

COMMITTEE REPORT

Date: 4 August 2022 **Ward:** Rawcliffe And Clifton
Without

Team: West Area **Parish:** Rawcliffe Parish Council

Reference: 22/00707/FULM

Application at: York Wheelchair Centre Bluebeck House Bluebeck Drive York
YO30 5RA

For: Erection of 72no. bedroom care home (use class C2) with
associated landscaping following demolition of Blue Beck House
and outbuildings

By: Torsion Care (York) Limited And NHS Property Services Ltd

Application Type: Major Full Application

Target Date: 21 July 2022

Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is to demolish the existing building Bluebeck House and associated buildings and construct a new 72 bed care home. Parking will be provided for the new building as well as existing parking retained for Clifton House (to the west of the site). Access to Clifton House is rerouted so that it follows the most direct route along the south of the site rather than the current route around the north of the buildings.

1.2 The new building is predominantly 3 storeys in height with 2 storey elements to the north and west ends of the building. The building is sited further to the north of the site than the existing buildings with landscaped areas to all sides. Materials are predominantly buff brick with artificial stone detailing and an artificial slate roof. The building is traditional in design with gabled elements breaking up the bulk of the building.

1.3 The site is within the general extent of the Green Belt as defined by saved policies within the within the Yorkshire and Humber Regional Spatial Strategy and also within the Green Belt as defined within the emerging Local Plan. It sits within a "Green Wedge" as identified in Fig 3.1 "Historic Character and Setting" in the Publication Draft Local Plan 2018.

1.4 Historically the site was occupied by Clifton Hospital, which was in operation until 1994 when the main hospital was demolished. This has now been replaced by a residential development. The principal building on the application site, consisting of Bluebeck House, is believed to have been constructed to accommodate the hospital laundry. To the north of Bluebeck House is a fenced compound housing a portacabin type building. The edge of the developed area is defined by a band of trees covered by the Tree Preservation Order which covers all trees within the wider hospital site.

1.5 The majority of the site is within Flood Zone 2. Areas to the north beyond the site boundary are within Flood Zone 3. To the west of the site is an area of car parking and beyond this is Clifton House, a secure hospital unit, and to the east are further modern hospital buildings. South of the site much of the former Clifton Hospital site has been redeveloped with housing although there are a couple of instances of retained and converted hospital buildings.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The revised National Planning Policy Framework (NPPF) 2021 sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of this planning application.

2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3 The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

2.4 Although the RSS has otherwise been revoked, its policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York. Saved policy YH9 states 'the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. The boundaries must take account of levels of growth set out in the RSS and must also endure beyond the Plan period.'

2.5 The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the saved RSS Green Belt policies.

PUBLICATION DRAFT LOCAL PLAN ("draft Local Plan")

2.6 The draft Local Plan was submitted for examination on 25th May 2018. Phase 1 of the hearings into the examination of the draft Local Plan took place in December 2019 and consultation on proposed modifications to the plan were consulted on in line with Regulation 19 in 2019 and 2021. Phases 2 of the hearings took place in earlier in 2022, phase 3 hearings are currently taking place, and phase 4 scheduled later in the year. In accordance with paragraph 48 of the NPPF the draft Local 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. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.7 Key relevant draft Local Plan policies are:

DP2 – Sustainable Development

DP3 – Sustainable Communities

SS1 – Delivering Sustainable Growth for York

SS2 – The Role of York's Green Belt

H9 – Older Persons Specialist Housing

D1 – Place Making

D2 – Landscape and Setting

D6 – Archaeology

D7 – The significance of non-designated heritage assets

GI2 - Biodiversity and access to nature

GB1 – Development in the Green Belt

CC1 – Renewable and Low Carbon Energy Generation and Storage

CC2 – Sustainable Design and Construction of New Development

ENV3 – Land Contamination

ENV5 – Sustainable Drainage

WM1- Sustainable waste management

T1 – Sustainable Access

T7 – Minimising and Accommodating Generated Trips

2.8 Emerging Local Plan evidence base

The evidence base that underpins the proposed emerging policies is considered to be a material consideration in the determination of this planning application. The directly relevant evidence base is:

- Topic Paper 1: Approach to defining York's Green Belt (2021).
- Approach to the Green Belt Appraisal and Maps (2003).

