

## COMMITTEE REPORT

**Date:** 11 January 2018      **Ward:** Dringhouses And Woodthorpe  
**Team:** Major and Commercial Team      **Parish:** Dringhouses/Woodthorpe Planning Panel

**Reference:** 17/01419/FULM  
**Application at:** Abbeyfield House Regency Mews York  
**For:** Erection of part two/part three storey building comprising 17no. extra care flats and 8no. dementia care flats following demolition of no.27 St Helens Road  
**By:** Abbeyfield Society (York) Ltd.  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 16 February 2018  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 The application is for demolition of the house at 27 St Helens Road and construction of a building to form 17 extra care flats and 8 dementia care flats as an extension to the existing Abbeyfields care home. The proposed new building is predominantly two storey with rooms in the roof over part of the footprint. Materials are a mix of light red bricks with buff brick detailing. Circulation areas are clad in dark grey cement fibre cladding. Roofing materials are red pantiles.

1.2 Four staff parking bays will be accessed via the driveway for the existing property off St Helens Road. Five additional parking bays for visitors are proposed to the front of the building and access is to be retained off Regency Mews. Gardens will surround the building.

1.3 There are a number of trees within the site covered by a Tree Preservation Order (TPO). The trees along the boundaries will be retained with four trees in the centre of the site and covered by TPO being removed along with an additional group of cypress trees.

#### Planning History

1.4 There have been three previous applications seeking planning permission for further development on the site. In 2005 an application, 05/02774/FULM, for 22 older people's flats in a 3 storey block was refused as it was considered that Regency Mews could not deal with the additional traffic generated by the proposal. The additional traffic was also considered likely to lead to noise and disturbance to existing residents and result in a detrimental impact on highway safety. It was also considered that the proposal represented an overdevelopment of the site and that the height, size,

massing and proximity to neighbours and loss of the open space would be harmful to the character of the area and to residential amenity. The reasons for refusal were:

1. The Planning Authority considers that the residential road leading to the site is of insufficient width and construction to accommodate the increase in traffic movements associated with the development without serious damage to the highway, disturbance to neighbours by reason of noise and congestion, and having a detrimental impact on the safety of road users and pedestrians.
2. In the opinion of the Local Planning Authority the proposed building, by virtue of its height, size, massing and proximity to residential properties and the loss of open space would harm the character and appearance of the area and the residential amenities of neighbours by reason of an over dominating effect. As such the proposal represents an overdevelopment of the site and is contrary to the aims of PPG3 'Housing' and Policies GP1 'Design' and H4a 'Housing Windfalls' of the City of York Development Control Local Plan Approved April 2005.

1.5 Previous to this, application 04/3654/FUL for 22 flats was also refused. The reasons for refusal included unacceptable tree loss, impact on the character and appearance of the local area and residential amenity through overdevelopment and concern about the highways' impact. The reasons for refusal were:

1. In the opinion of the Local Planning Authority the residential road leading to the site is of insufficient width and construction to accommodate the increase in traffic movements generated by the proposed development which would result in serious damage to the highway, harm the amenity of residents by reason of traffic noise and congestion, and compromise the safety of road users and pedestrians.
2. In the opinion of the Local Planning Authority the proposal to remove trees on the site that are the subject of a Tree Preservation Order and that make a significant contribution to the visual amenity of the locality, would seriously harm the character and appearance of the area. As such the proposal is contrary to PPG3 'Housing' and Policies NE1 'Trees, Woodlands and Hedgerows', GP1 'Design' and H4 'Housing Development in Existing Settlements' of the Draft City of York Local Plan.
3. In the opinion of the Local Planning Authority the proposed building, by virtue of its height, size, massing and proximity to residential properties; the loss of trees and open space; would harm the character and appearance of the area and the residential amenities of neighbours by reason of an over dominating effect. As such the proposal represents an overdevelopment of the site and is contrary to the aims of PPG3 'Housing' and Policies GP1 'Design' and H4 'Housing Development in Existing Settlements' of the City of York Local Plan Deposit Draft.

