

COMMITTEE REPORT

Date: 16th November 2017 **Ward:** Fulford And Heslington
Team: Major and Commercial Team **Parish:** Fulford Parish Council

Reference: 17/01969/FULM
Application at: Site Of Former Fordlands House 1 Fordlands Road York
For: Erection of 64 bedroom care home, car parking and landscaping following the demolition of existing care home
By: Octopus Healthcare Developments Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 14 November 2017
Recommendation: Approval subject to satisfactory resolution of landscape and highway issues.

1.0 PROPOSAL

1.0 The application site is situated on the eastern side of Fordlands Road, and south of Germany Lane. A public footpath runs along the frontage of the site. The boundary of Fulford Village Conservation Area, abuts the site to the immediate north and west, however the site is not within the Conservation Area. The surrounding context is predominantly residential, with larger detached and semi detached houses on Selby Road. The immediate vicinity around the site is one of smaller cottages to the west, and single, and one and a half storey Mews houses directly opposite the site. The majority of the site is within Flood Zone 2 with the south east of the site within Flood Zone 3, as noted on the Environment Agency's Flood Map for Planning. The site is currently occupied by a vacant care home.

1.1 The existing building on the site is understood to have been constructed in the 1970's and used as a care home for the elderly with provision for 31 residents. The Council resolved to close the building in 2012, and it is now vacant except for on - site security staff. Permission is now sought for the erection of a replacement residential care home, (use class C2), comprising 64 bedrooms with en-suite bathrooms for the elderly with associated amenity facilities, car parking and external landscaping, including private residents' gardens.

1.2 The proposed building is two and three storey, with a steeply pitched roof to all frontages, with a flat roof behind the pitched areas. It will be constructed predominantly from brick with some areas of timber cladding under a slate effect roof. Windows and exposed purlins will be timber construction. The building has been visually subdivided, and whilst the highest ridge is approximately 11.5m above finished floor levels, it is noted that finished floor levels will be raised to take account of flood mitigation. Eaves heights vary to enhance the articulation of the building.

1.3 There are balconies to some bedrooms and communal café areas. This includes the elevation that faces towards the existing dwellings on Germany Lane. Landscaped grounds, including seating areas and pathways, are provided to the south of the building.

1.4 The access into the site will be located at the north western corner of the site, with egress towards at the eastern end of the site frontage. 18 parking spaces will be provided along the frontage of the site, with a further two spaces to the front of the service yard along the eastern boundary. Cycle storage will be provided to the frontage, and in the basement.

2.0 POLICY CONTEXT

National Planning Policy Framework (NPPF) March 2012. See section 4 for more detail.

Development Control Local Plan (DCLP) 2005

2.1 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 (the DCLP).

2.2 The 2005 Draft Local Plan (DCLP) 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, although it is considered that their weight is limited.

2.3 DCLP policies relevant to the development are:-

Policy GP1 'Design'
Policy GP4a 'Sustainability'
Policy GP9 Landscaping
Policy GP15a Development and Flood Risk
Policy NE1 Trees Woodlands and hedges
Policy NE6 Species protected by law
Policy HE 3 Conservation Areas
Policy HE4 Listed Buildings
Policy HE10 Archaeology
Policy HE11 Trees and Landscape
Policy H17 Residential institutions

Emerging Local Plan

2.4 Consultation on a new pre-publication draft local plan and revised evidence base has recently been completed. (30th October 2017).

2.5 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 limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

2.6 The evidence base includes:

- Strategic Housing Land Availability Assessment (SHLAA) (2017)
- Strategic Housing Land Availability Assessment (SHLAA) Annexes(2017) (18.67 MB - PDF)
- Heritage Impact Assessment (2017) (2.36 MB - PDF)
- Heritage Impact Assessment Annexes (2017) (5.61 MB - PDF)
- The City of York Council Strategic Flood Risk Assessment 2013 is also of relevance to this application. It requires a sequential risk based approach to determining the suitability of land for development in flood risk areas in line with NPPF requirements.

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

Policy D1 Placemaking
Policy D2 Landscape and setting
Policy D4 Conservation Area
Policy D5 Listed Buildings
Policy G12 Biodiversity
Policy G14 Trees and Hedgerows.
Policy CC2 Sustainable Design and Construction
Policy ENV 4 Flood Risk
Policy ENV 5 Sustainable Drainage
Policy H9 'Older persons' specialist housing'
Policy H1 'Housing allocations'

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management

3.3 No objection to the proposed development, (subject to final confirmation). The

egress is located close to the existing site access to the north west of the site, with suitable visibility provided for public footpath users. Works to the egress will include tying into the adjacent public footpaths and the relocation of a lighting column. A marginal increase in traffic is expected to be generated by the development from that of its previous care home use; however do not envisage this to be detrimental to the highway network.

3.4 To improve accessibility by foot to the local facilities on Main Street, Fulford, a pedestrian crossing is to be provided on the desire line to the opposite footpath. The site is in a sustainable location with frequent bus service to the city centre/ Designer Outlet Park and Ride, available at bus stop on the A19 close to the site. The applicant has agreed to fund 106 contributions of £15k to provide a BLISS real-time display screen at the local inbound bus stop on Main Street, Fulford in order to make the use of public transport more attractive. Cyclists are well catered for with good local on and off road cycle links to the site giving access to a large residential catchment attract staff and potential occupants/ visitors from. Cycle parking for staff and visitors is to be provided with details of good quality cycle parking to be secured by condition.

3.5 Car parking is in accordance with CYC Maximum standards and supported by a transport statement outlining the applicants experience at other sites including low car usage by staff. Improved sustainable transport measures, good sustainable transport links and a commitment to travel planning will ensure that the development is unlikely to have an adverse impact on the locality in terms of parking.

Flood Risk Management

3.6 Having assessed the submitted details the Flood Risk Management Team (FRMT) has no objections to the development in principle but if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and public sewer network:

Public Protection

3.7 The proposals would appear satisfactory given extant permissions, however the surroundings of the home have altered slightly due to the granting of permission for the Germany Beck housing development further along Germany Lane and the creation of an access road near to the proposed care home. Therefore recommend a condition regarding noise insulation. Only other noise concern relates to the potential impact of the demolition and construction phases of the development on nearby residential properties and also noise from any plant or equipment to be installed on site. Request appropriate conditions in relation to construction noise, and odour.

3.8 In relation to contamination the Phase 1 report shows that the current care home and garages were constructed in the 1980s and that the site was largely

undeveloped prior to this. The report identifies a number of potential pollutant linkages and recommends that an intrusive site investigation is carried out, to find out whether land contamination is present. The Phase 2 report presents the findings of the intrusive site investigation. The reports are acceptable. A further condition in relation to electric charging is recommended to promote sustainable transport.

Planning and Environmental Management (Conservation)

3.9 Summary: The proposed new building is designed in a manner sympathetic to the existing buildings in the adjacent part of the Conservation Area (CA), including brick elevations, slate roofs and wooden windows and doors. However having applied step 2, of the assessment in relation to the setting of Fulford Village Conservation Area, the scale of the proposals could have a detrimental impact on the identified setting and consequently will have a negative impact on the CA's significance.

3.10 The views across the Pinfold will be dominated by the new building and its open nature reduced. The positive buildings on Main Street will no longer establish the scale of the village due to the dominance of the proposal; and as you cross stone bridge, the proposal will be much more apparent.