DRAFT LOCAL PLAN 2005

2.9 The City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for Development Management purposes. The 2005 plan does not form part of the statutory development plan for the purposes of S38 (6) of the Planning and Compulsory Purchase Act 2004. Its policies are however considered capable of being material considerations in the determination of planning application where policies relevant to the application are consistent with those in the NPPF although the weight that can be attached to them is very limited.

3.0 CONSULTATIONS

3.1 Public protection

Conditions recommended regarding submission of a CEMP, construction working hours, EVCP, land contamination, noise, odour and lighting controls.

3.2 Design, conservation and sustainable development (Archaeology)

A desk based assessment has been submitted. The site contains one of the few surviving late 19th century Clifton hospital buildings (Bluebeck House) designed by George Fowler Jones. This can be described as a non-designated heritage asset. The building has been subject to alteration although the upper floors less so. As the building is now proposed for demolition a photographic recording of the structure should be undertaken. As advised by the conservation officer this should be to a

Level 3 recording given that the building will be demolished. This can be secured by condition. In terms of below-ground archaeological impact the site has low potential to contain significant archaeology. No intrusive investigation or monitoring will be required.

3.3 Design, conservation and sustainable development (Ecologist)

No objections subject to conditions regarding a requirement for a European Protected Species Licence in relation to bats; to secure biodiversity net gain; a CEMP for biodiversity; lighting plans; and protection of nesting birds.

3.4 Design, conservation and sustainable development (Landscape Architect)

Existing trees play a considerable part in the amenity of the site and surrounding landscape. Further information is requested to indicate that development can take place without harm to the trees. Concern is expressed about the proximity of the building at the northern end to the trees and the potential for overshadowing in the summer.

3.5 Design, conservation and sustainable development (Conservation)

The the building was constructed to accommodate the laundry to the Clifton Hospital in the late 19th century. The design of the building is of high quality and relates to its historic function and association with the hospital. Few alterations have been made except for a modest rear extension. It is considered that the building has architectural and heritage interest and qualifies as a non-designated heritage asset defined in the Planning Practice Guidance as “having a degree of significance meriting consideration in planning decisions”. Para. 203 of the NPPF is relevant and requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

3.6 Carbon reduction team

The design document provided with the applications makes reference to a future sustainability strategy which will establish levels of efficiency and low energy use. The future design will consider photovoltaics. As the application progresses we would expect to see this sustainability strategy, with a full breakdown of predicted

energy use (BER, TER, and DER), low carbon technologies which will be used, and the carbon savings the efficiency measures will achieve. Conditions recommended.

3.7 Flood risk management team

Foul water is to connect to the public foul water sewer serving Clifton House and the nearby residential development. This has been agreed with Yorkshire Water. In relation to the surface water strategy no evidence has been provided of the existing impermeable areas or evidence of the suitability of the proposed outfall.

3.8 Rawcliffe Parish Council

No objections but wish to ensure that there are sufficient parking spaces for staff and visitors.

3.9 Yorkshire Water

No objections, conditions recommended.

Highways Network Management

3.10 Issues were raised around the proximity of the visitor cycle parking to the entrance, details of the travel plan and access through to Clifton House. Conditions recommended.

4.0 REPRESENTATIONS

Neighbour notification and publicity

4.1 Three letters of objection from residents raising the following issues:

- Express concerned about loss of heritage
- The building is included in the Local List
- Aesthetic value of building
- Environmental impact of demolition compared with re-use
- Impact on wildlife on nearby Rawcliffe Meadows SSSI
- Wildlife reports with application are inadequate and undertake at wrong time of year

4.2 A letter of objection was received from the NHS at neighbouring Clifton House. This raised concern around access during construction, access to parking spaces and a compound at the north of the site. Following discussion with the developer this objection has now been withdrawn.

4.3 One letter of support querying the future of Verandah Cottages. Officers note that these properties are outside the red line boundary and do not form part of the current proposal.