1.6 Application 04/02751/FUL for 22 flats was withdrawn before being presented to committee.

## **2.0 POLICY CONTEXT**

### 2.1 City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

Areas of Archaeological Interest GMS Constraints: Dringhouses Area 0008

CYGP1 Design

CYGP4A Sustainability

CYGP10 Subdivision of gardens and infill devt

CYGP9 Landscaping

CYH17 Residential institutions

CYHE10 Archaeology

CYNE1 Trees, woodlands and hedgerows

### 2.2 Pre-publication Draft Local Plan 2017

D1 Placemaking

H9 Older persons' specialist housing

GI4 Trees and Hedgerows

## **3.0 CONSULTATIONS**

INTERNAL

### Flood Risk Management

3.1 The submitted bore hole logs demonstrate that soakaways will not work in this location, and no objection has been raised to the proposed drainage strategy which incorporates the existing building and proposed development. Conditions are suggested to protect the local aquatic environment and Yorkshire Water infrastructure.

### Design Conservation and Sustainable Development (Ecologist)

3.2 No objections are raised on the grounds of ecology. Limited replacement tree planting is proposed and construction of a sensory garden which will prove of some ecological value. An informative is recommended regarding the presence of hedgehogs on site.

### Design Conservation and Sustainable Development (Archaeology)

3.3 Previous archaeological investigation has found evidence of Roman use of the site as well as Roman and medieval archaeological adjacent to the site. An archaeological evaluation will be required ahead of development on site and an archaeological watching brief will be required during the removal of 27 St Helens Road. Appropriate conditions are recommended.

### Design Conservation and Sustainable Development (Landscape)

3.4 Following concerns raised about the proximity of development to a TPO tree on a neighbouring property to the North East of the site, the scheme has been revised. The revised scheme has moved the building away from the tree so that there should be no requirement to prune the canopy to facilitate development. Drainage runs can also be sited so as to avoid the tree roots. The revisions do move the development slightly more across the root protection area of a further TPO tree but no objection is raised to this. A reduction in the scheme would allow for there to be less risk of harm to trees and the development would sit more comfortably within its site. Conditions recommended.

### Public Protection

3.5 Officers have no objection to the proposal and have suggested a number of conditions related to land contamination and the need for Electric Vehicle Charging Points.

### Highways Network Management

3.6 No objections subject to £5000 towards a Traffic Regulation Order for Regency Mews and conditions.

### Housing Development Team

3.7 20% (ie 5 units) affordable housing is required in line with policy. This should be secured via a S106 agreement.

### Adult Social Care

3.8 The application supports the Council's Older Persons' Accommodation Programme. There is a need for more high quality extra care accommodation in the city and in particular dementia care. The site is in a good location and the development is well thought out. It will ensure that the accommodation is available to a wide range of York residents.

## EXTERNAL

### Yorkshire Water

3.9 Conditions are recommended. It is noted that there is a combined sewer on the site; the proposal appears unlikely to affect this.

### Ainsty Internal Drainage Board

3.10 No objection to the proposal.

### Dringhouses/ Woodthorpe Planning Panel

3.11 The Planning Panel object to the proposals and have made the following comments:

- Abbeyfield House important to local community
- Development is overbearing and visually intrusive
- Loss of privacy
- Increased noise and light pollution
- Highway safety

### Neighbour notification and publicity

3.12 85 letters of objection from 57 residents, and 3 letters containing general comments from one resident all local to the site have been recorded. Two of the ward councillors have also made general comments on the application. The issues raised include:

- A similar scheme has previously been refused and the reasons for refusal still apply
- Concern about safety and security of children at the nursery on St Helens Road
- Impact of construction on neighbouring amenity as a result of noise and traffic
- Impact of construction traffic on highway safety
- Concern that the need for care home bed spaces is outweighing consideration of impact on neighbours
- Overlooking of existing properties/ loss of privacy
- Impact on existing residents of Abbeyfield as a result of the intensification of the use of the site
- Insufficient parking provision
- Highway safety issues on Regency Mews
- Impact/ removal of trees covered by Tree Preservation Order
- Impact on ecology of area
- Excessive scale and massing of proposal
- Materials and design of the building are out of keeping with the area
- Concern that existing drainage system cannot cope with additional flow
- Work has commenced on site
- Impact on the character of the area from such a large development
- Loss of daylight

