

COMMITTEE REPORT

Date: 12 March 2020 **Ward:** Rawcliffe And Clifton Without
Team: West Area **Parish:** Clifton Without Parish Council

Reference: 19/01042/FULM
Application at: Ashbank 1 Shipton Road Clifton York YO30 5RE
For: Demolition of Barleyfields and erection of 54 no. assisted living apartments and communal facilities; demolition of modern extensions to Ashbank and conversion to 4 no. assisted living apartments; associated parking and landscaping.
By: P18-0207
Application Type: Major Full Application
Target Date: 18 February 2020
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 The proposal is for the demolition of the existing sheltered housing at Barleyfields (27 flats) and the 1960's extensions to the villa, Ashbank.

1.2 It is then intended to convert Ashbank to four flats for extra care housing and construct a building to the rear of the villa consisting of 54 flats of extra care housing.

1.3 The new building is three storeys in height to the front of the site rising to four storeys with a flat roof at the rear. The building line of the existing Barleyfields building is retained as is separation between Ashbank and the new building to the rear. The ridge height of the pitched roof to the front of the new building is slightly lower than Ashbank while the flat roofed element is approximately 0.5m taller than the ridge of the pitched roof of the new building.

1.4 Parking is to the front and rear of the building (34 parking spaces and 3 disabled spaces). Cycle and scooter parking for residents is provided within the new building with further external cycle hoops for visitors. The access currently passes down the centre of the site between Ashbank and Barleyfields and gives access to the private dwelling, 3 Shipton Road, to the rear. The access will be moved to the western boundary of the site and access retained to the existing dwelling. A claimed right of

way leads around from Water End to Shipton Road around the South and West boundaries of Ashbank. This right of way will be retained and diverted along the new access.

1.5 The site is within the Clifton Conservation Area and a Green Infrastructure corridor. Part of the rear sunken garden of Ashbank is within Flood Zone 2.

Planning history

1.6 Permission (12/02491/FULM) was previously granted for four 2½ storey dwellings to the rear of Ashbank with conversion of the villa to 5 apartments. This permission has not been implemented.

2.0 POLICY CONTEXT

2.1 Emerging Local Plan relevant policies

DP2 Sustainable Development

DP3 Sustainable Communities

SS1 Delivering Sustainable Growth for York

EC2 Loss of Employment Land

H2 Density of Residential Development

HW7 Healthy Places

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D6 Archaeology

D11 Extensions and Alterations to Existing Buildings

GI2 Biodiversity and Access to Nature

GI3 Green Infrastructure Network

GI4 Trees and Hedgerows

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

T1 Sustainable Access

DM1 Infrastructure and Developer Contributions

2.2 Development Control Local Plan 2005 relevant policies

H4A Housing Windfalls

HE2 Development in historic locations
HE3 Conservation Areas
GP1 Design
HE10 Archaeology
HE11 Trees and landscape
NE6 Species protected by law
L1c Open space

3.0 CONSULTATIONS

Internal responses

Housing Policy

3.1 The proposal for 58 apartments at Ashbank and Barleyfields, Shipton Road, offers 12 units of on-site affordable housing in compliance with the relevant Local Plan policies and local evidence base. It is therefore supported in this respect by the Housing Strategy and Policy Team and would make an important contribution to meeting the identified local need for this form of specialist affordable housing.

Public Realm

3.2 There is no open space on site therefore a contribution for off-site provision of £10,419 (amenity open space) and £15,336 (sports provision) would be required and should be secured via S106.

Public Protection

3.3 The proposal is for residential accommodation within an area where there are existing residential premises, therefore there are no existing noise sources that could impact on future residents. To control potential noise disturbance from plant within the site a condition is recommended.

3.4 As there are residential properties close to the site, a condition is recommended for a CEMP to control issues related to noise vibration and dust during demolition and construction. A condition is also suggested to control odour from the kitchen.

3.5 A condition for an EVCP is also recommended.

3.6 The site was undeveloped until Ash Bank House was built in the late 1880s. No significant sources of contamination have been identified at the site and the Environmental Report concludes that the potential environmental risk is low. A

condition is recommended in the event that unexpected land contamination is found on site.

