

COMMITTEE REPORT

Date: 7 October 2021 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 21/01758/FULM
Application at: Land South Of The Residence Bishopthorpe Road York
For: Erection of single and two storey residential healthcare building (use class C2), to include 40 bed spaces, associated treatment rooms, car parking, servicing areas and landscaping
By: Tom Wheldon and Bill Chidgey
Application Type: Major Full Application
Target Date: 20 October 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for the erection of a part single storey part two storey residential healthcare facility to include 40 bed spaces, treatment rooms, landscaping and car parking.

1.2 The facility is currently located in York House at The Retreat and is required to relocate its services as the lease on the current facility expires. York House provides specialist brain injury and mental health hospital facilities for which there is currently an under provision in the UK. The charity which runs the facility, and has submitted the application, The Disabilities Trust is largely funded by local authorities and the NHS.

Site description

1.3 The site is predominantly flat and is currently cleared of development although it was until relatively recently occupied by the factory buildings known as the Northern Lights Building. While the buildings are no longer there some of the hardstanding is still visible beneath the plant growth. There is good tree cover to 3 sides of the site. To the north, the site abuts the parking area serving the apartments in the Grade II listed The Residence. There are a number of other listed buildings within the wider

Terry's site as well as with the Racecourse complex. The whole area forms the Racecourse and Terry's Factory Conservation Area. To the south there is a change of levels down to a parking area serving the racecourse while to the east there is an area of public open space, the Peace Garden, also at a lower level.

Planning History

1.4 18/02582/FULM – Erection of 85 apartments in two blocks with seven town houses and associated parking, cycle storage and landscaping – Refused:

The proposed development due to its design height and massing would represent an over-development of the site, introducing inappropriate large buildings which would have a harmful visual impact on the setting of the Grade 2 listed building Terry's of York Factory 'The Residence' and to the character and appearance of the Terrys / Racecourse Conservation Area. The buildings would take away the visual permeability of the site harming important views of the listed building and the conservation area. This less than substantial harm is not considered to be outweighed by public benefits. The proposal is therefore contrary to sections 72 and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 127, 128, 130, 193, 194 and 196 of the National Planning Policy Framework (February 2019) and Policies D1, D4 and D5 of the 2018 Publication Draft Local Plan.

1.5 09/01606/OUTM - Outline planning permission, with means of access unreserved, for business (B1); assisted living accommodation and Residential Institution (C2); Residential (C3); Hotels with ancillary leisure (C1); Community Facilities including a Health Centre/Doctor's Surgery (D1); Children's Nursery (D1); exhibition space (D1); Leisure uses (D2); Retail (A1); Financial and Professional Services (A2); Restaurant/Cafe (A3); bar (A4); and live work units, with associated servicing, car parking, landscaping and highway works; additional deck to car park; demolition of existing buildings.

Full planning permission for the retention and flexible change of use (by virtue of Class E of Part 3 of the GPDO 1995) of the following existing buildings:

- The former Headquarters Building to Office (B1);
- The Liquor Store to retail (A1); and/or restaurant/Cafe (A3); and/or Bar (A4); and/or Hotel (C1); and/or Leisure (D1) and/or Community Uses (D1);

- The Clock Tower to business (B1); and/or Exhibition space (D1); and/or retail (A1); and/or restaurant/Cafe (A3); and/or Bar (A4).

Full planning permission for the retention and alteration (by way of extension) and the change of use (by virtue of Class E of Part 3 of the GPDO 1995) of the Multi-Storey Factory to residential (C3); and/or Hotel (C1); and/or Business (B1); and/or Retail (A1); and/or Financial/Professional Services (A2); and/or Restaurant/Cafe (A3); and/or Bar (A4); and/or Exhibition space (D1); and/or Leisure (D2).

Pre-application discussions and public consultation

1.6 The applicant has undertaken pre-application discussions with the Council since March this year and a number of stakeholder consultation events with local members, residents, York Civic Trust and CAAP. The scheme has been revised to reflect concerns with issues around the impact on the Peace Garden, landscaping and design, views from The Residence on to the roof of the building.

2.0 POLICY CONTEXT

2.1 Publication Draft City of York Local Plan (2018) Policies:

SS14 Terry's Extension sites

H1 Housing Allocations

H2 Density of Residential Development

H3 Balancing the Housing Market

H10 Affordable Housing

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D5 Listed Buildings

CC1 Renewable and low carbon energy generation and storage

CC2 Sustainable Design and Construction

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

T1 Sustainable Access

G12 Biodiversity and Access to Nature

2.2 York Development Control Local Plan incorporating 4th set of changes (2005)

Policies

CYGP1 Design

CYGP4a) Sustainability

CYGP9 Landscaping

CYHE2 Development in Historic Locations

CYHE3 Conservation Areas

CYHE4 Listed Buildings

CYH2a) Affordable Housing

CYH3c) Mix of Dwellings on Housing Sites

CYH5a) Residential Density

CYED4 Developer Contributions to Educational Facilities

CYL1c) Provision of Open Space on Development Sites

CYNE6) Species protected by law

3.0 CONSULTATIONS

INTERNAL

Highways Development Management

3.1 The proposal does not raise significant concerns. Conditions are recommended.

Design, Conservation and Sustainable Development (Archaeology)

3.2 Previous work identifies little of archaeological interest to the north of the site although previous work to the east did reveal Roman archaeology. It is this area of the site which is of most interest as it lies outside the footprint of the former factory. Limited archaeological evaluation should take place in this area and should be secured via condition.