Planning and Environmental Management (Landscape)

3.11 Ideally the building would be set further away from the eastern boundary, and larger tree species employed to create a more generous setting to the development given the scale of the building and its location immediately adjacent to the Germany beck nature park. The best of the trees along the southern boundary are being retained. A Birch tree and Norway Maple are also worthy of retention and protection however these are proposed for removal. They currently add to the mature tree cover in the area that contributes to the amenity of the surrounding streets and the edge of Fulford village.

3.12 In the long term the loss of the two trees would be mitigated by the proposed tree planting along Germany Lane and along the eastern boundary, provided that the growing conditions are adequate to encourage vigorous growth and can sustain the trees into maturity. Not confident that the proposed tree planting along Germany Lane can be successfully achieved, therefore the removal of Birch T1 is not currently sufficiently mitigated, and the tree should be retained.

3.13 The removal of T9 along with other vegetation along the eastern boundary may not be suitable for ecological reasons. In terms of landscape character and visual amenity, the removal of T9 would result in a significant loss to the local amenity. In the long run, this would be mitigated with the proposed tree planting, provided that the site plan is revised to pull the kerb line away from the proposed trees at the site exit to give them sufficient space for growth. Thus although the proposed planting plan is acceptable, removal of T1 and T9 is not, unless sufficient details

and revisions are made to respond to the comments made above, as discussed with the applicant.

3.14 The removal of T1 Birch and T9 Maple would be contrary to draft local plan policy NE1 (fourth set of changes), and corresponding emerging local plan policy. The loss of trees would also be contrary to BS 5837. Revisions have not been, and at this stage insufficient information has been submitted to demonstrate that suitable mitigation would be feasible and/or successful.

3.15 If approved recommend a tree protection condition together with landscape management.

Planning and Environmental Management (Archaeology)

3.16 This site lies outside the designated Areas of Archaeological Importance. It lies within an area where undesignated heritage assets of local and regional significance are recorded on the City of York Historic Environment Record.

3.17 There have been extensive archaeological excavations carried out in advance of the approved housing development at Germany Beck. These excavations have produced evidence of an organised rural landscape dating from the late prehistoric period through the Romano-British period. It has also been argued that the Battle of Fulford might have been fought in the area adjacent to Germany Beck between the River Ouse and Heslington Tillmire.

3.18 In the light of this archaeological background, the applicant prepared an archaeological desk-based assessment and was subsequently requested by City of York Council to carry out an archaeological evaluation of the site. This has taken place and the applicant has submitted a report on the evaluation (Report On An Archaeological Evaluation Osa Report No.: Osa17ev33 October 2017).

3.19 Two trenches were excavated. These were located within the footprint of a proposed new care home, in an area currently used as a car park. The report states that:

"The southernmost trench (Trench2) revealed 20th century made ground down to a depth of 1m below the existing ground surface. The made ground was similar to material revealed in evaluation trenches excavated immediately to the east of the site in 1996. During that evaluation the made ground was interpreted as forming backfill of a rubbish tip, in use until c. 1950. Trench 2 appears to demonstrate that the rubbish tip extends into this part of the former care home site.

3.20 The northern trench (Trench 1) revealed natural clay immediately below the make-up deposits for the current car park, presumed to have been deposited in the 1980s when the care home was constructed. There was no evidence for surviving subsoil deposits indicating that the surface of the natural was probably truncated

during the car park construction. No archaeological features were present within the limits of the trench. However, the survival of the natural in this trench suggests that truncated, originally deep, archaeological features may still be present on the site."

3.21 Representations about the archaeological potential of this area have been made by Fulford Parish Council. I consider that the report on the archaeological evaluation provides sufficient evidence to allow an informed decision to be made on the impact this development will have on archaeological deposits.

3.22 The archaeological evaluation has demonstrated that there are modern land-fill types deposits present on part of the site and that deposits have been truncated so that no archaeological features survive above the level of natural deposits. The potential for survival of archaeological deposits is therefore low. However, it is possible that features may survive where they have been cut deeply into the natural deposits. The evaluation has not produced any evidence that suggests the Battle of Fulford was fought in this location. The probability that there are well-preserved archaeological features on this site is, therefore, low. However, there may be features preserved where they have been cut deeply into the underlying natural deposits. I recommend that an archaeological watching brief is maintained during the excavation of foundations, service trenches, etc so that any archaeological features that might be on the site can be recorded.

3.23 Please attach a condition requiring a watching brief on any consent that is granted.

Planning and Environmental Management (Ecology)

3.24 The former Fordland Care Home is known to support roosting bats. Recent surveys have been undertaken by Wold Ecology Ltd in May and June 2017, adding to existing information on the site by QUANTS environment al Ltd (August 2016) and Access Ecology (June - July 2012). The 2012 surveys found a common pipistrelle maternity roost of 26 bats using the lift tower, a smaller roost on the east gable of the building and a further one within the courtyard. A single brown long-eared bat was also recorded returning to an unconfirmed roost point in an oak tree on the southern boundary (ref: T12 - to be retained). The 2016 survey recorded 2-4 common pipistrelle roosting in the lift tower (NB survey had restricted access).

3.25 The 2017 surveys recorded single common and soprano pipistrelle bats roosting in three locations, using external features (lifted tiles and lead flashing) of the lift tower. Although the bat survey report provides justification as to why they consider a maternity roost is no longer present, the impact assessment takes account of the potential presence of one and concludes that it would result in a medium impact at a local level.

3.26 The mitigation proposed (e.g. timing of works and type of bat boxes) is sufficient to accommodate a maternity roost and I support this precautionary

approach as common pipistrelle in particular are known to move roosting sites within a season and between years depending on a number of factors including climatic conditions.

3.27 The current proposal (Landscape Masterplan DWG No. 50074-DR-LAN-101) shows the removal of circa 44m of vegetation on the eastern boundary, to be replaced by one oak and five field maple trees with a native hedgerow (assumed hawthorn). The mature trees and vegetation on the southern and western boundaries is to be largely retained but three silver birch trees, a crab apple and three rowan within the grounds are to be removed. None of the trees to be removed are considered to have potential to support roosting bats. The landscape proposal does not tie in with the agreed mitigation for the adjacent Germany Beck development and the loss of the eastern boundary is of particular concern due to the temporal loss of foraging habitat for bats.

3.28 Germany Beck Bat Mitigation Addendum by QUANTS environmental Ltd dated January 2017 Section 3 Current Baseline Conditions, page 8 paragraph 3.1.4 states: Trees and Shrubs around Fordlands Care Home - The vegetation within the grounds of the care home and on the southern and eastern site boundaries of the care home provide bat habitats of moderate value as foraging habitat. This vegetation however, is likely to be critical for the maintenance of the known common pipistrelle maternity bat roost in Fordlands Care Home.

3.29 Although it is acknowledged that from a landscape perspective the large Leylandii are out of keeping with Germany Lane and in the long-term a mature native species hedgerow and trees would have a greater wildlife benefit, this is a large amount of vegetation to lose at once and the new hedgerow and trees will take sometime to establish. The Bat Survey submitted with the application recommends vegetation along south and eastern boundary is at least 2m wide. A phased approach to removing and replacing this hedgerow and using larger specimens would be supported and should be secured through an appropriate landscape planning condition. The impact on the eastern boundary would be further reduced by the retention of the two Norway maple currently marked for removal.

3.30 The introduction of additional artificial light might mean bats are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. A sensitive external lighting scheme, which avoids shining light directly onto adjacent habitat, and minimise light spill should be secured through planning condition. If this application is approved conditions in respect of tree protection and planting should be imposed.