5.0 APPRAISAL

Key Issues

5.1 The key issues are as follows:

- Principle of development
- Need for older persons accommodation
- Heritage impact
- Design and layout of the site
- Trees and landscape
- Highways and access
- Drainage and flood risk
- Residential amenity and public protection
- Ecology
- Sustainability
- Very special circumstances and the planning balance.

PRINCIPLE OF DEVELOPMENT

5.2 For the purposes of s.38(6) Planning and Compulsory Purchase Act, the proposals should be assessed against the saved RSS Green Belt policies. Policies contained within the National Planning Policy Framework are also material considerations.

5.3 The 2005 DCLP shows the site as washed over by the Green Belt. In contrast the emerging Local Plan (proposed modifications 2021) shows the Clifton Hospital as excluded from the Green Belt. Details of this are included within Topic Paper 1 Green Belt Addendum January 2021, Annex 3 Inner Boundary EX/CYC/59c, and Annex 6 Proposed modifications EX/CYC/59h. These documents note that the Clifton hospital site is completely developed with no sense of openness and no relationship to the wider countryside. For this reason, it serves no Green Belt

purpose and it has been proposed that the Green Belt boundary follows the edge of the built development.

5.4 It is the Local Planning Authority's position that until a Local Plan for the City of York is adopted, development management decisions relating to proposals falling within the general extent of the Green Belt are made on the basis that the land should be treated as Green Belt. Therefore, Green Belt policies set out within the NPPF apply to the determination of this development proposal.

5.5 Paragraph 147 of the NPPF states: 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. Paragraph 148 goes on to state: 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.

5.6 Paragraph 149 of the NPPF states: 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.' There are a number of exceptions to this statement, however the proposal does not fall within any of these, and it is therefore considered to represent inappropriate development.

IMPACT ON THE OPENNESS OF THE GREEN BELT

5.7 As set out in Paragraph 137 of the NPPF. One of the essential characteristics of Green Belts are their openness and their permanence. There is no definition of 'openness' in the NPPF. However, it is commonly taken to mean the state of being free from development, the absence of buildings and relates to the quantum and extent of development and its physical effect on the site.

5.8 Policy GB1 of the 2018 Draft Plan states that permission will only be granted for development where:

- The scale, location and design of development would not detract from the openness of the Green Belt;
- It would not conflict with the purposes of including land within the Green Belt; and
- It would not prejudice or harm those elements which contribute to the special character and setting of York.

5.9 There are unresolved objections to Policy GB1 that will be considered through the examination in public of the draft Local Plan and therefore it should only be afforded limited weight in the decision making process for the purposes of this application.

5.10 The proposal removes the existing building and replaces it with a new building. The Planning Statement submitted with the application notes that the volume of the existing structures to be demolished is 7483m³ and the replacement building is 16150m³. The proposed site plan shows the existing building footprints in comparison to the proposed. At present, the site is almost entirely hard standing outside of the building footprints; the proposal results in a 128% increase in soft landscaping on site. The proposed building clearly represents an increase in size and scale of the buildings which in turn would therefore have an impact on openness. The existing developed nature of the site along with the significant increase in soft landscaping of the site would also contribute towards mitigation which is discussed in the conclusion.

IMPACT ON GREEN BELT PURPOSES

5.11 Paragraph 138 of the NPPF sets out that the Green Belt serves five purposes. These are:

- To check the unrestricted sprawl of large built up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict land and other urban land.

5.12 The primary purpose of the York Green Belt is to safeguard the special character and setting of the historic city as referred to in Policy YH9C of the RSS and Policy SS2 of the 2018 draft Local Plan, although weight can only be attached to the latter. Topic Paper 1: Approach to defining York's Green Belt Addendum (2021) identifies that the site does not serve Green Belt purposes. The site lies within an area which is completely developed and has no relationship with the wider countryside. As such it is accepted that the application site, which forms part of the wider developed Clifton Park Hospital area, does not contribute towards the purposes of including land within the Green Belt. The modifications to the emerging

Local Plan included in Topic Paper 1 (2021) recognise this and remove the site from the Green Belt. The proposed new Green Belt boundary will follow the boundary of the existing built area.