Design, Conservation and Sustainable Development (Ecology)

3.3 Ecology reports are up to date and provide an appropriate level of details therefore it is considered that the recommendation provided within them should be conditioned. Two trees within the site offer low potential for roosting bats; where works to these trees are required precautionary working methods should be used.

Design, Conservation and Sustainable Development (Design)

3.4 Much of the redevelopment of the Terry's site has been sensitive and highly successful however there is some concern about provision for car parking and a

lack of variety within the uses of the site leading to less diversity in the community. This application has the potential to improve this situation to the benefit of the Terry's community.

3.5 The site is sensitive to the height of buildings in the foreground of the factory building, and height negatively affecting the setting of this building was the main reason for the refusal of a previous residential proposal (18/02582/FULM). The proposed single building has a deep footprint, taking up nearly half of the site area. The deep plan has three courtyards, providing light and amenity. Additional private outdoor green space is set alongside the two existing tree/hedge boundary sides, and on this aspect of the building are most of the bedrooms. The other two building sides generally have less private functions and look out onto a road and parking moderated soft landscaping. The main entrance is aligned with the axis of the former multi storey factory building, expressed with slightly more building bulk, change in materials and landscape features. The closeness to boundaries would be of concern on a taller building, but less so here.

3.6 To enliven the long elevations cross wings slightly protrude on plan. This was discouraged at pre-application stage as it feels at odds with the more orthogonal factory-drive site geometry of Terry's. It appears to be a health care design theme as a similar footprint can be seen at the recent Haxby Road mental health building. It is not considered a major concern that revisions should be required at this point.

3.7 The building will not have much of a public presence because it is not part of any public through route. However, the site is exposed to important distant views from the south. These views are explored thoroughly in the Heritage and Visual Impact Assessment (HVIA). These views are agreed to be the most important ones. Views from the Peace Gardens or at the point the road enters the site will be probably the most commonly seen close up views. Views from the factory car park will be softened to degree as planted landscape matures. The factory building occupants will get a strong/clear view of the roof and this has been given design consideration in decisions to not locate most of the service equipment on the roof and by having large areas of green sedum roof. The green roof has the potential to help blend the building into the wider open landscape from these views. Distant views from a generally southern location show either none or minimal visibility of the proposal. There will be no impact on heritage significance of buildings on the Terry's site or the conservation area.

3.8 Whilst a horizontal building in massing terms, “verticality” is given a strong architectural expression. The building looks completely composed of end on slices, rather than a continuous horizontal form. It is consistent, but slightly relentless feeling in places. The approach is however supported and maybe influenced by the vertical expression of the factory building and some other design cues as points of reference. It will look very different to those buildings but that is acceptable given that it is altogether a modest building compared to the factory, and is quite different in function and design drivers. Material palette is appropriately non-fussy: one type of brick throughout; a few areas highlighted using a metal cladding instead; a decorative metal treatment to edge of windows; glass; and stone coping.

Public Protection

3.9 As there are properties close to the site we would recommend that controls are put in place to minimise noise, vibration and dust during demolition and construction. A lighting assessment has been submitted which concludes that the lighting complies with the ILP guidance on reduction of obtrusive light. Provided the predicted lux levels at the nearest residential facade are in line with the predictions then there is no objection to this application in terms of lighting. Issues of land contamination can be dealt with via condition.

Design, Conservation and Sustainable Development (Landscape)

3.10 The existing trees within the site boundary are located within The Racecourse and Terry's Factory Conservation Area. This belt of trees, in particular along the southern boundary, is an essential component of views of the Terry's factory building seen from the surrounding area, both immediate and afar, including a key view from the A64 identified in the York Central Historic Core Conservation Area Appraisal, from where the trees form an apron around the base of the factory building and provide connectivity with other tree cover across the landscape. In turn they make a valuable contribution to the setting of the race course and provide a gentle division between the different uses. To the east, the trees are an integral part of the amenity of the public Peace garden.

3.11 Only one tree is proposed for removal – a small Norway maple which is suffering from decay in its roots and is showing low vigour. The loss is acceptable and would not have a harmful impact on tree cover.

3.12 Some further information is required in the Arboricultural Method Statement to confirm the details of works, eg details of no-dig roadway constructions, means of construction of the generator building etc. This could be secured via condition.

3.13 The landscape arrangement has been revised since pre-app and relocates car parking away from the Peace Garden which benefits the setting of the development. The planting layout and schedule are good however further tree planting within the line of parked cars on the northern boundary would be beneficial in terms of amenity and microclimate. Conditions are recommended.

Flood Risk Management Team

3.14 The granting of planning permission is not supported as insufficient drainage details have been provided. The FRMT has objected to the previous drainage schemes submitted for this site (15/00456/FULM and 18/02582/FULM) and have not agreed a surface water discharge rate for the site.

Forward Planning

3.15 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies DP3, SS14, H1, HW5, D1, D2, D4, D5, CC1, CC2, CC3, ENV2, ENV4, ENV5, T1 and DM1 should be applied with moderate weight for this application.