Adult Social Care

3.31 Using national benchmarks, York is currently short of 657 residential and nursing care beds and, because of the anticipated 50% increase in the 75+ population in the city and the expected closure of care homes which are no longer fit

for purpose, we anticipate that, should no new care homes be built, that shortfall will have risen to 962 by 2020 and 1,644 by 2030. Even if all current planning application for C2 developments are approved, York will still have a SHORTFALL in care bed provision of 672 in 2020, rising to 1354 in 2030. The shortage of good quality care accommodation in the city, if not addressed, would have a profound and negative impact on the care and health “system” in York, leading to potential delays in people leaving hospital beds, people continuing to live in inadequate accommodation and diminished support for informal carers. The lack of appropriate accommodation in old age also has a serious and detrimental effect on the health and wellbeing of each individual concerned.

3.32 The Council is clear that there is a shortage of good quality residential and nursing care accommodation, particularly those providing dementia cares, in the Fulford area as well as in most other areas in the City. Because of the desperate need for this provision across the city it is appropriate that the sequential test looks only at this area. The same test applied in nearly all other areas would identify a similar shortfall.

3.33 With regard to current local C2 residential care classification provision in the Fulford area, there is only two residential and nursing care homes: Connaught Court and Fulford Nursing. In total they provide 110 care beds. The Parish Council have mentioned other buildings but they are mistaken in their classification; both are C3 (dwellings): Delwood which is a local authority owned sheltered housing scheme and Glen Close which is a local authority owned general needs housing scheme.

3.34 An analysis of provision distribution by population also shows that there is a shortfall in the Fulford area and, if the area is expanded to take in other, close by, wards, the provision is even more acute. Fulford & Heslington ward has only 33 care beds per 1000 population over 75. Neighbouring Fishergate ward has only 10 beds per 1000 over 75s and Guildhall ward only 2 beds per 1000 over 75s. Taking the central, south and east areas as a whole, in which Fulford sits, the provision is just 12 beds per 1000 over 75s. This area has a high incidence of population which is over 75 years of age. Our optimum provision is 110 beds per 1000 people over 75.

3.35 The Fordlands Road Older Persons Home which operated on the site until 2012 provided residential care only to 31 care beds; the Council cannot directly provide nursing care. It was closed because it was no longer fit for purpose: it is too small to operated efficiently and provide the appropriate range of care and services; the care bedrooms, corridors and lounge areas were too small to provide appropriate care and there was only one en-suite bathroom with all other residents having to share toilet and bathroom facilities. The Council had originally planned to fund and build a new (modern and bigger) care home on the site but the cost of flood alleviation meant that this could not be afforded by the authority and, instead, our plans were changed in 2014 and it was proposed that a new council funded care home be built on the site of the Burnholme school, which closed that year. In 2015 it

was agreed that this new home would be privately funded with the council buying back beds from an independent care home provider.

EXTERNAL

Fulford Parish Council

3.36 The site is clearly not large enough to accommodate such a large facility and the damage to the environment and local heritage will be considerable. Whilst there would be some economic and social benefits, the Parish Council considers that these are not sufficient to outweigh the many negative impacts. Main points raised;

Harm to setting of conservation area - scale, height and mass of building fails to respect scale and character of the small dwelling within immediate vicinity, such buildings establish the scale of the village.

- Protected species-bats- submitted bat survey takes no account of mitigation proposed by Persimmon to offset loss of habitat to south of care home.
- Loss of trees and hedges especially T1, T9, H5-H6. Hedgerow Regulations 1997 provide for the conservation of important hedgerows and their constituent trees and the presence of protected species.
- Flood Risk -Environment Agency Guidance recommends sequential test applied over geographical area unless justified by functional requirements. Only small area identified. Fulford already benefits from four care homes, and when it was decided to close Fordlands it was stated that it was not suitable because of combination of increased flood risk, trees and bats, and Burnholme was identified. Nearby sites in Draft Plan have been overlooked.
- Impact of spine road- conflict in advice between the Design and Access Statement and the MET flood Risk Assessment.
- Archaeology- The Heritage Statement fails to mention recent research and archaeological investigations carried. The potential destruction of archaeological remains is a further drawback.
- Highway/ Parking - Recommend that the maximum parking standards are applied due to chronic shortage in the area.
- Footpaths. Existing footpath along Germany Lane is too narrow. Path opposite has vehicular and garage entrances and is unsuitable. Germany Lane is on a route to schools. This is an existing problem, but improvements would be beneficial.
- Neighbour amenity - ~overbearing impact, including large glazed areas. Overlooking
- Noise/ vibration especially from piling.

Yorkshire Water

3.37 A condition is recommended in relation to surface and foul drainage.

Environment Agency

3.38 No objections to the proposed development, but consider that it will only meet the requirements of the National Planning Policy Framework if the following measures, as detailed in the Flood Risk Assessment by Met Engineers, dated July 2017, Ref: 12244-5001, Revision 04, submitted with this application are implemented and secured by way of a planning condition on any planning permission granted:

Foss Internal Drainage Board

3.39 The Board does have assets adjacent to the site in the form of Germany Beck; this watercourse is known to be subject to high flows during storm events. The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Recommend condition that no development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works

Neighbour notification and publicity

3.40 A pre-application event was carried out with Fulford Parish Council on June 6th 2017. This was followed by a Public Engagement Event at the site on June 13th 2017. The application was advertised by site notice, and direct consultation with immediate neighbours.

3.41 3 letters of objection have been received, and include the following points;

- Use of the name Fulford Mews Care home would result in people parking in the adjacent mews house.
- Inadequate parking will result in parking on the street.
- Landscape buffer inadequate. Points to over development.
- Harm to heritage asset
- Highway safety and parking
- Concern regarding the limited area for the sequential test.
- Crime and disorder
- Bats - concern that insufficient bat surveys carried out
- Noise assessment
- Neighbour amenity.

4.0 APPRAISAL

4.1 MAIN ISSUES

- Policy background
- Principle of the development
- Flood Risk
- Heritage Considerations
- Design and character
- Amenity considerations
- Highways issues
- Designing out crime
- Sustainable design and construction
- Other materials considerations

POLICY BACKGROUND

National Planning Policy Framework

4.2 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.

4.3 Paragraph 50 refers to the delivery of a wide choice of high quality homes, and planning for a mix of housing based on current and future demographic trends,

market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

4.4 Paragraph 60 states that planning policies and decisions should not impose architectural styles or particular tastes... however, it is proper to seek to promote or reinforce local distinctiveness. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

4.5 Paragraph 65 states that Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)

4.6 Section 10 of the NPPF relates to meeting the challenge of Climate change, flooding and coastal change. The section provides guidance on planning new developments in locations and ways that reduce green house gas emissions, and increase the use and supply of renewable and low carbon energy.

4.7 Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding, but where development is necessary, making it safe without increasing flood risk elsewhere.

4.8 Paragraphs 101 and 102 refer to the application of the sequential test to steer development away from areas at risk of flooding if there are reasonably available sites appropriate for the proposed use.

4.9 Paragraph 102 Advises that, if following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with lower probability of flooding; the Exception Test can be applied.

4.10 Paragraph 103 advises that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment.

4.11 Section 11 of the NPPF seeks to ensure that the planning system contributes to and enhances the natural and local environment.

4.12 Section 12 relates to conserving and enhancing the historic environment. This includes impact of development on designated heritage assets, and includes setting of conservation areas. It also relates to sites which have the potential to include heritage assets with archaeological interest.