Design, Conservation and Sustainable Development (Ecology)

3.7 The vegetation on site provides suitable bird nesting habitat. The pond on site was considered unsuitable for Great Crested Newts.

3.8 Three bat roosts were identified within Ashbank. A European Protected Species Licence will be required to undertake repairs to the building which are likely to result in the loss of the bat roosts from the increased structural integrity of the modernised development. New development should therefore integrate a variety of bird and/or bat boxes.

3.9 The species protection provisions of the habitats Directive contain 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). The LPA should also consider these three tests when deciding whether to grant planning permission for a development which could harm an EPS.

3.10 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.

3.11 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.

3.12 With regards to test 3, the Ashbank building currently supports a small number of roosting Common Pipistrelle and Soprano Pipistrelle bats in three day roosts. Both of these are considered common and 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 requirement to provide four integrated bat boxes in the new buildings will maintain roosting opportunities on site. Therefore the third test for maintenance of favourable conservation status is met.

3.13 Conditions are recommended.

Design, Conservation and Sustainable Development (Landscape)

3.14 The proposed building sits uncomfortably tightly within the site boundary leaving extremely little room for a spacious garden setting that could otherwise include large mature trees, as is characteristic of the neighbourhood. The proposal, not only removes sizeable, attractive trees which reflect the character of the Conservation Area, it also fails to create a garden setting that is in keeping with the characteristic large villas in substantial gardens in this part of Clifton.

3.15 On amenity grounds, the two Limes at the front and the Pine and Horse chestnut to the rear, are worthy of a tree preservation order (TPO). The two Limes are clearly visible due to their street side location. The Pine and Chestnut are partially visible from the public right of way to the rear. Three of these trees are lost to development.

3.16 With a few exceptions, the majority of trees within the site are categorised as 'C' and are not particularly good specimens in themselves. That does not completely negate the value that the general tree cover makes to the amenity of the conservation area and the value of the green infrastructure corridor.

3.17 More open space needs to be retained in order to accommodate more trees in perpetuity, and some open space, so that the value of the green corridor is not significantly reduced.

3.18 In response to revised plans submitted to try to address some of these concerns, further comments were provided:

3.19 The proposed tree planting (choice of species, form, location and suggested detailing) is commendable. The development would result in improved public views from Shipton Road but the overall loss to the tree canopy and green space has a negative impact on the green infrastructure.

Flood Risk Management

3.20 No objections; conditions recommended.

Highways Network Management

3.21 Revisions were requested to resolve issues relating to the design of access points, cycle storage, servicing and pedestrian access. Acceptable revised were received and therefore no objections subject to conditions as recommended.

Head of Older Persons Accommodation

3.22 The application is supported. There is a shortfall of extra care accommodation in the city and a demand from residents for this type of accommodation where the opportunity to remain in an independent property with care and support services is available. The mix of tenure option will provide real housing options for home owners and social rented tenants.

External responses

Clifton Parish Council

3.23 No comments; site is outside ward boundary.

Historic England

3.24 No comments; advice of internal experts should be sought.

Yorkshire Water

3.25 Conditions recommended.

4.0 REPRESENTATIONS

Neighbour notification and publicity

4.1 Twelve letter of representation have been received from neighbouring residents; all object to the proposals. The issues raised are:

- Concern about impact of development on mature planting in existing development to the West;

- Insufficient rental properties to be provided compared with existing situation;
- Concern about Barleyfields residents being forced out of their homes;
- The excessive height of the development;
- Intensification of use on the site;
- Change to a business/ commercial use in a residential area;
- Reduction in light and privacy to existing properties at Ouse Lea;
- Noise and disturbance from new service road adjacent to Ouse Lea;
- New kitchen delivery access opposite existing properties will result in noise disturbance;
- Increased traffic;
- Properties on Ouse Lea will overlook the development
- Work on the wall between the site and Ouse Lea will result in damage to trees
- Loss of trees in Conservation Area
- Safety concerns regarding positioning of new access adjacent to footpath in to Ouse Lea
- Overlooking of site to the East
- Loss of public footpath through site
- Loss of view
- Concern about access being retained to property to rear (3 Shipton Road)
- Overdevelopment of the site
- Impact of lighting on Ouse Lea
- Loss of privacy to residents at Ouse Lea
- Noise impact from residents
- Out of keeping with character of Conservation Area
- The site is adjacent to Flood Zone 2/3 and development on it will increase flooding to neighbouring sites
- Insufficient parking provision
- Sustainability issues related to demolition of Barleyfields

