easingwold) and 31/31X (York – Easingwold – Kirbymoorside) also route along Shipton Road.

5.88 The application is supported by a Transport Statement and Travel Plan. The Transport Statement sets out that the traffic generation from the proposed development will not have a significant impact on the operation of the local highway network. The site is in an accessible location, with Shipton Road being a high frequency public transport corridor.

5.89 The proposed care home is expected to have 75 staff based at the care home, working across shift patterns (07:00 – 19:00 and 08:30 – 17:00 both typically 11 staff, with 19:00 – 07:00 typically 6 staff). The shift patterns will result in a maximum of 22 staff being on site at any given time.

5.90 The developer shall encourage staff travel to and from the site via sustainable transport modes, such as walking, cycling and public transport as well as the potential to promote car sharing. A draft Travel Plan has been provided, which sets out a number of measures and initiatives to encourage staff to travel to and from the site by sustainable transport modes and will be developed further through conditions.

5.91 The existing access into the site will continue to be utilised. A footway will be provided on the south side of the entrance, which is close to the pedestrian island on Shipton Road. Tactile paving will be provided at internal crossing points.

- Car Parking

5.92 There are existing parking areas within the site that are in locations which would normally be avoided, such as within the Root Protection Area (RPA) of several protected trees. These are proposed to be continued to be utilised.

5.93 There is an additional area of parking adjacent to the site's frontage with Shipton Road. The arrangement of the car parking spaces has been raised in terms of reversing with limited visibility, particularly in respect to No's. 27-28 at the head of the parking area and the Applicant has indicated that these spaces would be allocated as staff parking, with the parking closest to the building retained as visitor spaces. This will be managed in-house.

5.94 There has been a reduction in the level of parking spaces (total staff and visitor spaces) by 6, from 34 to 28 spaces. This has been to address issues in respect to their position within RPAs of protected and other valuable trees. Within the 28 spaces, 2 spaces will be accessible spaces and 2 spaces will provide electric vehicle recharging points.

5.95 The Council's Highways Officer is content that the level of car parking is sufficient to accommodate the parking demand generated by the proposed development, in line with the Transport Statement and with the measures outlined to be implemented as part of the Travel Plan.

5.96 Objections have been received setting out that the development should ensure that there is adequate parking for staff and visitors, to the proposed care home. The matter of where contractor vans/lorries and other vehicles will park during construction have also been queried. Furthermore, objectors consider that the additional pitches will attract more users to the York Sports Club, who will most likely drive to the site. Local residents suggest that there have been multiple incidents on Shipton Road outside the Sports Club where parking has made access/egress into the Club difficult and that there is a disregard for local residents, particularly those on Malton Way that rely on on-street parking, by users of the Sports Club, and any measures implemented have been woefully inadequate.

5.97 The application has set out, and agreed by the Council's Highway's Officer that the level of parking within the site will accommodate the parking demand generated from the proposed development and the Travel Plan will further provide measures to encourage staff to travel to and from the site by sustainable transport modes. The level of parking within the site is balanced against the potential infringement into recommended RPAs of several protected trees and other valuable trees.

5.98 The gift of the area for playing pitches for use by the York Sports Club is primarily to address existing issues of pitch capacity, schedules and playing conditions and will provide (mostly) junior and community teams dedicated areas to train and play matches. It is therefore not expected that the additional pitches will significantly increase users over and above the existing membership. There is ample car parking within the Sports Club site, as well as Shipton Road being unrestricted. The Sports Club hosts other meetings and events, and it would be difficult to ascertain any parking issues as a direct consequence of the gifted area of land to provide additional sports pitches. Malton Way already has double yellow lines for safety reasons, which assists in managing overspill to surrounding streets.

- Cycle Parking

5.99 The proposals indicate a covered and lockable staff cycle store behind the parking on the northern side. This will provide 6 Sheffield hoops equating to 12 cycle spaces. A condition is recommended for details (visual appearance, materials and internal arrangement) of the cycle store to be submitted in order to ensure that it is appropriate in this location and will provide adequate spacing and manoeuvrability and parking for the requisite numbers of cycles within the store. For visitors, two Sheffield cycle stands will be positioned close to the front entrance of the building. They will be overlooked by the Manager's office.