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

4.14 The Council's Forward Planning team has advised that the provision of additional care home bed space supports the Local Plan's emerging approach, and reflects evidence from the strategic Housing Market Assessment regarding likely demand due to demographic changes over the period to 2032 and beyond. The involvement of the private sector in delivering such accommodation is further stated in the Council's Older Person's Accommodation Programme and Older Persons Housing Strategy.

4.15 This position is backed up by information from the Council's Adult Social Care team who state that York has a significant under-supply of good quality residential and nursing care accommodation which will continue to rise if no new care homes are built. This would have a profound and negative impact on the care and health "system" in York, leading to potential delays in people leaving hospital beds, people continuing to live in inadequate accommodation and diminished support for informal carers. It is noted that planning applications have been submitted for care provision at Carlton Tavern, Burnholme, and Abbeyfields, with a further planning application likely to be submitted at Lowfield Green. Notwithstanding these applications, the shortfall of residential and nursing care beds is still projected to be 672 by 2020.

PRINCIPLE OF DEVELOPMENT

4.16 The site is not allocated in the emerging plan for development, and is currently occupied by a care home, which is now vacant. The NPPG and evidence in the Strategic Housing Land Availability Assessment detail the need for elderly persons' accommodation. The number of people aged 65 and over has increased by more than other age categories in the city and reflects national trends in line with increasing life expectancy.

4.17 The Council's Forward Planning team has advised that the provision of additional care home bed space supports the Local Plan's emerging approach, and reflects evidence from the Strategic Housing Market Assessment regarding likely demand due to demographic changes over the period to 2032 and beyond. The involvement of the private sector in delivering such accommodation is further stated in the Council's Older Person's Accommodation Programme and Older Persons Housing Strategy.

4.18 This position is backed up by information from the Council's Adult Social Care team who state that York has a significant under-supply of good quality residential

and nursing care accommodation which will continue to rise if no new care homes are built. An analysis of provision distribution by population also shows that there is a shortfall in the Fulford area and, if the area is expanded to take in other, close by, wards, the provision is even more acute. Fulford & Heslington ward has only 33 care beds per 1000 population over 75. Neighbouring Fishergate ward has only 10 beds per 1000 over 75s and Guildhall ward only 2 beds per 1000 over 75s. Taking the central, south and east areas as a whole, in which Fulford sits, the provision is just 12 beds per 1000 over 75s. This area has a high incidence of population which is over 75 years of age. Optimum provision is 110 beds per 1000 people over 75.

4.19 Policy H17 of the DCLP seeks to ensure that there isn't a concentration of residential institutions that would have an adverse impact on residential amenity. It is not considered that the development will result in an unacceptable concentration. Fulford Parish Council has referred to four homes in Fulford, however it is understood there are only two residential and nursing care homes: Connaught Court and Fulford Nursing. Given the brownfield nature of the site, and the sustainable location, the proposal is considered acceptable in principle subject to other material planning considerations.

FLOOD RISK

4.20 The site is located predominantly within Flood Zone 2 with part of the site within Flood Zone 3. As set out in the Technical Guidance to the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. For these purposes areas at risk of flooding" means land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency.

4.21 A sequential test should be used to steer development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities allocating land in local plans or determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. Update in relation to sites.

4.22 The majority of the building will be in that part of the site that lies within Flood Zone 2, with a small part within Flood zone 3. The proposed care home is identified as 'more vulnerable'. The use is the same vulnerability as the existing building. The Environment Agency Guidance on applying the sequential test will usually be applied over the whole Local Authority area, unless there are functional or relevant objectives in the Local Plan. The consultation response from Adult Social Care

states that there is a significant need for increased elderly persons' accommodation across the city. In the Fulford and Heslington Ward there are only 33 care beds per 1000 population over 75. Neighbouring Fishergate ward has only 10 beds per 1000 over 75s and Guildhall ward only 2 beds per 1000 over 75s. The optimum provision is 110 beds per 1000 people over 75. It is considered that this identified need, together with the closing of the existing care home in 2012, demonstrates the functional reasons for applying the sequential test over a more limited search area.

4.23 In the light of the comments made by Fulford Parish Council, together with more specific comments being made by Adult Social Care, the area of search for the sequential test has been enlarged to include that part of Heslington, Fishergate, Guildhall and Fulford that lie to the north of the ring road. The amended Sequential Test has been assessed, and also discussed with Forward Planning Officers who have confirmed that in their opinion there are no sites available in areas of lower risk of flooding that are available. The Test is therefore been considered to have been passed.

4. 24 In relation to the 'Exception Test', this is only required in relation to those sites that fall within Flood Zone 3. The test requires that proposed development must provide wider benefits to the community that outweigh flood risk, and second it must be safe for its lifetime without increasing flood risk elsewhere. Turning to the first step, the benefits of new care for the elderly will provide significant benefits. Many care homes across the city have been closed because they are not 'fit for purpose'. The proposed accommodation will be registered with the Care Quality Commission. It will provide en-suite rooms and communal facilities, hairdressers and activity rooms for residents. Furthermore it is a sustainable location which will provide ready access for residents, visitors and employees. The building will also be constructed to meet Building Regulation part L which deals with energy efficiency, and will be able to meet the requirements of BREEAM Very Good. The care home will employ 64 staff (full and part time) who are able to access the site in a sustainable manner. Accordingly, it is considered that the sustainability benefits outweigh the flood risk of the development

4.25 In relation to the second test, as set out in the National Planning Policy Framework, the application is accompanied by a site-specific flood risk assessment. This demonstrates that the finished floor level will be set at 10.66m AOD, which is 600mm above the 1 in 100 year climate change level. The finished floor level of the existing building is 9.8m AOD. In addition, the footprint of the proposed building (1,149m²) is smaller than the footprint of the existing building (1,224m²). There will be an increase in flood storage from 1,929m² to 2,189m². The Lead Flood Manager has advised that the proposed external levels will provide an additional flood storage volume of 216m³ and therefore making it safe without increasing flood risk elsewhere.

4.26 Given that this is accommodation that will have resident staff who will manage the building, together with easy access to parts of the building at a higher level, it is

considered that safe access and egress can be provided in the event of a flood warning. It is recommended however that if permission is granted, it is subject to a condition requiring the submission of an evacuation plan.

4.27 Fulford Parish Council has stated that there are a number of other care homes/sheltered accommodation in Fulford. Nevertheless the existing older persons' home closed in 2012 with the loss of 31 beds. It is understood that there are only two residential and nursing care homes in Fulford: Connaught Court and Fulford Nursing. In total they provide 110 care beds. The Parish Council have mentioned other buildings however they are both are C3 (dwellings): Delwood which is a local authority owned sheltered housing scheme and Glen Close which is a local authority owned general needs housing scheme.

HERITAGE ASSESSMENT AND DESIGN

4.28 This site adjoins the boundary of the Fulford Village Conservation Area but is not within it. In terms of the historic environment, the principal issue is whether or not this proposal will harm any elements which contribute to the significance of the adjacent Conservation Area and, if it would, whether or not there are any public benefits. Regard is to be had to the advice in the NPPF, particularly Paragraph 132 which 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. The more important the asset, the greater the weight should be and makes it clear that significance can be harmed or lost through development within its setting.

4.29 The first consideration in this assessment is how much contribution this site currently makes to the significance of the adjoining Conservation Area and would the development harm that significance.

4.30 The application site is located to the east of the site of the former village pinfold, which forms a small piece of open ground between the care home and Main Street. The current care home buildings are visible, to some extent, from Main Street as the backdrop to the former village pinfold, although they are not particularly prominent being largely shielded from view by the hedged boundary and trees that form the western and south western boundary of the care home. So, whilst they cause some harm at present to this aspect of the Conservation Area, it is minimal.