- Overshadowing of gardens on St Helens Road
- Noise from machinery/ air conditioning systems
- Noise and disturbance from additional comings and goings
- Need for archaeological recording will prolong construction
- Loss of on-site open space
- Access off St Helens Road is inadequate
- Increased levels of pollution
- St Helens Road access inadequate for construction traffic
- Structural damage to neighbouring properties as a result of construction methods
- Light pollution
- Site plan drawing is not to scale
- No mention of nearby nursery in application documentation
- Concern that application relates to additional investigations which need to be undertaken and submitted - will residents be able to comment on these?
- Flooding issues to rear of nursery
- Disruption of services to nursery would be unacceptable
- Security issues from open access to St Helens Road driveway
- Impact on the health of neighbouring residents during construction
- Inadequate access for emergency vehicles
- It is not acceptable to keep submitting a similar scheme following the refusal of planning permission
- Very few of the letters of support come from local residents but from people not directly impacted by the scheme
- Risk to children walking to Dringhouses Primary School and Wendy House nursery
- Obstruction to bus services on St Helens Road
- No parking provided for construction workforce
- Not enough space for delivery vehicles to turn
- Submitting the application over the summer when people are on holiday is an attempt to avoid due process
- Proximity of development to boundaries and neighbouring properties
- Mud on the road during construction
- Application appears to have been encouraged by the Council because it relates to social housing despite nothing having changed since previous refusals. The eventual decision will therefore be based on non-planning considerations
- Contrary to DCLP policy
- Intensity of use of site out of character with area
- Pressure to prune trees between Calcaria Court and site
- Impact of hardstanding on viability of trees
- Lack of pre-application consultation
- Concern about conflict between race day traffic and additional traffic for development at entrance to Royal Chase
- Creation of a rat run through the site from Regency Mews to St Helens Road

- Increased strain on utility services
- Detrimental impact on neighbouring residents' lifestyle
- TPO trees have already been removed from the site
- Lawns are used for overspill parking

3.13 43 letters of support have been received. These are predominantly from residents of Abbeyfields or their relatives but also from the local community. Issues raised include:

- Well run business
- Allows for residents to remain at Abbeyfields as their need for care increases
- Additional bed spaces required in care homes particularly for dementia patients
- Well designed scheme
- Need for more affordable care
- York needs more good quality accommodation for the elderly
- Abbeyfields provide high quality care
- The scheme has been designed to consider the impact on neighbouring residents
- Abbeyfields have always fostered a good relationship with community
- Disruption during construction will be short term
- The proposal meets the community's needs
- Abbeyfields provides valuable respite care
- Opportunity for more integration between care home and local school/ nursery
- Few people drive in to old age and therefore not too many vehicle movements from the site
- Site is well located in the community
- Will not impact adversely on existing residents of Abbeyfields
- Existing traffic movements do not appear excessive
- The scale of the development is appropriate
- Will provide continuity of care
- Will free up housing for those wishing to get on the housing ladder
- Properties on Calcaria Court overlook the site and were built after Abbeyfields House
- The area is quiet but not isolated
- The car park is rarely full
- Excellent local bus service

3.14 Ten additional letters of objection have been received following a reconsultation. All come from residents who have previously made representation on the scheme. The issues raised are predominantly the same as previously but the following points appear to be additional to those raised before:

- The revised scheme is higher and more over-dominating
- The need for the extra care housing appears to be over-ruling planning policy

- The existing bungalow could be converted to dementia care.

## York Older People's Assembly

3.15 The Assembly support the scheme and note the need for increased older people's housing in York.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Policy background
- Principle of the development
- Design and character; impact on trees
- Amenity considerations
- Highways issues
- Affordable housing and housing need
- Comparison with previous schemes
- Other considerations

## POLICY BACKGROUND

### National Planning Policy Framework

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. In terms of decision taking, the NPPF advises that this means in those cases where there are no up-to-date Local Plan Policies (such as in York), granting permission unless, either:-

- (a) The any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Policies in the Framework as a whole, or
- (b) There are specific Policies within the Framework which would indicate that development should be restricted. In terms of this second element, the footnote to Paragraph 14 details the types of considerations which would it considers would fall within this category. There are no elements of this application which fall within the examples given in this Footnote, or more restrictive policies in the NPPF.