Amenity Impacts

5.100 Paragraph 135 (f) of the NPPF sets out a design criterion for new developments seeking to create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users. Policy D1 of the DLP (2018) Placemaking supports this under consideration v. Character and Design Standards, that developments should ensure that design considers residential amenity so that residents living nearby are not unduly affected by noise disturbance, overlooking or overshadowing.

5.101 The site occupies large grounds, with its nearest neighbours being the Yorks Sports Club grounds including playing pitches. The siting of the building is unlikely to give rise to most amenity considerations. The privacy matters from the retention of the footpath running northwest parallel to Shipton Road have already been discussed above and it is considered that suitable boundary treatment to be agreed through the conditions process would maintain the privacy of the prospective occupiers of the care home and users of the sports pitches.

- Noise

5.102 The site is located close to the A19 which is the dominant noise source in the area. There will be an external plant enclosure to the east of the proposed care home building within the parking areas. The proposed care home building will also be in close proximity to the existing York Sports Club with the main rugby pitch situated to the west of the existing building, about 15m away and separated by an internal access road. The main pitch has a stand, over 60m (approx.) from the proposed care home. Matches usually take place over the weekends, with some occasional mid-week matches played. Furthermore, consideration is given to the area within the site to the north that will be gifted to the Sports Club, which is approximately 36m away from the rear façade of the building. There will be intermittent noise from participants of the sports and any spectators.

5.103 The Council's Public Protection officer has recommended a condition requiring a scheme of noise insulation measures for protecting the prospective occupiers of the care home from externally generated noise.

5.104 Within the proposed building, there is a plant room located at second floor level and a condition will require details of plant/machinery and/or equipment and any noise mitigation measures to ensure that any noise generated from this location will not cause any adverse impact to prospective residents.

- Ball strike from existing cricket and rugby pitches

5.105 Sport England had outlined that the proposed care home could be at risk of ball strike from users of the adjacent rugby pitch and could prejudice the sporting use of the adjacent playing fields. The Applicant has undertaken a ball strike risk assessment which has identified that there is no need for any mitigation to protect

against cricket balls. In respect to the risks posed by rugby, the assessment recommends appropriate mitigation in the form of ball stop fencing to be erected along the south western boundary of the site. Two ball stop fencing would be required at varying heights and lengths; 8m long at 1m high and 17m at 2.5m high. The position of the ball stop fencing would be adjacent to communal areas (dining areas) within the care home, and thus would not give rise to any amenity impacts. Their position has been outlined on the proposed site plan, and a condition shall require further details of the ball stop fencing.

Flooding and Drainage

5.106 The site lies predominately in Flood Zone 2 with a small area in Flood Zone 3. NPPF para. 165 sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

5.107 The proposed use of the site as residential care home falls within the 'More Vulnerable' classification (Annex 3 to the NPPF: Flood vulnerability classification). Table 2: Flood vulnerability and flood zone 'incompatibility' outlines that the proposed residential care home use is appropriate in flood zone 2. The submitted Flood Risk and Drainage Assessment (JAG/AD/JR/48217-Rp001-Rev F) recommends that the ground floor of the building is constructed at a minimum level of 12.20m OD(N) to address risk from overland surface water flooding.

5.108 The area of land to be gifted to York Sports Club for use for playing pitches is mostly in flood zone 2, however there is a small area in flood zone 3. Outdoor sports are a 'water compatible development' as outlined by Annex 3 and is an appropriate use in both flood zones 2 and 3.

5.109 In terms of the disposal of foul and surface water in respect to the proposed residential care home, foul water will be connected to the public foul sewer recorded within Shipton Road. Surface water shall be connected to the public surface water sewer located within Shipton Road with a restricted rate of 3.5 litres per second. These are acceptable in principle.

5.110 Information has been presented that sets out that the playing pitches will not have any formal drainage and will not connect to the surface water drainage system of the proposed care home. The report also confirms that there will be no raising of existing ground levels, only limited cut and fill to level out to ensure a smooth/safe playing surface. The Applicant has also further advised that the playing pitches will primarily be used for training and matches for juniors and other community teams (such as women's, mixed ability) and the main pitches will be used for first team matches. Therefore, it is not considered that the playing pitches will need to meet Sport England's Natural Turf for Sport design guidance standards for Rugby Union.