4.31 The loss of these buildings, therefore, will not harm the setting of the Conservation Area and, indeed, presents an opportunity to enhance the southern approach to the village. There have been no objections to the principle of this site being redeveloped.

4.32 Fulford Parish Council considers that the proposed building fails to reflect the grain or character of its surroundings and will appear monolithic and overbearing

even when the replacement landscaping eventually matures. It considers the balconies proposed are alien features within the conservation area that further detract from the street scene and setting of the Conservation Area.

4.33 However, the City Council's Conservation Architect considers that the proposed new building is designed in a manner that is sympathetic to the existing buildings in the adjacent part of the Conservation Area, including brick. In terms of its design, the development uses external materials similar to those found in the locality (although the Conservation Area actually exhibits a wide variety of different materials). Grey roof tiles, exposed purlins and larger overhangs are proposed in order to reflect the existing buildings in the surrounding area. Whilst most contemporary care home developments typically are characterised by buildings with large massing, the mix of multi red facing brick and timber cladding, and varying eaves and ridge heights have sought to break down the overall massing of the building to fit in with, and be sympathetic to, the surrounding streetscape.

4.34 The proposed building has been set back into the site to provide an increased separation from the nearby dwellings when compared to the existing building, and the development has provided extensive landscaped gardens to the south. The west elevation (which is the one which faces onto the site of the former pinfold) has been designed to reflect the cottages to the front, by virtue of the overhanging eaves, exposed timber purlins and domestic scale windows. In terms of materials, design concept, and architectural language, the building is not dissimilar from that found within parts of Fulford. In addition the design has clearly sought to break up the bulk of the buildings, visually, to more closely reflect the grain found within the Conservation Area. Balconies are not a feature typically found in the Conservation Area. However, they are a small element of the overall scheme and, it should be noted that this is not a development within the Conservation Area itself.

4.35 However, as reported in Section 3, the, the Council's Conservation Architect shares Parish Council's concerns about the scale of the building that is being proposed. 4.36 Officers have expressed concern throughout the application process regarding the scale of the proposed building not least because of the site's juxtaposition with buildings far smaller in scale. In response, soon after the application was validated, revised plans were submitted reducing the height of several parts of the proposed building. The applicant also submitted information demonstrating that buildings of a similar height to the proposed care home can be found in some parts of the village. These include the Bay Horse public house, Ebor House Flats, and the York Pavilion Hotel. However, in the context of Fulford, this is a taller building than generally found away from Main Street, and with a considerably greater mass. Consequently, it is necessary to consider how much this would harm the setting of the adjacent Conservation Area.

4.36 In terms of the approach to Fulford from the south, as has been stated above, this site is not particularly prominent in either view towards or from the Conservation Area. By its size and mass, this development will in all probability be more

noticeable and of a scale considerably larger than the buildings in its immediate vicinity. However, this part of Fulford has seen some marked changes since the Conservation Area was designated in 1998 (or even when it extended in 2008 to include the land to the west of the application site). The new road junction which is being developed to access the new housing at Germany Beck will have a marked impact upon the approach to, and significantly alter the setting of this part of the Conservation Area. Whilst the road configuration from the south might well once have helped "introduce the small scale of the village" as the Conservation Area Appraisal stated, this is clearly no longer the case. The new care home, therefore, will not be viewed as it would have done in 2008 as a large building on the edge of a village but rather, as a large building set against a large modern road junction leading to an extensive new residential development. Paragraph 131 of the NPPF states that Local Planning Authorities should take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness. It is considered that in terms of the details of the development, the building better reflects the character of the immediate area and in particular the cottages to the frontage, than the existing building. It is further considered that the set back of the building is a positive contribution to the area.

4.37 It is considered that the development is likely to impact upon views across the former pinfold. However, the road to the Germany Beck development has also notably changed the setting of this former pinfold which now has this main access road in close proximity to it.

4.38 So whilst the scale and massing of the building would cause some harm to the setting of the Conservation Area, because of the degree of change that has already taken and is taking place in and around this area, it is considered that this would constitute very limited harm to the overall significance of this part of the Conservation Area. However, small though that harm may be, nonetheless, it will result in some adverse impact to a designated heritage asset. NPPF Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

4.39 Undoubtedly, in terms of the detailing and quality of materials, the new building is a considerable improvement on a building which detracts from the character of this part of the Conservation Area. It is also considered that by setting it back from the frontage with Germany Lane better, it provides a more attractive approach to the public footpath that leads to the open countryside. The harm identified is considered to be at the lower level of less than substantial. As such the development accords with the second and third bullet points of paragraph 131 of the NPPF, and paragraph 60 in relation to local distinctiveness.

4.40 The development will provide accommodation for 64 residents and, therefore, contribute towards helping to meet an identified need for elderly accommodation in the City. The development will also create jobs during construction, together with a significant number of jobs once the care home is in operation. On balance, therefore, it is considered that the less than substantial, limited harm to the setting of this part of the Conservation Area by virtue of the scale of the building would be outweighed by the public benefits of the contribution the development will provide in meeting the significant under-supply of good quality residential and nursing care accommodation, together with the employment opportunities that will arise from the development. As such the development accords with the requirements of paragraph 134 of the NPPF. In relation to policy GP1: Design of the City of York Development Control Local Plan, it is considered that overall it accords with Policy GP1 a) in terms of the materials, however it breaches Policy GP1 (b) in relation to the scale and mass in relation to surrounding buildings. There is also some lack of conformity with GP 1: e) which seeks to retain/enhance the rural character and setting of villages.

ARCHAEOLOGY

4.41 The site lies outside the Area of Archaeological Importance but in an area where significant undesignated heritage assets are located and recorded on the City of York HER. There have been extensive archaeological excavations carried out in advance of the approved housing development at Germany Beck. These excavations have produced evidence of an organised rural landscape dating from the late prehistoric period through the Romano-British period. It has also been argued that the Battle of Fulford might have been fought in the area adjacent to Germany Beck between the River Ouse and Heslington Tilmire.

4.42 In accordance with paragraph 128 of the NPPF, a desk-based assessment and a report on archaeological evaluation of the site were requested to enable an assessment of the impact the Fordlands House care home on any archaeological deposits as well as to see if the 20th century landfill site extends into the site.

4.43 In the light of this archaeological background, the applicant prepared an archaeological desk-based assessment and was subsequently requested by City of York Council to carry out an archaeological evaluation of the site. This has taken place and the applicant has submitted a report on the evaluation ("Report On An Archaeological Evaluation Osa Report No.: Osa17ev33 October 2017"). The archaeological evaluation has demonstrated that there are modern land-fill type deposits present on part of the site and that deposits have been truncated so that no archaeological features survive above the level of natural deposits. The potential for survival of archaeological deposits is therefore low. However, it is possible that features may survive where they have been cut deeply into the natural deposits. The evaluation has not produced any evidence that suggests the Battle of Fulford was fought in this location. 4.45 It is recommended however that an archaeological

watching brief is maintained during the excavation of foundations, service trenches, etc so that any archaeological features that might be on the site can be recorded.

NEIGHBOUR IMPACT

4.44 In relation to the impact of the development on the existing amenities of neighbouring occupiers, one of the core plan planning principles requires that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. In this case, the proposed building is of a significant mass and scale. This is of particular relevance in relation to the site context where those houses on Germany Lane are predominantly single storey, with one dwelling at one and a half storey in height. The cottages to the west are two storey.