4.3 Paragraph 17 sets out the Core Planning Principles. The following are relevant to this application:

- proactively drive and support sustainable economic development to deliver the homes .... that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;



- support the transition to a low carbon future in a changing climate .... and encourage the reuse of existing resources, including conversion of existing buildings;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made;
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

4.4 The National Planning Practice Guidance (NPPG) (Revision date 01.04.2016) includes a specific reference to housing for older people and states:

The need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Department for Communities and Local Government Household Projections 2013).

City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

4.5 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.6 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.7 Development Control Local Plan (DCLP) policies relevant to the development are:-

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure

residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme.

- Policy GP10 'Subdivision of gardens and infill development' allows for sub-division of gardens only where new development would not be detrimental to the character and amenity of the local environment.

- Policy H17 states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions of unimplemented planning permission would not give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport.

- Policy HE10 'Archaeology' relates to development in areas of archaeological importance.

- Policy NE1 'Trees, woodlands and hedgerows' refers to the protection of trees of landscape, amenity, nature conservation or historical value.

### Emerging Local Plan

4.8 A new pre-publication draft local plan 2017 has recently completed its consultation stage.

4.9 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be very limited. The evidence base that underpins the proposed emerging policies is however also a material consideration in the determination of the planning application.

4.10 The evidence base includes:

Strategic Housing Market Assessment June 2016

Strategic Housing Land Availability Assessment (SHLAA) (2017)

Application Reference Number: 17/01419/FULM

Item No: 4a

4.11 The following policies from the emerging Local Plan are relevant:-

- Policy D1 'Placemaking' development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

- Policy H9 'Older persons' specialist housing' states that developments specifically designed to meet the accommodation needs of older people will be supported where they contribute to meeting an identified need; are well designed to meet the particular requirements of residents; and are in an accessible location by public transport or within walking distance to a range of community facilities or these are provided on-site.

- Policy GI4 'Trees and hedgerows' supports development where existing trees are retained and protected and new trees form part of an integrated landscape scheme.

#### Principle of the Development

4.12 The site is unallocated within both the DCLP and emerging Local Plan. Currently it is comprised of the dwelling 27 St Helens Road and its curtilage, and also part of the garden area of the existing Abbeyfield House. It is noted that, within the glossary of the NPPF, residential garden sites within built up areas are excluded from the definition of previously developed land. Therefore part of the site will fall within the definition of previously developed, as the existing dwelling is situated within it, and the garden areas will fall outside the definition. The implication of this is that the core planning principle in para.17 of the NPPF which encourages the effective use of land by reusing land that has been previously developed does not apply to the entire site. The presumption in favour of sustainable development is still applicable.

4.13 The proposal represents an extension to the existing residential use of the site and is compatible with neighbouring residential uses. There are a good range of services in the locality as well as good public transport links. As such it is considered that the proposed building represents a sustainable form of development on this site. Para.49 of the NPPF recommends that housing applications should be considered in the context of the presumption in favour of sustainable development. It is also recognized that there are few urban sites within residential areas of York which could accommodate this scale of development.

4.14 For these reasons the development is considered acceptable in principle subject to other material planning considerations.

## Design and Character; impact on trees

4.15 The character of the site is currently of an attractive mature garden with large areas of lawn and bands of trees around the outside edge and also defining the edge of the garden of No.27 St Helens Road. However the enclosed nature of the site means that the visual amenity afforded by the soft landscaping on site is generally private and not widely publically visible. The area, while not secured from public access, is private and cannot be enjoyed by members of the public except by views, mostly from private properties, into the site.

4.16 Despite this, it is clear that the visual amenity provided by the leafy aspect of the site is valued by the local community. The NPPF defines open space as 'All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.' It is not considered that the site falls clearly within the definition as there is no public access however officers are comfortable that, even if it were to be classed as open space, the proposal complies with paragraph 74 of the NPPF. This states that existing open space should not be built on unless the loss from the development is replaced by equivalent or better provision in a suitable location. In this instance, the large lawned areas of the site are to be replaced by gardens specifically designed to be suitable for the older people who will be resident on the site. The mature trees around the boundaries will predominantly be retained to assist in retaining the leafy views of the site currently enjoyed by surrounding neighbours.