The report also sets out that the York Sports Club accept that the playing pitches, in times of sustained rainfall would be unavailable for use, but the ability to reduce the pressure on the existing playing pitches remains of great benefit to the York Sports Club.

Sustainability

5.111 It is set out in section 14 of the NPPF, that the planning system should support the transition to a low carbon future in a changing climate. This includes encouraging the re-use of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure (para. 157 of the NPPF).

5.112 Policy CC2 of the DLP (2018) seeks to encourage high standards of sustainable design and construction. Developments are expected to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency.

5.113 The Applicant has submitted a 'Sustainable Design Alternative' report that outlines the general approach of the development to sustainable design. The report sets out that there are several factors that have rendered the reuse of the existing building, including the existing floor to ceiling heights are greater than required and are not suited to a care home scheme, internal columns in the centre of the building do not allow for an efficient bedroom layout. Additionally, there would be a requirement for strip out and demolition of parts of the building and where any masonry would be retained this would require thermal insulation to bring it up to a required standard. Whilst the reuse and renovation is usually considered to be one of the most sustainable development options, given the information presented in the application, and the current layout and size of the existing buildings, the retention and extension of the building is not considered to be the most sustainable long-term option.

5.114 Other sustainability measures include the installation of photovoltaics mounted to an area of roof, air source heat pumps and low energy lighting will all help to minimise energy consumption and carbon emissions. The submitted sustainable design alternative report sets out that an initial assessment indicates that a reduction of 70.6% reduction in CO2 emissions when compared to Building Regulations Part L 2021 can be achieved at this stage.

Environmental Impacts

- Air Quality

5.115 The site is located outside any Air Quality Management Area (AQMA) however in order to support improvements in air quality to help protect human

health, the Council's draft Low Emission Strategy (LES) sets out measures to reduce emission and to encourage the take up of low emission vehicles. NPPF paragraph 116 e) sets out that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles.

5.116 In line with Building Regulations, electric vehicle charge point provision applies to new residential buildings where parking is provided. The proposals indicate that a minimum of two of the 28 car spaces will be provided with electric vehicle charging points. This provision shall be secured via condition, as well the condition securing a management plan for the electric vehicle recharging points.

- Lighting

5.117 The Applicant has set out that there is no requirement for the proposed playing pitches to require any additional external lighting; with lighting from the existing pitches at the York Sports Club considered to be adequate.

- Odour

5.118 The proposed development includes the installation of a commercial kitchen and in order to ensure that there are adequate facilities for the treatment and extraction of cooking odours, details of plant, machinery and any filtration system shall be secured via condition.

- Land Contamination

5.119 NPPF paragraph 189 sets out that planning decisions should take into account ground conditions and risks arising from land instability and contamination with the responsibility for securing a safe development rest with the developer and/or landowner (para. 190).

5.120 The application is supported by a Humberside Materials Laboratory Ltd Phase 1 desk top study (dated January 2023) and a Phase 2 site investigation (dated February 2023) which confirm that the site is suitable for the proposed use.

- Construction Impacts

5.121 The development involves demolition as well as construction, which can be impactful to the surrounding area. The Applicant has submitted a Construction Environmental Management Plan (CEMP) (dated 06.08.2023) with an addendum advising that there will be no piling on site due to there being strip foundations. The Public Protection officer raises no objections to the development in terms of construction noise and dust, subject to the noise and dust mitigations set out in the CEMP are secured. With the implementation of these measures, the construction impacts (noise, vibration and dust) during demolition, site preparation and

construction phases of the development will be minimised. The construction measures have not yet been coordinated with the AMS to determine whether it is feasible and practicable to accommodate suitable site compound that adheres to the recommended RPAs. A pre-commencement condition requiring a CEMP coordinated with an approved AMS shall be secured.

Green Belt – Consideration of Very Special Circumstances

5.122 The site is within the general extent of the Green Belt. The development proposed is inappropriate development in the Green Belt. The NPPF establishes that inappropriate development should not be permitted unless very special circumstances exist. Very special circumstances will not exist unless the harm to Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.123 The Applicant sets out that there is a clear unmet need for both care home facilities and sports pitches across the City. A total provision of 60 bedrooms will be provided, with 40 bedrooms for dementia care and the remaining 20 bedrooms for residential care. The LHNA sets out that there is a current shortfall of 219 residential care bedspaces along with 144 nursing care bedspaces and this shortfall is expected to increase to 417 residential care bedspaces and 367 nursing care bedspaces by 2033. The delivery of a residential care home will help meet this identified need, as well as providing specialist accommodation for dementia patients.