NEED FOR OLDER PERSONS ACCOMMODATION

5.13 The current national and local focus for older persons accommodation is to try to meet care and support needs at home to enable independence. As such the Council's preference would be for independent living or independent living with care accommodation on the site. The developer has noted that there has been a significant decline in the supply of care bed spaces in the UK in recent years. They have commissioned a report on care homes in York and the surrounding catchment. This found that by 2023 an additional 595 care home beds will be needed in the York area. Currently, there are a total of 1281 care beds in the area within 25 separate care home facilities. Out of these 25 care homes, only 8 have been built since 2000, leaving many of those built prior to 2000 in converted, non-purpose-built facilities. A number of these care homes do not have en-suite bathroom facilities which has been a requirement for all new build care homes since April 2002. The proposal is therefore to provide a care home to help address these needs.

5.14 Policy H9 of the draft Local Plan addresses the issue of older persons specialist housing. It notes that such development will be supported where it meets an identified need; is well-designed to meet the particular requirements of residents; and is in an accessible location by public transport, or within walking distance to a range of community facilities.

HERITAGE IMPACT

5.15 Bluebeck House is considered to represent a non-designated heritage asset. It is one of few remaining buildings on the site of the now-demolished Clifton Hospital. The wider, former hospital site is of importance due to it having been chosen for the new asylum as an airy, accessible site between Clifton Ings and Shipton Road, providing an extensive parkland setting. While the site has been lost due to extensive demolitions and redevelopment, the landscape of the site remains legible and distinctive in character; the extant buildings, including Bluebeck House, punctuate the landscape orientating and referencing the history of the site. Thought to have been the hospital's laundry, Bluebeck House was completed in 1891-7. The design and construction of the building is of high quality and possesses value as a result of this; also, historical value relating to its original function and association

with the hospital; and communal heritage value relating to the historic and current uses for health services.

5.16 The building is identified on the draft Local List held by York Civic Trust. This List cannot be given any statutory weight as it has not been through any approval process with the Council. This does not alter the consideration of the building as a non-designated heritage asset.

5.17 Policy D7 of the draft Local Plan refers to non-designated heritage assets, and notes that development proposals will be encourage and supported where they are designed to sustain and enhance the significance of York's historic environment, including non-designated heritage assets. The significance of non-designated heritage assets and their setting should be assessed and development which would remove, harm or undermine the significance of such assets will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the heritage asset. The policy goes on to require that, prior to any works being undertaken, appropriate building recording is completed.

5.18 Para.203 of the NPPF requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.19 A heritage assessment has been submitted with the application and this assesses the significance of Bluebeck House both as a historic building and in relation to its wider context. This report notes that there are no designated heritage assets on site and the proposal would not impact on the setting of any designated heritage assets. It goes on to identify that Bluebeck House did not form part of the original Clifton Hospital complex however much of its setting has been radically impacted by the demolition and redevelopment of the rest of the site. It suggests that it is no longer possible to understand the building in its historic context, therefore setting makes no contribution to the significance of the building. The interest of the building is considered to be in relation to its original purpose to accommodate inmates in their working environment.

5.20 Consideration has been made of the possibility of conversion of the building. The developer notes that conversion would result in a maximum of 26 bed spaces which would not prove viable. Care Quality Commission standards in relation to

windows and access would not be achievable. It is also noted that the building has a very deep floor plan making it difficult to get natural light to the centre of the structure. Finally, to achieve the energy efficiency requirements required by the developer in a converted building, and additionally maintain a historic building, would not prove viable.

5.21 Assessment has been made of the significance of Bluebeck House and has identified that it was a later addition to the Clifton Hospital complex, although designed by a local architect who was involved with the site over a long period in the second half of the nineteenth century. The building accommodated female inmates who worked within the laundry building to the rear. The loss of much of the rest of the hospital buildings has eroded the setting of Bluebeck House and reduced its significance however it is still of local interest and emerging plan policy D7 and NPPF para.203 are relevant, and a balanced judgement required.

DESIGN AND LAYOUT OF THE SITE

5.22 The building has been designed to respond to its context. While predominantly 3 storey in height, it reduces to the north addressing the undeveloped area beyond the site. The eastern wing of the building remains at 3 storeys mimicking the scale of the existing Bluebeck House and providing a focal point for Bluebeck Drive. The western wing again reduces in scale to reflect the scale of Clifton house.