3.16 The Strategic Housing Land Availability Update (April 2021) demonstrates that the supply of dwellings at the end of the plan period (2033) has flexibility to meet overall projected needs and considers this to be an appropriate headroom to ensure that the plan remains robust in the event that there is slippage in the delivery of housing from the allocated or committed sites. On the basis of our analysis it is considered that the loss of 56 dwellings at the Terry's Extension Site – Land to rear of Terry's Factory (Phase 3) as a residential allocation (part of policy SS14/ST16) - can be accommodated in the long-term, we therefore support the principle of this medical use in this location. The proposal also means that the 145 permanent jobs would be maintained in York; this is welcomed.

3.17 The policy requirements include the provision of design and heritage considerations in this sensitive location and comments from colleagues in the Design and Conservation Team should be sought to ensure the design reflects its

setting, and the policy criteria set out in SS14 and D1 are addressed. Whilst we do not consider the site to serve Green Belt purposes and exclude it from Green Belt, its location on the edge of the urban area means that its design should respect the primary purpose of including adjacent land in the Green Belt; to protect the historic character and setting of the city, in line with the analysis set out in the GB addendum. Further advice should be sought in relation to the submitted Sustainability and Energy Statements, SUDS, Drainage and Flood Risk Assessments and on matters of Transport policy.

EXTERNAL

Micklegate Planning Panel

3.18 Support the application

Yorkshire Water

3.19 Conditions are recommended.

4.0 REPRESENTATIONS

Neighbour representations and publicity

4.1 Rachel Maskell MP

Ms Maskell has written in support of the application. She notes that York has a history of supporting those with complex needs including mental health and wellbeing and that York House is an important specialist service of benefit to York and further afield. There is a short of placements in the city for people with complex needs which she has drawn to the Council's attention on a number of occasions.

The site has been identified after a long search and is available for development. Consultation has been undertaken with residents and the racecourse and plans have been adapted to suit concerns and the local context. The facility is a positive asset for the city and will sustainably an important service here in York.

4.2 Terrys of York Planning Action Group

The group raise concerns about the habitat destroyed as a result of the redevelopment of the site; quality of estate roads and parking; quantum of development on the site and the impact on views from the listed buildings; quality of the landscaping scheme; scheme is generally welcomed but would like issues addressed.

4.3 The Residence (York) Management Committee

The scheme is supported in principle and is a considerable improvement on previous applications. Concerns remain about the location of the boundary to the north of the site/ south of The Residence; that the quality of the landscaping scheme is retained through to completion of the site; the access and parking areas should be paved in line with the historic setting and remainder of the site; extensive areas of tarmac; conditions to require details of guttering, vents etc; inappropriate use of buff bricks in this location; and the visual impact of solar panels; location of plant on roof. It is requested that a liaison group is set up between existing residents and contractors and The Disability Trust.

4.4 16 Letters of objection have been received. The comments made relate to:

- Impact on biodiversity
- Poor design of building
- Unsightly solar panels on roof
- Increase in traffic flow on road with existing parking problems
- Additional strain on sewage drainage system
- Increase in on-site parking to detriment of residential amenity
- Further disruption from construction work
- Impact on views from Grade II listed building
- Impact on historical building
- Adjacent to Green Belt
- Impact on character of neighbouring Peace Park
- Too much development on the site and too little landscaping
- Building shouldn't be in buff brick when historic buildings are red brick
- Impact on listed buildings and Conservation Area
- Impact on sightlines preserved across whole Terrys site
- Existing estate roads are in poor condition already
- Excessive noise impact from plant proposed on roof
- Conflict with policy SS14 of the draft Local Plan

4.5 4 Letters of support have been received making comments related to:

- York Racecourse support the proposals subject to high quality landscaping proposals and a high quality finish to the building. They note that the applicant's team have been open and consultative in their approach and this has been beneficial.

- Use of the land is supported subject to high quality finish to scheme

4.6 4 Representations making general comments on the following topics have also been received:

- The site should be non-smoking so that existing residents do not need to see staff smoking outside
- Height now proposed is better than previous schemes
- Concern about increase traffic
- Hardstanding should be block paving not tarmac
- Too much grey roofing
- Red bricks would be more appropriate
- The design needs to be appropriate to the historic location and Green Belt setting
- Solar panels would be inappropriate
- Landscaping is important in this area

5.0 APPRAISAL

KEY CONSIDERATIONS

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the development;
- Heritage impacts;
- Design and layout of the scheme;
- Impact upon the biodiversity and ecological value of the site’;
- Impact upon residential amenity of neighbouring properties;
- Impact upon the safety and convenience of highway users;
- Sustainable construction and low carbon energy generation;
- Flood risk and drainage

NPPF

5.2 The National Planning Policy Framework was revised in July 2021 (NPPF) and its planning policies are material to the determination of planning applications.

LOCAL PLAN

Application Reference Number: 21/01758/FULM

Item 4b

5.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the Local Plan were undertaken in December 2019. In accordance with the NPPF, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are 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 as revised in July 2021, although the weight that can be afforded to them is very limited.

LEGISLATIVE AND POLICY CONTEXT:-

5.5 IMPACT ON HERITAGE ASSETS: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the 1990 Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.6 Case law has made clear that when deciding whether harm to a conservation area or to a listed building or its setting is outweighed by the advantages of a

proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases.