5.124 The provision of playing pitches for rugby union will provide community access to playing pitches, with many existing pitches being on education sites. There is a deficiency of junior pitches across the city, outlined in the York Active Playing Pitch Strategy (2014).

5.125 The site constitutes previously developed land, which is in a sustainable location with access to local services, facilities and public transport.

5.126 It is considered collectively, the provision of a care home facility and provision of playing pitches in this sustainable location carry sufficient weight to demonstrate very special circumstances. It is considered that, even when substantial weight is attached to the harm to the Green Belt, cumulatively there are very special circumstances which would clearly outweigh the harm to the Green belt and any other harm as a result of the development which is within the general extent of the Green Belt.

6.0 CONCLUSION

6.1 The application site is located within the general extent of the Green Belt and serves a number of Green Belt purposes. National planning policy (para. 154 states

that the construction of new buildings in the Green Belt should be regarded as inappropriate unless it falls within one of the exceptions to this outlined in paragraph 154 g. Further, the material change in the use of the northern part of the site for use as playing pitches by York Sports Club, outlined by paragraph 155 e, is not inappropriate. However, the proposal fails to preserve the openness of the Green Belt and conflicts with the purposes of including land within the Green Belt specifically purposes A (checking unrestricted sprawl), C (safeguarding the countryside from encroachment) and D (preserving the setting and special character of historic towns) of para. 143 of the NPPF.

6.2 The proposal is considered to deliver significant benefits; it will provide a residential care home providing 60 bedrooms in total meeting an identified need across the city. The care home will be split with 40 bedrooms offering dementia care with the remaining 20 bedrooms providing residential care. The proposed building is designed to meet the requirements of all the prospective residents' care needs. The site is in an accessible and sustainable location, with access to public transport. Other benefits of the proposal include the provision of playing pitches for use by York Sports Club to alleviate existing pressures on the main sports pitches (rugby union and cricket), and the provision of junior pitches would meet an identified need as set out in the York Active Playing Pitch Strategy (2014). These are given substantial weight. Other matters that are considered to be acceptable include design, highway and parking, ecology, residential amenity drainage and flood risk. Moderate weight is applied to these matters.

6.3 Weighed against these benefits are concerns about the loss of and potential risk to protected trees, although it is recognised that the proposed landscaping scheme provides a high level of replacement planting, and the amendments have been made to address these concerns. Additionally, whilst there is some harm arising from the change in character of the northern part of the site as open space, the footpath will be retained, a recreational use, albeit in a different form of playing pitches, will be maintained and it will generally retain an open setting. The proposal will also provide a detailed programme of ecological enhancement measures.

6.4 Weighing up the planning balance, it is considered that the considerations set out in paragraphs 5.125 – 5.127 would collectively clearly outweigh the harm to the Green Belt and the very special circumstances necessary to justify the proposed development exist.

6.5 Approval is recommended subject to the referral of the application to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021 (“the 2021 Direction”) and the application not being called in by the Secretary of State for determination. The application is required to be referred to the Secretary of State as the development is considered to be inappropriate development in the Green Belt, and the proposed floorspace would be in excess of the 1000 sqm threshold set out in the 2021 Direction.