4.17 A total of 4 TPO trees and a group of cypress trees are to be removed. The groups of trees along the Eastern boundary of the site adjacent to Calcaria Court would remain untouched. They would be a similar distance from the new development as from the existing dwellings on Calcaria Court. The biggest impact would be the loss of the group of trees covered by a TPO and visible from Regency Mews. These trees are not particularly good individual specimens but as a group provide an attractive end vista to Regency Mews. A group of cypress trees in a similar location is also to be removed to the benefit of the character of the area as the trees are densely planted and form an unattractive visual barrier. The views along Regency Mews will change as a result of the scheme from one of a mature landscaped garden to the front elevation of the care home with some greenery visible. The introduction of some tree planting within the new car park will help to soften the impact of the new building.

4.18 The building is two storeys in height with a third storey within the roof of the north east and central element of the building. In terms of its height, the proposal appears in keeping with neighbouring properties. The site slopes down slightly from East to West so that the properties on Carcaria Court are at a higher level. The proposal steps down in height from these and is slightly higher than Abbeyfield House. The properties on Regency Mews are similar in height to the wings of the proposed building which are closest to them although the central section of the building is taller.

4.19 The scheme has been revised to address concerns about impact on a TPO tree within the garden of 26 St Helens Road. This has resulted in an increase in height of the element of the proposal closest to 25/26 St Helens Road from 8.2m to the ridge to 9.6m. The distance of the development from the boundary has also increased from a minimum of 5.5m to a minimum of 8.5m. While it is appreciated that the footprint of the proposal is not insignificant, the height of the development and detailing helps to give a more domestic appearance to the building. The elevations retain plenty of interest and character and avoid presenting a flat facade to the neighbouring properties. The retention of boundary landscaping further helps to soften the impact of the proposals.

4.20 The design of the building is domestic in its detailing. The use of gabled roof forms and good window detailing all add interest. Materials are to be a mix of bricks and dark grey cladding. The cladding will be used to identify circulation areas while the paler mottled bricks will be used as detailing. This paler colour of bricks has been chosen to follow the palette of colours found traditionally in this area and is used to emphasise the domestic nature of the building. Red pantiles will be used on the roof.

### Amenity issues

4.21 The proposal is a minimum of 26m from the properties at 22-26 St Helens Road which back on to the site. It is 24m from the side of No.29 St Helens Road and a minimum of 25m from the rear of the properties at Calcaria Court. On Regency Mews, the side elevations of the closest properties are a minimum of 14m from the new building. All these distances are considered acceptable to mitigate harmful overlooking. It is also noted that where the building has been increased in height at the north east corner, there are no windows in the second floor, light is provided via rooflights and windows in the end elevations.

4.22 It is noted that there are windows in the second floor facing the properties on Calcaria Court. These are a minimum of 35m from the properties on Calcaria Court and 23m from the boundary. Even given that there are second floor living room windows facing Calcaria Court the separation distances are considered acceptable. The band of retained trees will provide screening between the sites.

4.23 The owner of the children's nursery at 28 St Helens Road has raised concern about the safeguarding of children in her care as a result of the proposal. The nursery is sited at the north east corner of the site and has an outside play area to the rear. There are no windows within the proposed building which have a direct view on to the play area. There are windows up to second floor which have an angled view of the play area but these are approximately 14m from the play area. As a result of this, it is not considered that there would be significant overlooking of the nursery site.

4.24 The new building is approximately 13m from the existing Abbeyfield House. Windows from flats in the existing building will have a more restricted outlook as a result of this but do look on to a two storey element of the proposal. There will be little increase in overshadowing as a result of the scheme and little overlooking from the

new building to the existing as windows in this elevation serve sitting/ hobbies rooms or are secondary flat windows with main windows facing to the South.

4.25 Distances between the proposal and neighbouring buildings are such that there is not considered to be any significant increase in overshadowing, nor is the proposal considered significantly overbearing.

4.26 Amenity for future residents of the development is considered good. Flats all have a reasonable outlook. Flats in the North West corner, closest to the existing Abbeyfield House, look on to two larger trees and distances between them and the trees are not great. There is some concern that there might be pressure to prune the trees to increase light to the flats. These flats do have a dual aspect though and this is considered to give some comfort that they will receive adequate light and outlook.