5.7 NPPF defines listed buildings and conservation areas as 'designated heritage assets'. It states that with regard to heritage assets when determining applications local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.8 NPPF paragraph 195 advises that the particular significance of a heritage asset that may be affected by the development proposal should be identified and assessed.

5.9 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 states that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.

5.10 The NPPF sets out where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits that outweigh that harm or other specified factors apply (paragraph 201). Paragraph 202 goes on to say 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.

5.11 The NPPG states that "It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

5.12 IMPACT UPON BIODIVERSITY: Central Government planning policy as outlined in paragraph 174 d) of the NPPF indicates that planning decisions should minimise impacts upon and provide net gains for biodiversity including by establishing coherent ecological networks that are more resilient to current and future pressures.

5.13 RESIDENTIAL AMENITY: Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning policies and decisions should create places which provide a high standard of amenity for all existing and future users.

PRINCIPLE OF THE DEVELOPMENT

5.14 The site is a housing allocation in the 2018 Draft Plan known as ST16 'Terry's extension site – Land to rear of Terry's Factory (Phase 3)' and to which policy SS14 refers. There were no objections to the principle of the redevelopment of site for housing and Historic England believe that the policy is sound overall. The site is also identified on the register of previously developed (brownfield) land in accordance with the Town and Country Planning (Brownfield Land Register) Regulations 2017. The site has been identified as being suitable, available and achievable for residential development, in line with the regulations, which adds weight to the site's allocation for housing through the local plan process. Section 11: Making effective use of land in the NPPF also encourages promoting the effective use of land in meeting the need for homes and other uses including mixed use developments.

5.15 Unlike the previous refused application for the site (18/02582/FULM), the current proposal is not for housing. Forward Planning officers have considered the impact of not utilising the site allocation for housing and recommend that the loss of 56 dwellings at the Terry's Extension Site – Land to rear of Terry's Factory (Phase 3) as a residential allocation (part of policy SS14/ST16) can be accommodated in the long-term. It is noted that the Council submitted the Strategic Housing Land Availability Update to the Local Plan Inspectors at the end of April 2021. This sets out the latest figures in relation York's Housing Supply to reflect the updated base date of 1st April 2020. The housing supply projections take into account recent

housing completions and consents along with developer/agent estimations of delivery on sites with a capacity of 10 or more homes with permission. All draft allocations have also been updated to take account of all recent approvals, are based on evidence received through the most recent consultation responses or align with capacity and delivery rates and lead in times assessed as being appropriate through our Housing Implementation Study. The resultant housing trajectory applies a 10% non-implementation rate to development to provide flexibility in delivery as well as an overall 20% buffer. This demonstrates that the supply of dwellings at the end of the plan period (2033) has flexibility in the supply to meet overall projected needs and considers this to be an appropriate headroom to ensure that the plan remains robust in the event that there is slippage in the delivery of housing from the allocated or committed sites.

5.16 Policy HW5: Healthcare Services recognises York's role as a major secondary healthcare provider for the wider sub-area. While the policy does not specifically refer to the charity sector (the Disabilities Trust is a charitable organisation) it acknowledges that additional or adapted healthcare services may be required to respond to changing needs over the Plan period, which will require collaborative working.

5.17 The Forward Planning Team are clear that the loss of housing on this housing allocation will not impact on housing supply in the long term and there is clear policy support from the NPPF and 2018 Draft Plan for the re-use of brownfield sites and provision of healthcare services. It is therefore considered that the development of this site for healthcare provision is acceptable in principle subject to other material planning considerations.

HERITAGE IMPACTS

IMPACT UPON THE SETTING OF THE MULTI-STOREY FACTORY (THE RESIDENCE)

ASSET SIGNIFICANCE- The former Multi-Storey Factory which is the closest of the retained structures from the former chocolate works to the development is a Grade II Listed Building. The former Time Office which is also in close proximity to the site is similarly Grade II Listed. The wider complex is designed to a simple Neo Classical metaphor characteristic of the early 1920s with each building constructed in brick with art-stone detailing. The remainder of the complex lies to the rear aligned on the

former principal access, now the Boulevard, with prominent Art Deco detailing in art stone on the Clock Tower and Liquor Store to the rear. The complex is a strong group in architectural terms presenting a clear strong architectural style reflecting the position and strength of branding of the Terry's Chocolate firm at the point where the complex was developed. The complex also has strong historic interest representing the best surviving evidence of York's pivotal role in the development of the industry with the Multi-Storey Factory and the Clock Tower making their own particularly iconic contribution to the City skyline.

5.18 ASSESSMENT OF IMPACT- The setting of the building is characterised by the iconic view of the Multi-Storey Factory on the approach to the City from Bishopthorpe to the south west and from the environs of the Racecourse nearby. The view is characterised by a high degree of visual permeability particularly during the winter months when the surrounding trees and other landscaping are not in leaf. The scheme is significantly lower in height than the refused residential scheme and the existing buildings. At its tallest (the plant area on the south side of the site), the proposed building is 9.5m tall compared to The Residence which is 26m tall at its highest point; the separation distance of the buildings is approximately 73m at their closest point.