5.0 APPRAISAL

5.1 Main Issues

- principle of development;
- loss of employment land;
- impact on the character of the conservation area;
- design;
- impact on amenity and living conditions of adjacent occupiers;
- highways and parking;

- drainage;
- trees;
- ecological issues;
- sustainability;
- affordable housing;
- open space provision;
- the Planning Balance.

LEGISLATIVE AND POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area.

National Planning Policy Framework

5.4 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.5 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.6 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Publication Draft Local Plan 2018

5.7 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

examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 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).

It is considered that given the stage of preparation of the emerging plan, nature of objections and consistency with the NPPF that the policies listed in para. 2.1 above should be given moderate weight.

5.8 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The directly relevant evidence base is:

- City of York Housing Needs Update (2019)
- Strategic Housing Land Availability Assessment and Appendices (2018)
- Strategic Housing Land Availability Assessment and Annexes (2017)
- City of York Strategic Housing Market Assessment Update (2017)
- City of York Council Strategic Housing Market Assessment (2016)
- City of York Council Strategic Housing Market Assessment Addendum (2016)

2005 Development Control Local Plan

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

PRINCIPLE OF DEVELOPMENT

5.10 Paragraph 118 of the NPPF states that substantial weight should be placed on the value of using brownfield sites within settlements for homes. The majority of the

site represents previously developed brownfield land and is not allocated for any particular use in either the emerging Local Plan or DCLP 2005. Policy SS1 of the emerging Local Plan also encourages the re-use of previously developed land where it is viable and deliverable. Neighbouring uses are predominantly residential, therefore the provision of housing in this location is considered appropriate and compatible with neighbouring uses in land use terms.

5.11 The principle of development at this site therefore rests principally on the acceptability or otherwise of the loss of the land for employment uses, and the impact on the Clifton Conservation Area. These are explored in greater detail below.

LOSS OF EMPLOYMENT LAND

5.12 Ashbank has most recently been in office (B1a) use although it has been vacant for approximately 6 years. Planning permission (12/02491/FULM) has previously been granted for the conversion of the villa to residential use indicating that the principle of the loss of the employment use has already been accepted.

5.13 For completeness, it is appropriate to assess the proposal against policy EC2 of the emerging Local Plan. This requires that building which were last used for employment uses are shown to be not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. The fact that the property has remained empty for over 6 years would suggest that it is not attractive as office accommodation to prospective users; the appearance and form of the building would suggest that it is unlikely to be in a condition to appeal to prospective purchasers; finally, the B1a use is out of keeping with the predominantly residential character of the area. Given that the loss of the site to office use has already been agreed it is considered unlikely that it would be required to meet future employment needs.

IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

5.14 Paragraph 190 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset (such as a conservation area) that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering

the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.15 Paragraph 190 states that in 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.

5.16 Paragraph 193 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset (ie a conservation area) great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph.194).

5.17 Paragraph 196 states that where a development 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 including, where appropriate, securing its optimum viable use.

5.18 The Clifton Conservation Area appraisal indicates that the character of the area is defined by large villas with gardens and trees and generous spaces between buildings. Clifton was, until the mid-late nineteenth century, a separate rural community and dependent of dairy farming. The area around the Green retains its essential rural character. Later on large Georgian, Victorian and Edwardian villas were developed in new suburban residential streets.

5.19 Ashbank is a Victorian two storey villa which has been extended in the 1960's with significant and unsympathetic additions to the West and smaller extensions to the East. The villa is two storeys in height with rooms in the roof. Materials are buff brickwork with a slate pitched roof and prominent front facing gable features. There are darker coloured string courses at ground and first floor and prominent chimneys visible in the centre of the roof. To the rear the remains of the original sunken garden are still visible with a modern car park in the rear half of the site. The villa itself is considered to be a positive building within the Conservation Area as it fits

with the identified character; the extensions are however considered to be detractors.