4.27 Adequate garden areas are provided for residents. Abbeyfield House has a garden to the rear and new purpose built gardens will be created around the new building. These will cater to residents needs with an enclosed garden accessible from the dementia flats.

### Highways

4.28 Access for visitors to the site will be from Regency Mews while staff will access via St Helens Road. The St Helens Road access is the existing access to 27 St Helens Road; 4 parking spaces will be provided for staff at this location. Peak traffic movements via this access will not exceed those of the existing dwelling 27 St Helens Road.

### Trip rates and generation

	Morning			Evening		
	In	Out	Two-way	In	Out	Two-way
Trip rate	0.095	0.048	0.143	0.048	0.095	0.143
Proposed development trip generation	2	1	3	1	2	3
Existing No.27 St Helens Road trip generation	0	3	3	2	1	3
New trip generation	+2	-2	0	-1	+1	0

The table shows data from surveys of the existing St Helens Road access and the anticipated trip generation for the site at peak times. This shows that, when the existing dwelling is demolished, the additional trip generation from the proposal will be minimal.

4.29 There is little anticipated increase in traffic using the Regency Mews access at peak times as traffic movements at this time will predominantly be via the St Helens Road access in the form of staff changeovers. This has been verified by traffic surveys undertaken on Regency Mews and comparisons with staffing levels and shift patterns.

4.30 The applicant has provided information on increases to staff, and existing and proposed parking accumulation, showing that the proposed car park is adequate to serve the existing and proposed development. The information provided on parking accumulation, shows a steady light flow in and out of the car parks. Resident vehicle ownership currently on site is very low at 2 vehicle owners. This is the highest recorded figure since Abbeyfield House came in to operation. It is not anticipated that resident parking will significantly increase and that parking demand, as at present, will predominantly be for visitors and staff. Staffing levels on site will increase from 18 part time staff to 1 full time staff member and 30 part time staff. The maximum increase of staff at any time is an increase of 3 during the day Monday – Friday.

4.31 The applicant has confirmed that there will be no material change to the deliveries serving the care home. No additional deliveries or changes in vehicles are proposed, there will instead be an increase in the volume of goods brought with each delivery.

4.32 A contribution of £5000 will be secured via a S106 agreement to fund TROs on Regency Mews to prevent indiscriminate parking around the tactile crossing. The contribution satisfies the tests at Regulation 122 of the CIL Regulations, which require obligations to be a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The applicant has agreed to the contribution.

4.33 A condition requiring a Method of Works is suggested given the proximity of the St Helens Road access to a primary school, nursery and busy signalised junction.

#### Affordable housing and housing need

4.34 In line with local policy 20%, or 5 units, will be secured as affordable housing via a S106 agreement. However, Abbeyfields' business model is to provide significantly more affordable units and the site will actually provide 19 affordable units with the 6 remaining units being open market. Para. 204 of the NPPF states that planning obligations should only be sought where they are necessary to make development acceptable in planning terms. As the local policy requirement is for 20% affordable housing, then this is the amount to be secured via the S106 agreement although 76%

of the units on site will be affordable with 56% being affordable rented. The contribution satisfies the tests at Regulation 122 of the CIL Regulations, which require obligations to be a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The applicant has agreed to the contribution.

4.35 Adult Social Care have noted that there is currently a deficit of 205 extra care units in the city which will rise to 252 by 2030 if no new units are approved. The specialist dementia care units proposed in this development are particularly welcome as is the high quality design of the proposed development which responds well to the needs of older people and those with dementia. The development at Abbeyfield House is currently the only provision in the local area of this type of accommodation.

4.36 The SHMA 2016 gives figures for the current supply and projected need for specialist housing for older people. This puts the current supply at 110 units of extra care accommodation and 1375 units of sheltered housing. The projected need for specialist housing (2012-2032) is put at 1688 units (taking a need of figure of 170 units of specialised accommodation per 1000 population). The SHMA does not break down the type of specialist housing required but considers that this decision should be taken at a local level taking account of specific needs and the current supply.