5.23 The building features pitched roofs and gables taking reference from Bluebeck House and other retained historic buildings on the wider site. Materials are predominantly buff brick with art stone detailing and artificial slate roofs and the design is a contemporary interpretation of the traditional building forms still remaining from the Clifton Hospital site.

5.24 There is little context for the building as buildings to both sides are contemporary and functional in their appearance. Housing to the south of the site is typical of a modern development and is visually separate from the site. To this extent, the building is considered acceptable in terms of policy D1 of the draft Local Plan which requires that development makes a positive design contribution of the city. Policy D1 also requires that density is appropriate for the proposed use and context; that the development does not dominate other buildings and spaces; proposals should not be a pale imitation of past architectural styles and appropriate materials should be used; create buildings that are fit for purpose but also adaptable

to respond to change; and create places that feel true to their intended purpose. It is considered that the proposal meets these requirements.

5.25 The large footprint of the building is noted however it is appropriate in this location where historically there have been large buildings, and more recent structures are similarly less domestic in scale. As stated above, the site remains quite visually, and functionally, separate from the residential development to the south. The proposed care use also fits well here with other health related uses and reflecting the historic use of the site.

TREES AND LANDSCAPE

5.26 Policy D2 of the draft Local Plan refers to impacts on landscape and setting. It requires that development conserves and enhances landscape quality and character. The significance of landscape features, such as mature trees, should be recognised and retained in a respectful context and landscape schemes should be sustainable, practical and of a high quality. Relationships between the built and natural environment should be comfortable and appropriate in scale.

5.27 Trees to the north and east of the site are large and dominant, and protected by a group TPO, although outside the boundaries of the development. These trees play a considerable part in the amenity of the site and surrounding landscape, and will, following adoption of the Local Plan, form the boundary to the Green Belt.

5.28 The site plan indicates the root protection zone of the retained trees is away from the proposed building however there may be some pressures during construction at the northern end of the building. The applicant has confirmed that construction can be undertaken outside of tree protection fencing and that trees can be adequately protected during construction.

5.29 The other issue related to trees in proximity to buildings related to amenity and issues with overshadowing and loss of light. The trees sit to the north of the building and as such will not directly overshadow it. The building has been designed to avoid conflict and pressure to prune trees as a result of any overbearing impact on rooms from the proximity and scale of the trees. While the structure itself is approximately 5m at its closest point to the tree canopies, bedroom windows do not look to the north. Windows in the northern elevation serve communal areas on the ground and first floor with a balconied communal area on the second floor. These communal

areas have windows to three elevations allowing aspects on to the garden areas as well as towards the trees.

5.30 It is probably in relation to the usability of the outside space that the proximity of the trees will have most impact. Again, the external space to the north will not be directly overshadowed, plans show that the trees are set back from the boundary and the canopy only slightly overhangs the site. However, the space to the north of the building is relatively narrow and the scale of the trees and building will make this a less appealing area. To compensate for this, there are a number of other more attractive external spaces around the buildings. The large communal room to the west of the building opens on to an external seating area which faces west and would be an attractive area for residents. Similarly, the external space to the north, while close to the trees, is open to the east while also enjoying the leafy backdrop provided by the trees. There is a range of different external areas around the building that allows residents a choice of seating and which seems appropriate for their needs.

HIGHWAYS AND ACCESS

5.31 In terms of highways, the site is currently served by an access road which leads round the north of the site and provides access to Clifton House. The proposal is to amend this access to follow the southern boundary of the site retaining access to Clifton House at all times. Existing parking for that site is to be retained and is indicated on the site plan. Parking for the new care home will be sited to the east of the site adjacent to the boundary with Clifton Park Treatment Centre.

5.32 Cycle parking for staff will be provided to the west of the building, adjacent to the staff entrance, and is in accordance with guidelines. Visitors cycle parking is on the eastern side of the building near to the main entrance. A travel plan has been submitted with the application which seeks to promote sustainable means of transport.