5.19 The proposed building will have little public presence as it is not on a public through route. Views from the south have been explored thoroughly within the Heritage and Visual Impact Assessment (HVIA) and it is agreed that there will be no or minimal visibility of the proposal in these views. Views from the Peace Garden will be the most commonly seen close up views and these will be softened as the landscaping matures. It is also that this side of the building is single storey to further lessen any impact.

5.20 The building will also be clearly visible from the south elevation of The Residence. The impact of this has been given careful consideration and consequently much of the plant for the building has been relocated within the building. The plant remaining on the roof is a small area to the south adjacent to the PV panels. These will be orientated to face south, thereby not resulting in any glare to the existing residents. Much of the roofscape closest to The Residence will have a sedum roof and this will help to blend the building in to the wider open landscape from these views.

5.21 Residents of The Residence have made reference to the *Barnwell Manor* ruling within their objections. This related to the impacts on the significance of a Grade II listed building due to the introduction of wind turbines and concerned the change of appreciation for the heritage asset and, therefore, impact to its significance as a result of the visibility of the turbines in key views of the asset from within its setting. All key views and setting are considered to have been fully assessed with this application including those from the listed buildings and the scheme has responded positively. Views from The Residence will retain the semi-rural context of the site as well as views of The Racecourse buildings and grounds.

5.22 It is considered that the impact on the designated heritage asset The Residence is at the lower end of 'less than substantial'. Taking account of the NPPF, this harm would be clearly outweighed by the public benefits associated with developing this sustainably located previously developed site for healthcare use, contribution to a more diverse community at the Terry's site, retention of existing jobs and the associated additional construction employment.

IMPACT UPON THE SETTING OF THE TERRY'S/RACECOURSE CONSERVATION AREA

5.23 ASSET SIGNIFICANCE: The Terry's/Racecourse Conservation Area comprises the retained buildings of the Chocolate Works complex together with the Racecourse complex. It is characterised by agglomerations of comparatively high buildings some of which such as the Racecourse main stand, the Multi-Storey Factory and the Clock Tower have iconic status within the wider City skyline. The former Terry's character area includes all the retained buildings of the former complex. It is of special interest by virtue of the high quality design approach with the factory layout aligned in a grid with two points of access, with the generally inward facing nature of the site. The key spaces are the main boulevard, the forecourt to the Headquarters Building and the garden to the south west.

5.24 ASSESSMENT OF IMPACT: The submitted scheme responds well to the layout of the conservation area. The main entrance to the building aligns with the axis of the former multi storey factory building and is expressed with more building bulk, a change in materials and landscaping. The footprint of the building with its splayed wings is somewhat at odds with the more regular siting of the factory buildings but is not so significant that it is considered to result in any harm to the conservation area. The scheme has also been revised from the pre-application. It is

felt in the context of paragraph 196 of the NPPF that the level of harm to the setting of the Conservation Area would again be at the lower end of 'less than substantial' and the harm would be outweighed by the public benefit of the development of a sustainably located previously developed site for healthcare use, contribution to a more diverse community at the Terry's site, job retention and associated additional construction employment.

CONCLUSION ON HERITAGE ASSETS

5.25 It is felt that there would be a demonstrable, albeit small, impact from the proposal upon the designated Heritage Assets within the immediate area. The impact upon the setting of the listed former Multi-Storey Factory and the impact on the conservation area is assessed to be at the lower end of 'less than substantial' in terms of the NPPF and that harm would be clearly outweighed by the public benefit of returning the land to a reasonable beneficial use consistent with the re-development of the wider area, healthcare benefits, contribution to a more diverse community at the Terry's site, job retention and associated additional construction employment.

DESIGN AND LAYOUT OF THE SCHEME

5.26 The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development; development which is not well designed should be refused. This is echoed in policy D1 of the 2018 Draft Plan which requires proposals to enhance York's special qualities; to respect and enhance views of landmark buildings and important vistas; to ensure proposals are not a pale imitation of past architectural styles; and to ensure appropriate building materials are used.

5.27 The proposed building has a deep footprint, taking up nearly half of the site area. There are 3 courtyards within the building to provide amenity space for residents as well as high quality private outdoor space around the building. Most of the bedrooms look on to the garden areas to the south and west. The building is relatively close to the boundaries however tree cover is retained and the low height of the building ensures this is of no particular concern. The splayed shape of the building is somewhat at odds with the very regular shaped factory buildings on the

rest of the site however the site's secluded location and the buildings lack of bulk will help to ensure that this does not impact on the character of the site.

5.28 The building is horizontal in terms of its massing but has a strong verticality in the elevational detail which reflects the vertical expression of the factory buildings, in particular the Northern Lights building which previously occupied the site. The simple materials palette echoes this with one type of brick throughout, metal cladding used to highlight specific areas and some decorative metal detailing. The result is that the development reflects the proposed use while respecting its context and thereby complying with policy D1 of the 2018 Draft Plan and policy contained within the NPPF.

IMPACT UPON THE ECOLOGICAL AND BIODIVERSITY VALUE OF THE SITE

5.29 Policy G12 of the 2018 Draft Plan indicates that new development should result in a net gain to and help improve biodiversity. In view of the low level of objection to the Policy and the position following on from the first phase of hearings it is felt that the Policy carries moderate weight. The site comprises an area of previously developed land surrounded by a belt of mature trees on three sides which define its character within the wider townscape. The proposal has been accompanied by an Ecological Appraisal and Bat Survey in which the possible presence of a series of protected species is examined. Potential for bat roosting within 2 trees on the site has been identified and precautionary working methods should therefore be used and a condition is recommended to secure this.