#### Comparison with previous schemes

4.37 A number of representations have highlighted the planning history of the site and, in particular, the two refused schemes. It is approximately 12 years since application 05/02774/FULM was refused. In that time, there has been a significant change in planning policy with the introduction of the National Planning Policy Framework (2012) replacing the Planning Policy Statements and Guidance. The NPPF contains within it a presumption in favour of sustainable development which was not inherent in previous planning policy. Para.14 of the NPPF states that sustainable development is the golden thread running through both plan-making and decision taking. For decision taking this means:

- approving development proposals that accord with the development plan without delay and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or
- specific policies in this Framework indicate development should be restricted.

4.38 There is no up to date development plan for York and therefore development should be approved unless adverse impacts significantly or demonstrably outweigh the benefits. Officers have highlighted the impact of the loss of trees on the character



of the area and, in particular, on views along Regency Mews; and impacts of loss of outlook for existing residents of Abbeyfield House. This is balanced by the need for this type of older persons' accommodation; the high quality design of the proposal; and the sustainable nature of the site adjacent to existing older persons' accommodation and with good access to local facilities. Officers also note that para.49 of the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development. If a 5 year land supply cannot be shown then housing policies cannot be considered up to date. Para. 7 of the NPPF defines the social dimension of sustainable development and the role the planning system has in the provision of housing for present and future generations. This application is considered to meet that role of providing housing which accords with the principles of sustainable development.

4.39 Paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to accommodate the efficient delivery of goods and supplies and give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. It is felt that the development meets these requirements, by utilising the existing deliveries and being located in a sustainable location. Paragraph 32 states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposed development is not considered to have a severe impact in terms of traffic generation or safety.

4.40 In 2007 Manual for Streets superseded Design Bulletin 32 (1977) with changes in approach including 'moving away from hierarchies of standard road types based on traffic flows and/or the number of buildings served'. The applicant has provided information on the expected traffic flows on Regency Mews and they are deemed acceptable for the existing highway in relation to guidance contained in the Manual for Streets.

#### Other considerations

4.41 The majority of issues raised in the representations have already been covered in earlier paragraphs. Concern has been raised about the impact on residents during construction from noise, disturbance and pollution. Officers note that this is a temporary situation which cannot be avoided if development is to occur but acknowledge the proximity of a children's day nursery to the site. To this extent it has been considered appropriate to include a condition for a construction method of works. The applicant has confirmed that the intention is to use Regency Mews primarily for construction traffic.

4.42 Concern has also been raised about construction causing structural damage to neighbouring properties. The development is not in such close proximity to neighbouring properties and it is considered unlikely that this will occur.

4.43 Other concerns relate to security on the site and the creation of a rat run through from Regency Mews to St Helens Road. There is no vehicular access across the site and the St Helens Road access will be secured with a fence and gate as is currently the situation. It has also been asked why the existing dwelling is to be demolished and not re-used. The proposal is clearly for a modern purpose built residence which would not be achievable in the existing bungalow.

## **5.0 CONCLUSION**

5.1 The scheme is for an extension to the existing use on site and will provide 25 units of extra care for older people. It is considered to comply with relevant policy within the DCLP, emerging Local Plan and NPPF and will fulfil a need for this type of accommodation in a sustainable location.

5.2 Some harm has been identified to the character of the area and visual amenity through the loss of some of the mature landscaping on site. This impact will predominantly be to views of the site from Regency Mews as a group of trees in the middle of the site are to be removed to facilitate the development. This includes trees covered by a Tree Protection Order. The trees are not especially good individual specimens but are of group value for their softening of views of the site from Regency Mews. Replacement tree planting is proposed within the parking area which will help to reintroduce some greenery in to the view along Regency Mews. Trees along the North and East boundaries of the site will be retained.

5.3 Distances between the proposed development and neighbouring properties are considered sufficient to prevent overlooking and overshadowing with the retained boundary planting helping to provide additional screening. Likewise the bulk of the building is towards the centre of the site helping to ensure there is no overbearing impact on neighbours. Increases in height towards the North of the site, as a result of bringing the structure further away from a protected tree, are still considered acceptable given the distances involved and screening provided by the tree itself.

5.4 Some impact has been identified on existing residents of Abbeyfield House as a result of the proximity of the North West wing of the new development to the existing building. A distance of 13m is retained between the buildings and the new wing is approximately 13m wide. These distances are considered sufficient to ensure no significant detriment to amenity of existing residents through loss of outlook.