DRAINAGE AND FLOOD RISK

5.33 The site is within Flood Zone 2. A sequential test has been undertaken by the Applicant, in accordance with Section 14 of the NPPF. This looks at any sites within the local authority area which can accommodate the proposed site, and at a lower flood risk than the application site. For a site to be considered available, it must offer a realistic prospect of development within a reasonable period of time and must not

be allocated for an alternative use, benefitting from an existing planning permission, or already under construction. Thirty potential sites were identified, of which 26 were either too small or too large (ie more than 100% larger than the application site). Of the remaining 4 sites, 2 already have planning permission and are therefore not considered available. The remaining sites (allocated as H39: North of Church Lane, Elvington and H58: Clifton without Primary School) were also discounted. H39 is approximately 9.5km from the city centre and situated within a village. Information in the CYC Strategic Housing Land Availability Assessment notes objection to the site in relation to access and lack of capacity in local facilities. The site was discounted because of its distance to the city and village location. H58: Clifton without Primary School is identified in an Executive report by the Council in January 2022 for redevelopment with a library and affordable housing. The parcel of land to deliver affordable housing is 0.25Ha and therefore too small for the proposed development. No sequentially preferable sites were identified.

5.34 A Flood Risk Assessment has been submitted with the application and has assessed that the risk of future flooding is low and can be mitigated by the use of raised finish flood levels above the 1 in 1000 year level. There is no requirement to complete the exception test given that the site is in Flood Zone 2 and the use falls within the 'More vulnerable' category.

5.35 Details of drainage can be covered by planning conditions.

RESIDENTIAL AMENITY AND PUBLIC PROTECTION

5.36 Policy D1 of the draft Local Plan addresses issues of amenity and requires that new development consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing. The proposed building is well sited to ensure minimal impacts on neighbouring residents. The building is approximately 20m from the boundary of the residents on Fylingdales Avenue, south of the site, and 30m from the back of these houses. Although the new building will be 3 storey and will have bedroom windows looking towards the existing properties, the distances are acceptable to prevent overlooking. It is also noted that an existing substantial, historic boundary wall will be retained along this edge of the site, separating the residential development from the new one and the existing building has windows facing in this direction and at a similar distance.

5.37 Two period cottages, Verandah Cottages, to the southeast of the site will be in closer proximity to the new building. These properties are currently unoccupied and have previously been occupied by the NHS having been constructed as dwellings in conjunction with Clifton Hospital. These cottages do not face on to the site. The side of the closest cottage is approximately 10m from the corner of the new building which will look on to the rear garden of these cottages. This relationship is quite tight but little different to the existing one, and there is no overlooking directly into the properties.

5.38 The nearest part of the new building to Clifton House drops down to two storeys and does not contain windows in the end gable facing west. Other west facing windows in the main building are approximately 25m from the boundary with Clifton House and not considered to result in any overlooking.

5.39 The scale and siting of the building, particularly when taking into consideration that there is currently a building on site, is considered to ensure that there is no overbearing or overshadowing impact on neighbouring residents. The proposed care home use is not considered to result in any significant increase in noise that would impact on neighbouring residents. There may be some small increase in noise to the rear of properties on Fylingdales Avenue as a result of the re-routing of the access to the back of their properties as opposed to the current situation where it goes to the north of Bluebeck House. However, there is a significant boundary wall to be retained which will provide good separation and the level of traffic is considered low given that the road only provides access to Clifton House.

ECOLOGY

5.40 Bluebeck House contains a pipistrelle bat roost. As the proposed work would result in the permanent loss of the roosts in Bluebeck House, a European Protected Species licence from Natural England will be required prior to the commencement of works.

5.41 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, contains three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm a EPS.

5.42 The “derogation tests” which must be applied for an activity which would harm a European Protected Species (EPS) are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) are as follows:

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and
- 3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

5.43 With regards to the third test, the conservation status of species will be taken as 'favourable' when:

- a) population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- b) the natural range of the species is neither being reduced for the foreseeable future, and
- c) there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

5.44 With regards to test 3, the Bluebeck House currently supports a common pipistrelle maternity roost and a common pipistrelle day roost. Common pipistrelle bats are widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the provision of new roost sites will maintain roosting opportunities on site. Therefore, the third test for maintenance of favourable conservation status is met. A condition is suggested to cover these requirements.