7.0 RECOMMENDATION: Approve following Sec of State Decision

1 TIME2 Development start within three years

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

- DP(9)904 Rev N Proposed Site Plan RPA
- DP(0)001 Rev B Proposed GF Plan
- DP(0)002 Rev B Proposed FF Plan
- DP(0)003 Rev B Proposed SF Plan
- DP(0)050 Rev E Proposed Elevations
- Construction Emissions Management Plan & Construction Method Statement Prepared by L.Garton Yorkare Homes Dated 6th August 2023 (Submitted 13.12.2023)
- Demolition Method Statement YRK-43-10 Dated 30.04.2023 by UDCS Demolition ltd
- Tree Protection Plan - Undated/Un-numbered
- Site Logistics & Fire Plan Rev 1 Dated: Dec 23
- Flood Risk and Drainage Assessment JAG/AD/JR/48217-Rp001-Rev F September 2023 by Alan Wood & Partners
- Written Scheme of Investigation - Archaeological Evaluation by Trial Trenching & Topographical Survey Ref: 05.02.23 by MAP Archaeological Practice
- Phase 1 (Desk study) Report 1238/5952/P/P1 January 2023 by Humberside Materials Laboratory Ltd
- Phase 2 (Ground Investigation) report 1238/5952/P/P2 February 2023 by Humberside Materials Laboratory Ltd
- Ecological Appraisal December 2022 by Wold Ecology Ltd
- Construction Ecological Management Plan and Ecological Enhancement Management Plan (April 2023) by Wold Ecology Ltd
- Arboricultural Method Statement Ref: LTY01-22 MS (Dated 22 December 2022)
- Travel Plan October 2023 Rev B by Local Transport Projects
- Sustainable Design Alternatives Revision: Issue 1 Dated 8 November 2022 by Martin Design Associates Ltd
- Cricket and Rugby Ball Strike Assessment LSUK.23-0616_CBA Version 1.0 Dated 11.09.2023 by Labosport
- The provision of additional informal playing field area by Sports Field Design Ltd

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

3

Unless otherwise approved in writing by the Local Planning Authority, at all times during the demolition, site preparation and construction phases of the development, the works shall be undertaken in accordance with the following submitted plans and information:

- Construction Emissions Management Plan & Construction Method Statement Prepared by L.Garton Yorkare Homes Dated 6th August 2023 (Submitted 22.01.2024)
- Demolition Method Statement YRK-43-10 Dated 30.04.2023 by UDCS Demolition Ltd
- Arboricultural Method Statement Ref: LTY-01-22 MS Rev V (Revision dated 19 January 2024) (Submitted 22.01.2024)
- Arboricultural Survey and Impact Assessment Ref: LTY01-22 Revision V1 (Revision dated 19th January 2024 (Submitted 22.01.2024)
- Tree Protection Plan - Undated/Un-numbered
- Site Logistics & Fire Plan Rev 1 Dated: Dec 23

Reason: To ensure that construction methods will safeguard the amenities of neighbouring properties and protected trees that are integral to the amenity of the development and immediate are in accordance with paragraph 136 and 191 of the National Planning Policy Framework and Policy ENV2 of the City of York Draft Local Plan (2018).

4 HWAY40 Dilapidation survey

5 Notwithstanding the submitted Travel Plan (Oct 2023 Revision B by Local Transport Projects), the development hereby approved shall not be occupied until a full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Travel Plan. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with

parking on site for these users and to comply with paragraph 114 of the National Planning Policy Framework.

6 Prior to the construction of the care home above foundation level, a detailed scheme of noise insulation measures for protecting the approved residential care home from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. No part of the proposed care home shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: 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 safeguard the residential amenity of prospective occupiers of the residential care home from externally generated noise and in accordance with paragraph 191 of the National Planning Policy Framework and policy ENV 2 of the City of York Council DLP (2018).

7 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. 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 occupation of the residential care home hereby permitted and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To safeguard the residential amenity of nearby properties and the environmental qualities of the area in accordance with paragraph 191 of the National Planning Policy Framework and policy ENV 2 of the City of York Council DLP

(2018).

8 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area in accordance with policy ENV2 of the 2018 Draft Plan and the National Planning Policy Framework.

9 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 for the new residential building 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 and thereafter retained.

This is to include manufacturers reference, and to be submitted together where appropriate (i.e. where built adjacent to each other) so they can be judged together.

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 that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan

(2018).

10 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, brick sample panels (measuring at least 2x2m) should be constructed on site for all brick types, and bonding patterns in the proposed mortar and pointing shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

11 Notwithstanding what is shown on the approved drawings, prior to the commencement of the development above foundation level, scaled elevations and cross sections of all new windows and doors including the dormer windows shall be submitted to and approved in writing by the Local Planning Authority and installed only in accordance with the approved details and thereafter retained.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

12 Notwithstanding what is shown on the approved plan (DP(9)904 Rev N Proposed Site Plan RPA), prior to the construction of the residential care home above foundation level, details of all means of enclosures to the site boundaries, private courtyards and footpaths within the site shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and maintained in the form shown for the lifetime of the development.