5.20 Barleyfields is assessed as having a neutral impact on the Conservation Area as a result of its set back from the road and relatively modest scale resulting from the use of a flat roof form. It is also noted that the building follows the historic building line. The building houses a 1960's purpose-built block of sheltered housing. It is constructed from buff bricks with a flat roof. The building is 3 storeys in height with a prominent additional block which forms the lift shaft to the front of the building. There is parking to the front of the building which follows the building line of the original, now demolished, villa.

5.21 The proposed new building provides a modern interpretation of a traditional building when viewed from the public highway. The use of brickwork, pitched roofs and appropriate detailing will help to reflect the character of the surrounding area. The use of recessed sections and glazing help to break up the bulk of the building.

5.22 At present, the extensions and general appearance of Ashbank and the dated character of Barleyfields have a negative appearance on the character of the Conservation Area. The CA Appraisal identifies the importance of villas within substantial gardens to the character of the area, however currently the poor quality extensions to Ashbank completely obscure any impression of the garden to the rear of the property. The removal of the extensions to the villa and demolition of Barleyfields allow for the redevelopment of the site with a more sympathetic scheme. The proposal will allow Ashbank to appear in a more open setting as was originally intended, it also brings the villa back in to an appropriate viable use from its current run-down state.

5.23 The development to the rear of the villa fills much of the site while sitting behind the villa and on an appropriate building line. A garden is retained to the rear of the villa and sufficient separation between the buildings to allow the villa to be visually prominent. While provision of a larger area of garden would be preferable it is recognised that the benefits from the removal of the extensions to Ashbank and demolition of Barleyfields are significant. Currently, there is no view of the rear garden (half of which is already used as car parking) of Ashbank from Shipton Road whilst the adjoining site is almost entirely covered by Barleyfields. The proposal removes the extensions to Ashbank and Barleyfields to return an impression of a villa set within a large garden.

5.24 In relation to the impact on the streetscene and from public vantages points, it is considered that the proposals would enhance the character and appearance of the Conservation Area. The removal of the extensions to Ashbank, its bringing back into an appropriate use, demolition of Barleyfields and the design and siting of the new building are all considered to contribute to positive improvements to the Conservation Area in accordance with policy D4 of the emerging Local Plan and para.192 of the NPPF.

5.25 It is however acknowledged that the scale of development on the site might be considered to result in harm to the Conservation Area (the designated heritage asset) however this harm is considered to be at the lower end of less than substantial. In accordance with para. 196 of the NPPF this low level of harm is outweighed by the public benefits previously highlighted above in the improvements to the character and appearance of the Conservation Area. In addition, the bringing back in to a viable residential use of a building originally built as a dwelling adds to the benefits of the scheme and would outweigh the very low level of identified harm to the designated heritage asset.

DESIGN

5.26 NPPF para.124 states that 'Good design is a key aspect of sustainable development, creates better place in which to live and work'. The applicant undertook pre-application discussions with the Local Planning Authority (as encouraged in paras. 39-41 of the NPPF) during which the scheme was developed in response to concerns raised by officers in relation to the design and scale of the proposal and its impact on the Conservation Area. Issues related to the design have been resolved to the satisfaction of the Council's Conservation Architect excepting some unresolved concerns about the scale and massing of the four storey element to the rear of the site.

5.27 The site is in a prominent location on the approach in to York. The proposed design, while contemporary in character, reflects the residential character of the locality and proposed use and picks up on design details characteristic of the area. As such it is considered that, in design terms, the proposal is a significant improvement on the existing buildings.

5.28 In terms of the footprint of the building, it is clearly more substantial than other properties in the locality while also acknowledging that there have been larger buildings constructed more recently. Properties at Ouse Lea are built in terraced

blocks across the site while the villas along Shipton Road are substantial for dwelling houses. The existing Barleyfields building covers much of its site and presents a very large front elevation to the highway such that, when combined with the extensions on Ashbank, the entire frontage of the sites appears enclosed. The proposal will improve the appearance of the sites from the highway by separating the new building and villa and keeping the bulk of development away from public views from the highway.