5.45 The development is required to provide biodiversity enhancement in accordance with para.174d of the NPPF. The Ecological Impact Assessment provides Biodiversity Net Gain Metric 3.0 calculations that show the development will be beneficial to local ecology through the provision of green spaces within the application site. To ensure that these enhancements are implemented a condition is suggested.

5.46 Policy GI2 of the draft Local Plan requires that development close to local wildlife sites does not result in any harm to these sites. Clifton Ings and Rawcliffe Meadows Site of Special Scientific Interest (SINC) and Rawcliffe Meadows Site of Interest for Nature Conservation (SINC) are all within close proximity to the site and therefore, to ensure that these areas are safeguarded during the construction phase of development a condition for a CEMP (Biodiversity) is recommended.

SUSTAINABILITY

5.47 Para.120 of the NPPF requires that planning decisions give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposal meets this requirement providing specialist older persons accommodation.

5.48 In terms of sustainable design and construction, the scheme recognises the need to meet the requirements of Building Regulations and the Council's policy CC1 and CC2. The design includes photovoltaics on the south facing roof slopes and mentions consideration of air source heat pumps and mechanical heat recovery. Conditions are recommended to ensure compliance with Local Plan policy.

5.49 The site is recognised as being somewhat separate from local services. However, the developer notes that the care home would operate as a secure unit which does not allow residents to freely enter and exit without supervision. To this effect, the proximity of services is less relevant to future residents and the site is more suitable for this type of care than other more independent living. The site is also recognised to be well connected by public transport and cycle routes to the city centre and as such is relatively sustainable for staff and visitors.

THE PLANNING BALANCE AND VERY SPECIAL CIRCUMSTANCES

5.50 The proposed development represents inappropriate development in the Green Belt. Paragraph 147 of the NPPF explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 says when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.

5.51 As well as the harm resulting from inappropriateness, other harm has been identified as a loss of openness. It is also noted that the loss of the non-designated heritage asset, Bluebeck House weighs against the scheme.

5.52 The following considerations have been put forward as very special circumstances:

- The intention of the draft Local Plan is to remove the site from the Green Belt as it is completely developed and has no sense of openness or relationship with the Green Belt;
- The site is brownfield;
- A need for more older persons accommodation within York – the developers' assessment identifies a shortfall of 595 care room beds, and notes that a number of existing facilities in the city do not meet modern standards;
- The provision of care bed spaces will free up general housing stock;
- Creation of 70 new jobs (50 full time, 20 part time).

These very special circumstances are considered to outweigh the harm through inappropriateness, and other identified harm, as required by paragraph 147 of the NPPF.

5.53 In accordance with paragraph 203 of the NPPF, a balanced judgement is required when considering harm to a non-designated heritage asset. In this instance, the significance of the asset is already considered reduced, as a result of the loss of much of the original Clifton hospital site through redevelopment, impacting on the setting of Bluebeck House. The scheme proposed results in benefits including the provision of 72 care bed spaces in a purpose built modern building addressing an identified need for older persons accommodation; the creation of 70 jobs; and biodiversity net gain of 137% habitat units resulting from the increase in soft landscaping on site of approximately 120%. In addition, the issues around conversion of the building are noted, in particular the deep footprint of the building and difficulties around bringing the building up to current energy efficiency standards are recognised. Paragraph 120 of the NPPF gives substantial weight to the use of suitable brownfield land within settlements for homes and other identified needs, and it is considered that this also adds weight in favour of the scheme. These benefits of the scheme are considered sufficient to outweigh the loss of the non-designated heritage asset, in accordance with paragraph 203.

6.0 CONCLUSION

6.1 Detailed issues related to the design and form of the building, access, landscaping, and biodiversity have been resolved and are considered to comply with relevant policies. In addition, issues of neighbouring residential amenity are considered to be addressed in the design and siting of the building in relation to existing properties. The proposal complies fully with the requirements of policy H9 in relation to older persons accommodation in meeting an identified need, being well designed and in an accessible location by public transport.