Reason: To ensure that the boundary treatment will preserve the privacy of prospective occupiers and users of the footpaths and the visual amenity of the area will be maintained and reducing the opportunities for crime, in accordance with paragraph 135 of the National Planning Policy Framework.

13 A programme of post-determination archaeological evaluation and topographic survey of earthworks is required. All works shall be undertaken in accordance with the submitted Written Scheme of Investigation - Archaeological Evaluation by Trial Trenching & Topographical Survey Ref: 05.02.23 by MAP Archaeological Practice.

Each stage shall be completed and agreed by the Local Planning Authority before it can be discharged/approved.

A) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation 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.

B) A copy of a report 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.

C) Where archaeological features and deposits are identified proposals for the 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. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

D) No development shall take place until:

- details in c have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part C should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. 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. This is to comply with Section 16 of the National Planning Policy Framework.

14 Notwithstanding what is shown on the approved drawings, prior to the commencement of the development above foundation level, details including scaled elevations and cross sections of the balconies shall be submitted to and approved in writing by the Local Planning Authority and installed only in accordance with the approved details and thereafter retained.

Reason: So that the Local Planning Authority may be satisfied with the finished

appearance of these details prior to the commencement of building works in view of their sensitive location and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

15 Notwithstanding what is shown on the approved plans, prior to the occupation of the residential care home, full details of the design, layout and specification of the ball stop fencing/mitigation, including details of management and maintenance responsibilities, as set out in the supporting document Cricket and Rugby Ball Strike Assessment LSUK.23-0616_CBA Version 1.0 Dated 11.09.2023 by Labosport have been submitted to and approved in writing by the Local Planning Authority. The approved ball stop fencing/mitigation shall be installed as per the approved details prior to the occupation of the residential care home and shall be maintained in accordance with the approved details and thereafter maintained.

Reason: To provide protection for the occupants of the development from potential ball strike from the adjacent playing fields and to accord with the NPPF.

16 Unless otherwise agreed in writing by the Local Planning Authority, the construction of the residential care home shall be carried out in accordance with the ecological enhancements as set out in paragraph 8.2.6.4 of the Ecological Appraisal (December 2022 by Wold Ecology Ltd). 6no. bat boxes will be installed across the site with details of the bat box specification and their location submitted to and approved in writing by the Local Planning Authority prior to occupation of the care home.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

17 Unless otherwise agreed in writing the development hereby approved shall achieve a 30% carbon emissions reduction when compared to the Target Energy Rating (TER) in the 2013 Building Regulations as identified in the Sustainable Design Alternative. Prior to above ground construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

18 Notwithstanding what is shown on the approved plans, and prior to the

construction of the care home above foundation level, scaled plans and elevations to show the position of all photovoltaics (PV) to serve the building as detailed in the Sustainable Design Alternatives report dated 8 September 2020 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the 2018 Draft Plan.

19 Prior to first occupation of the residential care home, the 2no. electric vehicle charging points as shown on the Proposed Site Plan RPA Ref: DP(9)904 shall be provided. Within three months of installation of the electric vehicle charging points, a scheme outlining the management, maintenance, servicing and access arrangements for all electric vehicle charging points for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The management scheme shall be implemented and adhered to at all times.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Notes:

The EV charging strategy shall confirm that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address charge point fault resolution.

20 Notwithstanding what is shown on the approved plans, prior to the occupation of the residential care home hereby permitted, a scheme for the provision of staff cycle parking providing 12 cycle spaces, shall be submitted to and approved in writing by the Local Planning Authority. The staff cycle parking shall be provided within a lockable cycle enclosure, and scaled details, materials and the internal arrangement of such enclosure included within the scheme. The cycle enclosure shall be installed as shown on the approved details and maintained in the form for the lifetime of the development and shall be used for this and no other purpose.

Notes: the number of cycle parking spaces and its internal arrangement shall be designed in accordance with the guidelines contained within LTN1/20 Cycle Infrastructure design. The door width shall be at least 1m, ideally 1.2m to enable people to get through and push their bike along.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads and ensuring the visual appearance of the enclosure is appropriate in order to comply with paragraph 114 of the NPPF and D1 of the City of York Draft Local Plan

(2018).