5.30 Ecological enhancements have been recommended within the Ecological Appraisal with the aim of providing biodiversity net gain post construction. These features include bat roosting features, bird boxes and hedgehog enhancement and further details of these should be secured by condition.

5.31 Subject to appropriate conditions it is felt that the proposal is acceptable in terms of biodiversity and the requirements of Policy G12 are complied with.

IMPACT UPON RESIDENTIAL AMENITY

5.32 The NPPF requires that planning policies and decisions should create places which give rise to a high standard of amenity for all existing and future users. This is also required by policy D1 which states that development proposals should 'ensure

design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing’.

5.33 In relation to impacts of overlooking to either existing or new residents, the distance between the proposed building and The Residence is sufficient to ensure no loss of amenity. Similarly the scale of the proposed building and distances involved will ensure there is no overshadowing of The Residence. The proximity of the boundary trees will result in some overshadowing of the new building and outside areas but bedroom windows are some distance from the trees so should not be unduly affected. Outside space is predominantly to the west of the site and should get good sunlight levels for much of the day.

5.34 Bedrooms within the building will have a combination of trickle vents and mechanical ventilation. This will allow for windows to be shut and rooms mechanically ventilated on race days to minimise noise disruption. While such a solution might not be acceptable in a residential development, here there would be staff to close windows as required allowing residents the benefits of fresh air without any loss of amenity.

5.35 In terms of noise impacts on existing residents, the noise report takes account of operation of the emergency plant as well as noise from the proposed plant to be located on the roof. The predicted levels are below the existing background noise levels therefore no mitigation is required.

5.36 The development is considered to comply with policy D1 and the NPPF in terms of the impacts on residential amenity.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

5.37 The NPPF advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

5.38 The application is supported by a Transport Statement and Travel Plan. 47 parking spaces will be provided on site to cater for staff and visitors served by an existing access point constructed when The Residence was converted. There will also be staff cycle parking to the rear of the building and visitor cycle parking to the front. The site is well located to benefit from sustainable modes of travel such as

walking, cycling and public transport as well as its proximity to residential areas and local services.

5.39 A highway impact assessment has been undertaken which considers the consented use under 09/01606/OUTM and the principle of residential development on site with respect to proposed traffic generation of the proposal development. It is demonstrated that the proposal will generate less traffic than these alternative uses and therefore would not have a material impact on the surrounding highway network.

SUSTAINABLE CONSTRUCTION AND LOW CARBON ENERGY GENERATION

5.40 It is set out in section 14 of the Framework, that the planning system should support the transition to a low carbon future in a changing climate. This includes encouraging the reuse of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure.

5.41 The publication 2018 Draft Plan policies CC1 and CC2 seek to encourage the use of renewable and low carbon energy generation and high standards of sustainable design and construction. Both policies are applicable to the new building.

5.42 An energy statement has been submitted that outlines the approach of the development to sustainable design. This indicates that compliance with policies CC1 and CC2 will be achieved through air source heat pumps, natural ventilation where possible with mechanical ventilation via heat recovery units where this is not feasible and roof mounted PV panels. The results of the report indicates that the design would have an actual building emissions rate demonstrating a 28% reduction in carbon emissions in comparison with the notional building target emissions rate in compliance with policy CC1 and BREEAM Excellent in compliance with CC2. A condition will ensure that these sustainability measures are implemented at construction stage to ensure compliance with policies CC1 and CC2.

FLOOD RISK AND DRAINAGE

5.43 The NPPF indicates that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. The application

site is in Flood Zone 1 and therefore at the lowest assessed risk of flooding. The drainage scheme submitted for 15/00456/FULM included provision for drainage for this site. Evidence provided by the applicant indicates that there is no evidence to indicate that the current proposal would have any greater impact on surface water run-off than the situation predicted in the previous submission and it is therefore considered that drainage can be adequately dealt with via condition.

LANDSCAPE IMPACT

5.44 Policy D1 of the 2018 Draft Plan indicates that development proposals should enhance the existing pattern of landscape, planting and boundary treatment. The application site is located within clearly defined landscaped boundaries that would be protected during the course of development.

5.45 The proposed arboricultural works are considered reasonable and result in the loss of one tree on the site. A scheme of tree planting is proposed to mitigate for this loss, improve tree cover on site, reinforce the southern boundary planting and provide screening for the new building. Details of the tree planting and methods of working close to the trees are to be controlled via condition.