6.2 The site falls within the general extent of the Green Belt and the scheme is considered to be inappropriate by definition. However, officers consider that the proposed very special circumstances are sufficient to outweigh the harm to the Green Belt through inappropriateness and other identified harm, including the loss of the non-designated heritage asset, in accordance with para.148 of the NPPF. It is particularly noted that there is a significant need for older persons accommodation in the city. In addition the site is identified, within the evidence base documents for the draft Local Plan, as not serving any Green Belt purpose and is therefore intended to be removed from the Green Belt following adoption of the Local Plan.

6.2 The proposal is considered to comply with relevant policies of the draft Local Plan and represents an appropriate re-use of this brown field site.

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

Proposed elevations 3165-HIA-01-XX-DR-A-0301 P04, 3165-HIA-01-XX-DR-A-0302 P3 and 3165-HIA-01-XX-DR-A-0303 P3

Proposed floor plans 3165-HIA-01-00-DR-A-0201 P5, 3165-HIA-01-01-DR-A-0211 P5 and 3165-HIA-01-02-DR-A-0221 P5

Proposed roof plan 3165-HIA-01-03-DR-A-2701 P03

Proposed site plan 3165-HIA-ZZ-XX-DR-A-0103-P8

Proposed landscape plan R3-509-03-LA-01C

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

3 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 scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality

4 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 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents.

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

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

6 Before the occupation of the development 2 Electric Vehicle Recharging Point(s) 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 2 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 be approved in writing by the local planning authority. Charging points should be located in a prominent position on the site and should be marked for the exclusive use of zero emission vehicles.

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).

7 The demolition of Bluebeck House shall not 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 2017 (as amended) authorising the specified activity/development to go ahead; or

b) Confirmation that the site is registered on a Bat Mitigation Class licence (formally Low Impact Class Licence) issued by Natural England; or

c) 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 ensure bats are protected from harm during demolition 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).

8 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The plan should include, but not be limited to, the recommendations set out in the Ecological Impact Assessment provided by Futures Ecology (March 2022).

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

9 Prior to the installation of any new external, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to first operation and maintained for the lifetime of the development.

The plan shall:

- Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.

- Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.

Reason: To ensure bats and their habitat are protected following the completion of 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).

10 No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority prior to the commencement of works. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h) Use of protective fences, exclusion barriers and warning signs

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area in line with Policy GI2 in the Publication Draft Local Plan (2018).

11 No vegetation removal or demolition work shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of vegetation and structures 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 prior to any vegetation removal or demolition works commencing.

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.

12 The site shall be developed with separate systems of drainage for foul and

surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

13 Prior to the commencement of construction works details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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

14 Prior to first occupation details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

15 The approved landscape scheme for soft works (R3-509-03-LA-01C) 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 landscape planting works 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: The landscape scheme is integral to the amenity of the development.

16 Before the commencement of development (including demolition, excavations, and building operations), a complete and detailed Arboricultural Method Statement 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 content of the document shall be strictly adhered to throughout development operations. 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 process 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 surrounding landscape.

17 The development hereby approved shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

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

18 Prior to occupation 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.

19 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.

20 Prior to occupation details of the bin storage 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 bin storage 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 storage of bins.

Reason: In the interests of visual and residential amenity.

21 Notwithstanding the supporting Travel Plan, the development hereby approved shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the submitted Interim Travel Plan. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of approved 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. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users and to comply with paragraph 111 of the National Planning Policy Framework.

22 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 above foundation works. 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.

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

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,

- groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

26 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

27 A programme of archaeological building recording, specifically a written description and photographic recording of the hospital building to Historic England Level of Recording 3 is required for this application. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

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

B) The programme of recording shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for dissemination of results and digital archive deposition with ADS to be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record and selection of digital archive images with ADS to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

Reason: The buildings on this site are of architectural and historic interest and must be recorded prior to demolition.

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:

Required further details in relation to impacts on trees and highways layout.

2. CEMP information:

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.

3. Kitchen odours information:

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

4. 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. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

5. EVCP information:

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 council.

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

Contact details:

Case Officer: Alison Stockdale

Tel No: 01904 555730