4.45 In relation to the cottages that lie between Selby Road and Fordlands Road , the proposed building will be just under 30m from the rear of those properties. The scale of the proposal is significantly greater, and will include more fenestration at a higher level. However it is considered that given the distance involved, together with the existing position of the cottages in close proximity to a public road, it is not considered that the development will have a significant adverse impact on their existing amenities in terms of overlooking or overbearing impact. In addition it is not considered that their outlook will be unduly compromised because of the angle of the cottages in relation to the proposed building.

4.46 It is considered that the separation with 143 Main Street is also acceptable. Numbers 1 and 3 Fulford Mews have already experienced the location of the existing care home looking towards their properties. The proposed building will be significantly taller, with many more windows directed towards their properties. This includes balconies opposite no 3 Fulford Mews. Nevertheless, the proposed building will be sited 22m from the front of those properties, compared to the existing building at 13-14m. It is considered that the development will not have a significant adverse impact on the outlook of no.1 Fulford Mews, because of its offset location. 1 Fulford Mews has an outlook that extends beyond the building. In relation to no. 3 Fulford Mews, there will be some impact on their amenities, by virtue of the increase in scale of the building, increase in fenestration, and location of balconies. Nevertheless, it is again considered that the increase in scale and fenestration is offset by the much greater separation between the two buildings.

4.47 It is considered that the most impact will be on no. 7 Fulford Mews. This is because this property does not currently look towards the existing care home building, but across the parking and access to the side. As such there will be some impact by virtue of the siting of the building, and the level of fenestration including the provision of balconies. However given the use of the building for 'care' this is unlikely to be a frequent use. Further, the end of the mews cottage will still retain its outlook past the proposed building. In addition the proposed planting adjacent to the kerb will provide a softening of the impact of the development. It is also

considered that in terms of distances between the dwelling and the care home, this is a relationship that is typical of many streets and lanes within, or on the edge of urban areas. It does not relate to a more private rear aspect.

4.48 Given the increase in the size of the care home, there is likely to be an increase in deliveries and general comings and goings. Nevertheless, it is not considered that this will have a significant adverse impact on the existing amenities of neighbouring occupiers, and the proposal is not considered to be incompatible in relation to its proximity to residential properties. Fulford Parish Council has raised concern regarding the piling that will be required for foundations. The Council's Public Protection Officer has recommended a condition in relation to a Construction Environmental Management Plan which will address such concerns.

4.49 Accordingly, it is considered that there will be some adverse impact on the existing amenities of neighbouring occupiers in relation to the impact of the larger building, level of fenestration and balconies. However given the relationship of the site with neighbouring occupiers, and the increased set back it is not considered that such harm will be so significant as to warrant refusal on that basis. As such it will not breach the core planning principle in the NPPF that relates to amenity nor Policy GP1 (i).

LANDSCAPE AND TREE ASSESSMENT

4.50 The existing site is surrounded by mature trees and hedges. Indeed this is something that is particularly characteristic of this part of Fulford. The application is accompanied by an arboricultural impact assessment and method statement. A total of 14 trees are proposed for removal. The report states that the majority of trees to be removed are category C which are deemed to be of low quality and capable of being replaced by replacement planting without detriment to the arboricultural value of the site. Two category B trees are proposed to be removed to accommodate the development. The trees will be replaced with semi mature specimens in similar locations. One tree group and two hedgerows require remedial work. The landscape (mitigation) proposals show the introduction of 37 new trees within the site (10 advanced nursery stock and 18 extra heavy and heavy standards) to both mitigate the loss of existing trees and to improve the overall amenity of the development site. Of these trees proposed there is 1 new specimen tree and a proposed avenue of trees along the frontage of Germany Lane to enhance the current situation post development. There are also new hedges proposed which the report states would further mitigate the loss of hedges H5, H6 and H24; together with new planting along the northern boundary. The proposed hedge planting consists of large feathered hedging creating a mature hedge upon planting.

4.51 The Council's Landscape Architect has advised that ideally the building would be set further away from the eastern boundary, and larger tree species employed to create a more generous setting to the development given the scale of the building and its location immediately adjacent to the Germany beck nature park.

4.52 It is considered that whilst the retention of the Birch and Maple are desirable as suggested by the Landscape Architect, , in the long term the loss of the two trees would be mitigated by the proposed tree planting along Germany Lane and along the eastern boundary. It is essential however that the likely longevity of such planting is established. This is in particular because of the limited space available between the proposed parking and Germany Lane. In the current absence of such information there is no certainty that the planting along Germany Lane can be successfully achieved, therefore the removal of Birch T1 is not currently sufficiently mitigated.

4.53 In relation to landscape character and amenity, the removal of Birch T9 and other vegetation along the eastern boundary would result in a significant loss to the local amenity. In the long run, this would be mitigated with the proposed tree planting, provided that the site plan is revised to pull the kerb line away from the proposed trees at the site exit to give them sufficient space for growth.

4.54 As such, it is likely that the proposed planting as shown on the landscape masterplan will be acceptable in retaining the character of the area, and softening the impact of the proposed building. Details of the construction methodology in relation to the planting of trees in such close proximity to parking spaces are being prepared and Members will be updated on this matter at Committee. If such information is not sufficient to demonstrate that all the landscape will be retained in the long term, the loss of trees T1 and T9 (Birch and Maple) are contrary to policies NE1 of the Draft Local Plan, and to that part of one of the core planning policies of the NPPF that requires planning to contribute to conserving and enhancing the natural environment.

ECOLOGY

4.55 Section 11 of the NPPF relates to conserving and enhancing the natural environment. Policy NE6 of the Development Control Local Plan seeks to ensure that planning permission will only be granted for development that would not cause demonstrable harm to protected species. It further states that the translocation of species will be an approach of last resort. The former Fordlands Care Home is known to support roosting bats. Recent surveys have been undertaken by Wold Ecology Ltd in May and June 2017, adding to existing information on the site by QUANTS environment al Ltd (August 2016) and Access Ecology (June - July 2012).

4.56 The 2012 surveys found a common pipistrelle maternity roost of 26 bats using the lift tower, a smaller roost on the east gable of the building and a further one within the courtyard. A single brown long-eared bat was also recorded returning to an unconfirmed roost point in an oak tree on the southern boundary (ref: T12 - to be retained). The 2016 survey recorded 2-4 common pipistrelle roosting in the lift tower (NB survey had restricted access). The 2017 surveys recorded single common and soprano pipistrelle bats roosting in three locations, using external features (lifted

tiles and lead flashing) of the lift tower. Although the bat survey report provides justification as to why they consider a maternity roost is no longer present, the impact assessment takes account of the potential presence of one and concludes that it would result in a medium impact at a local level.

4.57 The mitigation proposed (e.g. timing of works and type of bat boxes) is sufficient to accommodate a maternity roost and this precautionary approach is considered appropriate. This is because common pipistrelle in particular is known to move roosting sites within a season and between years depending on a number of factors including climatic conditions.

4.58 The current proposal (Landscape Masterplan drawing) shows the removal of circa 44m of vegetation on the eastern boundary, to be replaced by one oak and five field maple trees together with a native hedgerow (assumed hawthorn). The mature trees and vegetation on the southern and western boundaries is to be largely retained but three silver birch trees, a crab apple and three rowan within the grounds are to be removed. None of the trees to be removed are considered to have potential to support roosting bats.