5.46 The trees to the southern boundary are an essential component of views of the Terry's factory building and are a key view as identified in the York Central Historic Core Conservation Area Appraisal. They provide a contribution to the setting of the racecourse and a gentle division between the different uses in the locality as well as an important part of the amenity of the Peace Garden and should be retained for these reasons. Development proposals should be compatible with the existing trees within and immediately adjacent to the site both practically and in relation to the wellbeing of occupants of the dwelling. It is recognised that the proximity of the trees on the southern boundary to the new building will result in some overshadowing of bedrooms facing south however trees are mostly deciduous and impact would be in winter would be reduced. There is also some environmental benefit from this in regulating the temperature of the building. However the most residents of the building will not be permanent occupiers and there are amenity will be generally good for residents. There are high quality areas of outside space both within the courtyard areas and to the west of the site with a sensory garden, lawned and games areas and growing beds recognising the therapeutic benefits of a connection with nature and the surrounding environment

OTHER ISSUES

5.47 In line with paragraph 112 of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

5.48 The application proposes a total of 47 parking spaces. City of York Council's draft Low Emissions Supplementary Planning Guidance requires 5% of all car parking spaces to be provided with electric vehicle charge points. An additional 5% (minimum) of car parking spaces should have the potential to be easily upgraded with electric vehicle charge points in the future. This will require consideration of future power requirements for such points and any necessary cabling and groundwork to be installed from the outset. Spaces should be for the exclusive use of low emission vehicles and can be secured via condition.

6.0 CONCLUSION

6.1 The application proposes a development of a part single storey part two storey 40 bed healthcare building on previously developed land in a sustainable location. The site is allocated for housing in the draft Local Plan however it has been accepted that in the long term the loss of this site will not impact housing supply. It is felt that the scheme would give rise to less than substantial harm to the setting of the Multi-Storey Factory or the Terry's Racecourse Conservation Area. The harm caused is felt to be outweighed by the public benefit of the development of a previously developed site in a sustainable location for healthcare use, contribution to a more diverse community, job retention and associated additional employment in construction. The scale and design of the proposal would not harm the living conditions of nearby residents and subject to any permission being appropriately conditioned the amenity of existing residents would be safeguarded. Parking would be provided in accordance with the standards outlined in the DCLP and traffic generation would be lower than that previously identified in respect of the approved outline scheme.

6.2 In the light of these conclusions, there are no protective policies within the NPPF which provide a clear reason for refusal. The application of the presumption in favour of sustainable development in paragraph 11 of the NPPF therefore means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against

the policies in this Framework taken as a whole. The proposal is felt to be acceptable in planning terms and approval is recommended.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location plan 1860-JSA-XX-XX-DR-A-01001-P2

Proposed site plan 1860-JSA-XX-XX-DR-A-01202-P4

Proposed layout plan 1860-JSA-XX-XX-DR-A-01301-P8

Landscape general arrangement plan 0877-RFM-XX-00-DR-L-0001-S2-P06

Ground floor plan 1860-XX-00-DR-A-02101-P5

First floor plan 1860-XX-01-DR-A-02101-P5

Roof plan 1860-XX-R0-DR-A-02101-P3

Proposed elevations 1860-XX-XX-DR-A-04001-P6

External lighting LE0164-AGL-EX-ZZ-DR-E-7401 P05

Written Scheme of Investigation September 2021

Bat Survey report, Wold Ecology Ltd. (June 2021)

Energy Statement and Part L compliance report

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

3 LC1 Land contamination - Site investigation

4 LC2 Land contamination - remediation scheme

5 LC3 Land contamination - remedial works

6 LC4 Land contamination - unexpected contam

7 Before the occupation of the development 3 Electric Vehicle Recharging Points shall be provided in a position and to a specification to be first agreed in writing by the Local Planning Authority (active provision). In addition, a minimum of 3 additional parking bays should be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays should be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric

Vehicle Charge Points in the future, if required (passive provision). The locations of these additional bays should also be agreed in writing by the Local Planning Authority. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Within 3 months of the first occupation of the development, the owner will submit to the Local Planning Authority for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Management Plan that will detail the management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

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

Notes

Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the Local Planning Authority.

Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.

All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

8 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. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved CEMP, 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).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

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: To protect the amenity of the locality.

9 The development hereby approved shall not be brought into use until covered

and secure cycle parking facilities, for cycles, have been provided in accordance with detailed drawings, which are to be submitted to and approved in writing by the Local Planning Authority. Such drawings to show the position, design, materials and finishes thereof. Such facilities shall thereafter be retained for the purposes of parking cycles.

Reason: In the interests of highway safety.

10 The development hereby approved shall not be brought into use until the areas for vehicle parking have been constructed and laid out in accordance with the approved plans (or such details that are subsequently submitted to and approved in writing by the Local Planning Authority). Such areas shall thereafter be retained for the purposes of parking vehicles.

Reason: In the interests of highway safety.

11 A programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the approved Written Scheme of Investigation (Prospect Archaeology Sept 2021) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

B) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

C) Where archaeological features and deposits are identified proposals for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

D) No substation development shall take place until:

- details in C have been approved and implemented on site

- provision has been made for analysis, dissemination of results and archive deposition has been secured

- a copy of a report on the archaeological works detailed in Part C should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are recorded.

12 No trees works and/or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981 (as amended).

13 Tree felling and/or maintenance works to those trees highlighted as having low bat roost potential, shall be undertaken in-line with the Method Statement set-out in section 7.2 of the Bat Survey report, Wold Ecology Ltd. (June 2021). Written confirmation will be required where works have been undertaken in-line with the Method Statement. This should be submitted to the local planning authority on completion of works, if applicable.

Reason: To ensure bats are protected from harm during tree works. All British bat species and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

14 A biodiversity enhancement plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of above ground works. The content of the plan shall include the recommendations set-out in the Ecological Appraisal, Wold Ecology Ltd. (July 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to

determination.