5.5 Highways impacts are not considered to be significant. Staff will access the site via the St Helens Road drive and trip generation has been shown to be little changed from the existing situation. Likewise information has been provided to indicate that changes to the use of the access off Regency Mews and the existing parking area will be minimal and will have no significant impact on the existing network. Para. 32 of the NPPF states that development should only be refused on highway grounds where the

residual cumulative impacts of development are severe. There is no indication that is the case in this instance.

5.6 Officers consider that, despite the previous planning history for the site, the clear need for this type of accommodation, sustainable location, and good quality design, clearly outweighs the harm to the character of the area through the loss of trees within the centre of the site. This is supported by changes in planning policy since the previous refusals and the presumption in favour of sustainable development contained within the NPPF.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve subject to Section 106 Agreement to secure 5 units of affordable housing and £5000 towards a TRO on Regency Mews.

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:-

384 03 (02) 011 B Site sections  
384/03(02)015 C Proposed second floor plan  
384 03 (02) 003 C Proposed site plan  
384 03 (02) 012B Proposed elevations  
384 03 (02) 013B GF floor plan  
384 03 (02) 014B FF floor plan

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

3 VISQ7 Sample panel ext materials to be approv

4 A programme of post-determination archaeological evaluation using strip, map and record method is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and approved by the Local Planning Authority (LPA) before it can be discharged.

A) No archaeological evaluation or development/demolition shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

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

C) A copy of a report on the evaluation 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.

D) 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.

E) No development shall take place until:

- details in D 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 D should be deposited with City of York Historic Environment Record within [insert timescale] of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

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 insitu. Details required prior to determination are necessary to ensure archaeological evidence on site is not destroyed by the commencement of any development.

5 A programme of post-determination archaeological mitigation specifically a watching brief is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No demolition/development shall take place until a written scheme of investigation (WSI) for a watching brief has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for

Archaeologists.

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

C) A copy of a report (or publication if required) shall be deposited with City of York Historic

Environment Record to allow public dissemination of results within [3 months] of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

Reason: The site lies outside of the Area of Archaeological Importance but is considered to be a site of Archaeological Interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction. Details to be submitted prior to determination are required at that time to ensure works are not commenced which may harm archaeology on site.

6 All construction and demolition works and ancillary operations, including deliveries to and dispatch 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.

Reason. To protect the amenity of local residents

7 Prior to commencement of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - o human health,

- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 off-site receptors. This condition is required to be prior to commencement of development in order to ensure that there are no adverse affects from land contamination as a result of any works carried out at the site.

8 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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. This condition is required to be prior to commencement of development in order to ensure that there are no adverse affects from land contamination as a result of any works carried out at the site.

9 LC3 Land contamination - remedial works

10 LC4 Land contamination - unexpected contam

11 Prior to occupation, the applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard,  
Application Reference Number: 17/01419/FULM Item No: 4a

Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

12 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage

13 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading and to ensure surface water is not discharged to the foul sewer network.

14 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants, and hard landscape details. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the substantial completion of the external works and planting, 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

15 Before the commencement of development including demolition, excavations, building operations, an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site

vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times and shall be strictly adhered to throughout the development process.

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 this area and/or development. Details need to be agreed before the commencement of development to ensure that there is no impact on the trees from demolition of the existing buildings on site.

16 A detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The statement shall include at least the following information:

- a) details of access/ egress and turning within the site for contractors and other users of the area to avoid the use of the St Helens Road access.
- b) the routing for construction traffic that will be promoted including a scheme for signing the promoted construction traffic routing.
- c) where contractors will park.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users. Details are required prior to the commencement of development to ensure demolition/ construction traffic does not impact on the amenity of local residents.

17 The premises shall be used only as extra care or dementia care accommodation within Use Class C3 and shall not be used for any other purpose , including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: In order to allow a consideration of the impact of any changes on amenity.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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



In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Requested further information in relation to deliveries and access; and revisions to protect a nearby TPO tree.

2. 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.

3. The applicant should be advised that the Internal Drainage Board's prior consent is required (outside the planning process) 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 to the watercourse will also require the Board's prior consent.

4. The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Before the site is cleared any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

#### 5. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

#### **Contact details:**

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