4.59 The current landscape proposal does not tie in with the agreed mitigation for the adjacent Germany Beck development and the loss of the eastern boundary is of particular concern due to the temporal loss of foraging habitat for bats. This is a matter that has also been raised by Fulford Parish Council. The Germany Beck Bat Mitigation Addendum by QUANTS environmental Ltd dated January 2017 states: Trees and Shrubs around Fordlands Care Home - The vegetation within the grounds of the care home and on the southern and eastern site boundaries of the care home provide bat habitats of moderate value as foraging habitat. This vegetation however, is likely to be critical for the maintenance of the known common pipistrelle maternity bat roost in Fordlands Care Home.

4.60 It is acknowledged that from a landscape perspective the large Leylandii are out of keeping with Germany Lane and in the long-term a mature native species hedgerow and trees would have a greater wildlife benefit. This is a large amount of vegetation to lose at once and the new hedgerow and trees will take some time to establish. The Bat Survey submitted with the application recommends vegetation along south and eastern boundary is at least 2m wide. A phased approach to removing and replacing this hedgerow and using larger specimens would be supported and should be secured through an appropriate landscape planning condition. The impact on the eastern boundary would be further reduced by the retention of the two Norway maple currently marked for removal.

4.61 The introduction of additional artificial light might mean bats are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. A sensitive external lighting scheme, which avoids shining light directly onto adjacent habitat, and minimise light spill can be secured through planning condition. Final confirmations in relation to the landscape

proposals are awaited. However it is considered that subject to a phasing plan for the replacement of those trees identified for removal, together with confirmation that the trees and hedging will be viable in the long term, the replacement planting will be sufficient to provide foraging for bats.

HIGHWAY CONSIDERATIONS

4.62 Section 4 of the NPPF relates to promoting sustainable transport. It states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. There is pedestrian access from the site into Fulford which has a number of facilities convenience store and pharmacies are accessible on foot. Existing cycle routes in the vicinity of the site make cycling acceptable. There is also a very regular bus service in close proximity to the site. The Travel Plan states that bus stops are located on the A19 and on Fordlands at a distance of 90-240m from the site. These bus stops are served by high frequency routes to and from the city centre and the Park & Ride at York Designer Outlet, with approximately 15 buses per hour serving the four stops closest to the site. The statement advises that there is a potential for linked trips by rail and bus, or utilising the park and ride.

4.63 The site is well served by local facilities which the travel statement advises is within the preferred maximum walking distance of 1.2km from the site along the A19. These include a convenience store, pharmacies, hairdressers, pub restaurants, food takeaways, library, doctor etc. Whilst residents themselves will not necessarily be able to access such facilities on foot, the sustainability of the location in terms of staff and visitors is also important.

4.64 The transport assessment has based the parking requirement on sheltered housing requirements. This seeks a maximum of 1 space per 4 units and 2 spaces if a resident warden is present plus one space per non residential staff is required. However given the use of the building as a 'care home' and not sheltered housing, it is not considered that residents will cycle or drive. Parking will therefore be for staff and visitors; 21 car parking spaces are therefore proposed, including one disabled space and one delivery bay. The majority of parking spaces will be located in the car park to the north of the care home, while two staff only parking spaces will be located to the south of the delivery bay. This will ensure that one space will be available for every two staff members on site at any given time. Showers and lockers are to be provided for staff in order to facilitate and encourage cycling to work. 10 secure cycle parking spaces will be provided in a covered storage area at the front of the building. Secure spaces will also be provided within the basement of the building.

4.65 Fulford Parish Council has expressed concern regarding the number of parking spaces proposed. Network Management (Highways) have confirmed that they have no objection to the development from a highway point of view. They confirm that cycle parking for staff and visitors is to be provided, and furthermore that car parking

is in accordance with CYC maximum standards and supported by a transport statement. It is relevant that the site is situated in an area that is served by a frequent bus service, and cycling is prevalent.

4.66 Fulford Parish Council has also raised concern regarding the exit of the car park in relation to visibility with Germany Lane. Highway officers have taken account of this aspect, even though the access serves the existing care home. This is in particular because the access adjoins a public right of way that will be used by both cyclists and those walking. However Highway officers are satisfied that visibility will be improved when the Leylandii which over hangs the footpath is replaced by a tree with a higher crown, together with a hedge.

4.67 It is considered that the proposed development accords with Section 32 of the NPPF.

DESIGNING OUT CRIME

4.68 The submitted Design and Access Statement advises that the care home has been designed carefully so that it takes due account of recognising good practice in its overall design and relationship to the context; this is in accordance with the Planning Practice Guidance. Access to the care home for residents and visitors is restricted to the main entrance. Staff will have a secure separate entrance to the building. Communal garden and external space is surrounded by existing timber boundary fences which provide an enclosed secure space for residents. The façade treatment, with large openings at all levels, provides a high degree of surveillance over external areas whilst protecting resident privacy. The home is to be continuously staffed, and therefore the risk of crime and vandalism will be greatly reduced.

SUSTAINABILITY

4.69 In terms of sustainability of the build, the submitted information states that the development will be fully compliant adhering to current Building Regulations, specifically Part L with reference to building energy usage and efficiency and will be able to meet requirements of BREEAM Very Good. Photovoltaic cells are to be provided on the flat area of the roof and will not be seen from ground level because they are screened by the pitched roof.

OTHER MATERIAL CONSIDERATIONS

4.70 As detailed in section 3.0 of this report, a letter of objection has been received that raises a number of issues that have been addressed through this report. For information, the letter includes reference to an appeal dismissed by the Planning Inspectorate in relation to a care home elsewhere in the country. Whilst many of the issues are comparable with this application, it is considered that the relationship with neighbouring occupiers, level of parking and neighbour impact have to be

considered on a site by site basis. In that scheme, particular reference was made to the level of parking proposed, and the Inspector concluded that it was inadequate given the size of the care home. However in this instance, the frequency of the bus service is an important consideration and this appears to differ from the site subject to the appeal which had a less frequent service. Noise impact has been considered and taken into account, and officers consider that the proposed use is not incompatible with the nearby residential properties. It is also noted that a specific need for elderly persons care, including figures, has been provided by Adult Social Care in relation to the current application. This differs from the referenced appeal where the Inspector stated that a generalised assertion of need would not justify the harm identified.

5.0 CONCLUSION

5.1 When considering the planning balance, as some harm is identified to the setting of the adjacent Conservation Area, the more restrictive policies in the NPPF relating to conservation of heritage assets apply, rather than the “tilted balance” in favour of sustainable development in paragraph 14 of the NPPF. In the planning balance, the application site is a brown field site in a sustainable location that is currently occupied by a vacant care home. It has been demonstrated that York has an under-supply of good quality residential and nursing care accommodation. Whilst the need is city wide, Fulford & Heslington ward has only 33 care beds per 1000 population over 75. Optimum provision is 110 beds per 1000 people over 75.

5.2 The scale of the building is significantly greater than those buildings that lie adjacent to the site, and harm has been identified in relation to the setting of Fulford Village Conservation Area. However it is considered that the harm is at the lower level of less than substantial. The existing building is less dominant in the street scene, however its design and materials fails to reflect local distinctiveness. The site is in a location of significant change with the formation of a new road, and a significant housing development in close proximity. In relation to the proposed building, it is considered that the design approach in relation to the materials, articulation, and reflection of local distinctiveness will result in some enhancement of the area.

5.3 It is considered that there will be some impact on the existing amenities of neighbouring occupiers by virtue of the scale and mass of the building, and additional fenestration and balconies. However the building is situated in a location on a public road, rather than in close proximity to private amenity areas. The building will also be set further back from the frontage with Germany Lane than the existing building. Taking this into account, it is considered that the separation distances are acceptable.