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

15 Before the commencement of development (including demolition, excavations, and building operations et al), a finalised and detailed version of the 'Arboricultural Method Statement AWA3769AMS' and scheme of arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), specialist construction techniques where applicable, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material, vegetation, and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the amenity and setting of the development and the conservation area.

16 Within three months of commencement of development a detailed landscape scheme based on the approved 'Planting strategy and schedule' and 'Roof GA Plan' shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It shall illustrate that the proposed tree planting is compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting and 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

the Local Planning Authority agrees alternatives in writing.

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

17 Within three months of commencement of development tree planting details shall be submitted to and approved in writing by the Local Planning Authority. These shall include: means of support, and protection, and irrigation; maintenance regime, and responsibilities; soil volumes and structural soil cell systems where applicable, and the corresponding surfacing detail, and locations of underground utilities.

Reason: Suitable detailing and maintenance will encourage the proposed trees to survive and thrive; they are a valuable element of the approved landscape and setting of the development.

18 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. A post-construction stage assessment shall be carried out and a post-construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation). Should the development fail to achieve a BREEAM standard of 'excellent' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Publication Draft Local Plan 2018.

19 Unless otherwise agreed in writing the development hereby approved shall achieve a 28% carbon emissions reduction when compared to the Target Energy Rating (TER) in current Building Regulations as identified in the Energy Statement. Prior to above ground construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

20 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.

21 Prior to commencement of above ground works, confirmation shall be submitted in writing to the Local Planning Authority of the proposed connection to the surface water drainage system and that the drainage system has capacity to accommodate the proposed surface water run-off rate for the development.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

22 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 and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal

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

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

24 Prior to the commencement of above ground development 1:20 annotated and dimensioned drawings in plan, section and elevation for the following detail types, are to be submitted to, and approved in writing by, the Local Planning Authority. Drawings should be provided once specialist contractor input has been provided to ensure they are sufficiently representational. The works shall be carried out in accordance with the approved details.

Typical ground-to-roof bay in each wall material, and their general variations,

including decorative treatment around windows, together with overall maximum height AOD.

Reason: In the interests of visual amenity.

25 Prior to the commencement of above ground works, materials are to be submitted to, and approved in writing by, the Local Planning Authority for the following:

On-site sample panels of bricks, in each type of brick, in each type of bond, including chosen mortar and pointing, and including any special brick features are to be constructed. The sample panel should be 2x1.2m minimum overall. If multiple combinations of brick and/or bond are proposed each type to be 1x1.2m. The agreed panel is also to represent a minimum standard for the quality of workmanship that the development should achieve, and the panel should remain on site for the duration of the brickwork package.

Note: a buff coloured brick as shown on drawings/visuals is considered an acceptable approximate tone.

Reason: In the interests of visual amenity.

26 Notwithstanding any proposed materials specified on the approved drawings or other documents submitted with the application, samples of all proposed external building 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 building envelope. For clarity, this includes:

Vision and any non-vision glazing

Flat or pitched roofs (where green roof, confirmation is to be provided on planting type/mix)

Samples should be provided of sufficiently large size to be able to appropriately judge the material (including joints/fixings where an important part of the visual quality of the material), and to be provided together where materials are seen together.

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. Samples should be provided of sufficiently

large size to be able to appropriately judge the material (including joints/fixings where an important part of the visual quality of the material), and to be provided together where materials are seen together.

Reason: So as to achieve a visually cohesive appearance.

27 Prior to the commencement of above ground development, 1:20 drawings in plan and elevation for any external plant room enclosures shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details. This shall include a maximum height of any plant equipment within the enclosure.

Note:

For flat roofs, in situations without a solid roof parapet (1m or higher, as shown on permitted drawings): Service protrusions are not allowed within 2m of any building edge. Any service protrusions lower than 1m above roof finish level elsewhere are allowed. Any proposals for service protrusions higher than 1m above flat roof level elsewhere are to be submitted to and approved by the Local Planning Authority, but should generally be expected not to be permitted.

Permanent external wall fixed equipment or roof guarding used to service the building are not permissible, unless subsequently agreed by the LPA through submission of drawings, but should generally be expected not to be permitted if obtrusive.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Conservation Area.

28 All construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: In the interests of residential amenity.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Imposed appropriate planning conditions

2. The applicant is advised that the proposed scheme is likely to affect statutory undertakers equipment in the vicinity of the site and that such equipment may require alterations. The applicant should therefore contact all the utilities to ascertain the location of the equipment and any requirements they may have prior to works commencing.

3. You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed. For further information, please contact the officer(s) named:

- New Roads and Street Works Engineer 01904 551361

- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14)
highway.regulation@york.gov.uk

4. Invasive Non-Native Species: It is noted that *Crocoshia x crocosmiiflora* is included within the proposed planting schedule (Planting Strategy & Schedule, Reform Landscape Architecture (16.07.21)). The applicant is reminded that this plant species is listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) making it an offence to "introduce plant or cause to grow wild" this species. It is therefore recommended that this plant is removed from the planting schedule, with the aim of stopping any future breaches in wildlife law.

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

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

6. 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.

Contact details:

Case Officer: Alison Stockdale

Tel No: 01904 555730