21 Prior to the occupation of the residential care home hereby permitted, two Sheffield stands providing visitor cycle parking shall be installed in the location as shown on the approved site plan DP(9)904 Rev N Proposed Site Plan RPA. The visitor cycle parking shall be maintained in the form shown for the lifetime of the development and shall be used for this and no other purpose, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads in order to comply with paragraph 114 of the NPPF and policy T1 of the City of York Draft Local Plan (2018).

22 Notwithstanding what is shown on the approved plans, prior to the occupation of the residential care home hereby permitted, details including scaled elevations and materials and finished appearance of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be installed as shown on the approved scheme and maintained in the approved form for the lifetime of the development and shall be solely used for this and no other purpose.

Reason: To ensure that there is adequate facilities onsite for storage of waste and recycling materials and to comply with the National Planning Policy Framework, specifically section 12 and Policy ENV2 of the City of York Draft Local Plan (2018).

23 Unless otherwise agreed in writing by the Local Planning Authority, the construction of the residential care home shall be carried out in accordance with the details shown on the submitted Flood Risk and Drainage Assessment - Re: Flood Risk and Drainage Assessment JAG/AD/JR/48217-Rp001-Rev F September 2023 by Alan Wood & Partners.

Reason: In the interest of satisfactory and sustainable drainage.

24 Unless otherwise agreed in writing by the Local Planning Authority, there shall be no raising of existing ground levels of the playing pitches and no connection to the surface water drainage system related to the residential care home. In all other respects, any works and future maintenance of the playing pitches shall be carried out in accordance with the report 'The provision of additional informal playing field area' by Sports Field Design Ltd.

Reason: To ensure that the risks from flooding arising from the proposed development are minimised and to ensure that there is appropriate drainage facilities separate to the proposed residential care home, in accordance with Section 14 of the NPPF and policies ENV4 and ENV5 of the City of York Council DLP (2018).

25 Unless otherwise agreed in writing by the Local Planning Authority, upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise and to accord with policy ENV 2 of the City of York Council Draft Local Plan (2018).

26 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 to accord with the NPPF and policy ENV3 of the City of York Draft Local Plan (2018).

27 The area shaded blue on the Proposed Site Plan RPA Ref: DP(9)904 shall be used by the York Sports Club for playing pitches in connection with the York Rugby Union Club for the lifetime of the development. The area shaded hatched on the Proposed Site Plan RPA shall be reserved for the sole use of (rugby) junior training and under 7s games only.

Reason: The use of this area of the site is considered acceptable only as described in the application and restriction on play in certain areas will provide suitable mitigation to avoid the potential for ball strike, preserving the residential amenity of prospective occupiers of the care home.

28 HWAY19 Car and cycle parking laid out

29 The protection of existing trees shown to be retained on the approved plans shall be carried out in strict accordance with the content of the approved 'Arboricultural Method Statement' LTY-01-22 MS Rev V at all times during demolition, site preparation and construction phases of the development. A copy of the document will be available for reference and inspection on site at all times. A qualified arboriculturalist shall carry out regular inspections during the demolition and

construction phases of development. Before works start on site, the name and contact details of the appointed arboriculture consultant shall be supplied to the Council's Landscape Architect.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the development and/or the vicinity in accordance with paragraph 136 of the National Planning Policy Framework and Policy GI4 of the City of York Council Draft Local Plan (2018).

30 Within three months of commencement of development, a final detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority. This shall illustrate the species, stock size, density (spacing), and position of trees, shrubs and other plants. This scheme shall be implemented within a period of six months of the practicable 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 across the site since the landscaping scheme is integral to the amenity of the development and immediate area.

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 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:

- negotiation and discussion in respect to site layout and impact on trees, car parking - levels and siting, design including materials and boundary treatment, drainage, archaeology, Green Belt.

2. INFORMATIVE:

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:

Streetworks for:

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

For Pavement Cafe Licence:

Pavement Cafe Licence - Section 115 (01904) 551550 -
highway.regulation@york.gov.uk

3. INFORMATIVE:

The developer's attention is 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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

4. Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August

inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

5. Informative note: Drainage

- i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal. - the applicant has eliminated other means of surface water disposal,
- ii) The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network, and
- iii) The applicant should be advised that the Kyle & Upper Ouse Internal Drainage Board's prior consent is required (outside and as well as planning permission) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

Contact details:

Case Officer: Lindsay Jenkins
Tel No: 01904 554575