5.4 The site is located predominantly within flood zone 2, with part of the site within flood zone 3. Officers have identified a smaller area of search due to the functional need for care accommodation identified in Fulford and Heslington. It has been

determined that the sequential test and exception test have been passed, and the building will have greater flood resilience than the existing building.

5.5 Subject to final confirmation from consultees, concerning access parking and landscaping, it is considered that these aspects of the development are acceptable. The Council's ecologist is also satisfied that the mitigation in respect of bats is acceptable.

5.6 Officers have given great weight in the planning balance to the impact of the development on the setting of the adjacent Fulford Village Conservation Area. It is considered however that given the low level of less than substantial harm, the public benefits of the delivery of elderly persons accommodation together with the jobs to be provided in this sustainable location, outweigh the level of harm identified. It is not considered that any other material considerations have been raised that would outweigh the benefits of the development.

5.7 Accordingly, the recommendation is one of approval subject to confirmation that the landscaping along Germany Lane will be viable over the long term.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The premises shall be used only as a residential care home for older people within Use Class C2 and shall not be used for any other purpose, including any other purpose in Class C2 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. For the avoidance of doubt, 'older people' is defined as over 55.

Reason: In order to allow a consideration of the impact of any changes on amenity, and because the consideration of the planning application has taken account of the need for older persons accommodation.

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

(To be updated at Committee)

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

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

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 as to achieve a visually cohesive appearance and to make a positive contribution to local character and distinctiveness.

5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- Verge and eaves details
- rainwater goods
- window details including depth of reveal, materials and method of opening, reveals, and a profile of any glazing bars.
- balcony details

Reason: So that the Local Planning Authority may be satisfied with these details.

6 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Met Engineers, dated July 2017, Ref: 12244-5001, Revision 04 and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage as detailed within the FRA and in accordance with drawings numbered, 12244-5001-04, 12244-5001-06 REVA, 12244-5001-10 REVA & 12244-5001-09 REVA.

2. Finished floor levels are set no lower than 10.66m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing,

by the local planning authority.

Reasons: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, and to reduce the risk of flooding to the proposed development and future occupants.

7 Prior to the building hereby approved being first brought into use, an evacuation plan to demonstrate safe access / egress in the event of flood risk to the building or grounds, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the building shall be operated in accordance with the approved plan.

Reason: To ensure that the development is safe for its lifetime.

8 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.

9 No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-

- a) evidence to demonstrate that surface water disposal via infiltration are not reasonably practical by way of infiltration test carried out to BRE Digest 365 and witnessed by the City of York Council's FRMT;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority.

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

10 Construction in the relevant part (s) of the site shall not commence until evidence has been submitted to and approved by the Local Planning Authority that diversion of the 375mm sewer that is laid within the site boundary has been agreed with the relevant statutory undertaker and that the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all

times.

11 Demolition and building works to the former care home (including roof stripping and works to the lift tower), or activity likely to cause harm to bats shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/ development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To protect a European Protected Species from harm.

12 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in Section 7.0 Recommended Method Statement, of the Bat Survey dated June 2017 by Wold Ecology Ltd in all respects, and any variation thereto shall be agreed in writing by the local planning authority before such change is made. This includes the installation of at least 2 x Schwelger 1FQ bat boxes and 3 x Schwelger 2FR bat tubes on the new building.

Reason: To maintain the favourable conservation status of a European Protected Species.

13 Notwithstanding the submitted details, and prior to the building hereby approved being first brought into use, a "lighting design strategy for biodiversity" for external lighting across the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To maintain the favourable conservation status of a European Protected Species.

14 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

15 The removal of any trees on site (shown on the landscape masterplan for removal) and the planting of all new and replacement planting shall be carried out in strict accordance (unless a longer period has first been agreed in writing by the Local Planning Authority) with a detailed phasing plan that has first been submitted to, and approved in writing, by the Local Planning Authority. Any trees or plants which within a period of 10 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 within the site in the interests of the character and appearance of the area.

16 The development shall be carried out in accordance with three three stage archaeological watching brief detailed below. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No demolition/development shall take place/commence until a written scheme of investigation (WSI) for the archaeological 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 archaeological watching brief on site and post investigation assessment shall be completed in accordance with the programme set out in the WSI 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 will 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
Application Reference Number: 17/01969/FULM Item No: 4d

York Historic Environment Record to allow public dissemination of results within six months of completion of the watching brief on site or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 12 of National Planning Policy Framework.

17 Prior to the commencement of construction, a detailed specification of the proposed gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.

(ii) Prior to first occupation or use, a gas verification report that demonstrates the effectiveness of the gas protection shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land are minimised in accordance with paragraphs 109, 120 and 121 of the National Planning Policy Framework.

18 The development hereby permitted shall not be brought into use until highway works (which by definition shall include works associated with any Traffic Regulation Order required as a result of the development.) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:

- Formation of access/egress including tie-in to PROW, relocation of lighting column, provision of tactile pedestrian crossing, installation of Bliss display screen to inbound bus stop on A19.

Reason: In the interests of highway safety.

19 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development 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 protect the amenities of future occupiers.

20 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any). For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e.

investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: In the interests of protecting the amenities of nearby residents.

21 All demolition and construction 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 amenities of neighbouring occupiers who are situated in close proximity to the site.

22 One (1) electric vehicle recharge point, serving one dedicated car parking bay, should be installed prior to first occupation of the site. The bays should be marked out for the exclusive use of electric vehicles. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. Also, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority.

Prior to first occupation of the site, the applicant will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework.

23 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.

24 Within 6 months of occupation a travel plan shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be based on the submitted Framework Travel Plan; developed and implemented in line with Department of Transport guidelines and be updated annually. 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 Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel.

25 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

26 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

27 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

28 The development shall not be first brought into use until all existing pedestrian crossings, not shown as being retained on the approved plans, have been removed by reinstating the kerbing/hard margin; to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

29 Prior to the commencement of any works on the site, 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 LPA. Such a statement shall include at least the following information;

- a dilapidation survey jointly undertaken with the local highway authority
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site
- how pedestrians are to be safely routed past the site
- how access to the PROW is to be maintained
- details of any implications to the highway of demolition and waste removal vehicle operation
- where contractors will park to avoid affecting the highway
- how large vehicles will service the site
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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.

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

2. Informative: Nesting Birds

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.

3. The Flood Risk Assessment (prepared by MET Engineers - Report 12244-5001 revision 04 dated July 2017) requires clarification with regard to surface water drainage but the matter can be dealt with via condition. In summary, the report states that sub-soil conditions do not support the use of soakaways but percolation tests should be undertaken to demonstrate the suitability or otherwise of the ground. Yorkshire Water Services agrees that, although a watercourse exists near to the site it cannot be accessed due to a neighbouring development. The report then suggests that surface water will discharge to public sewer via storage with a restricted discharge of 20 litres/second. However, proof of existing connectivity to the public sewer is required to calculate a minimum 30% reduction in discharge rate.

4. YWS has advised that on the Statutory Sewer Map, there is a 375mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme and Yorkshire Water has no objection in principle to the proposed sewer diversion (subject to the requirements of Section 185 Water Industry Act 1991) shown on submitted drawing G4061 (90) 01 (revision J) dated 28/06/2017 prepared by WR Dunn.

5. 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).

Works in the highway - Section 278 and Section 62.

Contact details:

Author: Rachel Smith Development Management Officer

Tel No: 01904 553343