5.29 The new building will sit close to the boundaries of the site, particularly on the East side of the site. While issues of amenity in relation to this are addressed below, the proximity of windows to the boundary will effectively sterilise the neighbouring site for future development as they borrow their outlook from the neighbouring site. In this respect it is considered that the proposals raise design issues related to the quantum of development on site and fail to comply with policy D1 of the emerging Local Plan and para.127 of the NPPF.

IMPACT ON AMENITY AND LIVING CONDITIONS OF ADJACENT OCCUPIERS

5.30 Para.127 of the NPPF requires that planning decisions seek to create places with a high standard of amenity for existing and future users. This is echoed in policy D1 of the emerging Local Plan which requires that development considers 'residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing'.

5.31 The proposal is for a 3/4 storey building within a site in a predominantly residential area. An analysis has been provided within the Design and Access Statement of the potential for overshadowing from the proposed development. It is noted that there is some increased overshadowing to the rear of Ashbank Villa during the winter months during the latter part of the day. Otherwise increases in overshadowing to neighbouring properties to the East and West are minimal as a result of the distances involved, the pitch of the roof and the eaves height. It is noted that later in the day during the summer months there will be an increase in overshadowing to the garden of the property to the East. There are significant mature trees within this garden adjacent to the site and these will result in existing overshadowing of the garden. In addition, any overshadowing, will as a result of the siting of the new building, be away from the neighbouring property and its immediately adjacent garden area.

5.32 In terms of overlooking, there is a minimum of 18m between Ashbank Villa and the new building. Given that both properties are subdivided in to flats with living accommodation at all floors there is some potential for overlooking between the properties. However the buildings are slightly angled towards each other so there is no direct view from one to another and windows are slightly offset from each other.

5.33 In relation to overlooking to neighbouring properties, the new building is a minimum of 28m from the property to the East which is considered sufficient to ensure there is no direct overlooking in to the existing property. The tree cover within the neighbouring property will provide further screening. The Eastern elevation of the new building is in close proximity to the boundary with the garden of the neighbouring property. This distance is between 2m and 5m for the 3 storey element and 2m and 7m for the 4 storey element. Balconies protrude beyond the main elevation towards the boundary. Distances here are clearly substandard and flats within the new building will utilise the adjoining garden site for their outlook. This garden is significant in scale but does not appear to be intensively used by its host property so that there is not considered to be a loss of amenity to existing residents.

5.34 To the South, the site abuts a detached period property in a large plot. This property faces East across a large garden. At its closest point the new building will be 22m from this property and 3 storeys in height, rising to 4 storeys 24m from the existing dwelling. In terms of its distance from the garden of the existing property, the new building will be a minimum of 4m. Windows in the new building are positioned such that there will be no direct overlooking to the main part of the neighbouring property's garden with some impact on the rear corner of the garden. This should be compared with the previously approved scheme which approved a terrace of town houses along the southern boundary of the site alongside the garden of this property. The distance between the rear of these properties and the boundary varied between 10m and 12m with a 2½ storey house proposed. It is not considered that the proposal would be more harmful to existing residential amenity than this previously approved scheme.

5.35 To the western boundary the new building is 8m from the boundary and 3 storeys in height. The existing Barleyfields development abuts this boundary (3 storey height to the front of the site and 2 storey to the rear). The new development would be 20m from the side of the nearest property at Ouse Lea. Given the distances involved it is not considered that the proposal would impact on the privacy of residents at Ouse Lea either in their properties or gardens.

5.36 Amenity for future residents of the site is considered acceptable. Flats have an acceptable outlook albeit those to the East of the site take their outlook from the neighbouring property. There is a centrally positioned external courtyard for residents' use and the site is within close proximity to Homesteads Park.

LOSS OF EXISTING BARLEYFIELDS HOUSING AND NEED FOR OLDER PERSONS ACCOMMODATION

5.37 Barleyfields is a sheltered housing development providing 7no. one-bed, 1no. two-bed and 19no. studio flats for rent for people over the age of 55. The building was constructed in the 1970's and is considered no longer fit for purpose with a significant investment required to bring the building up to modern standards. Existing residents have been assured that Barleyfields will not close until all customers receive a suitable offer of accommodation elsewhere and will received support from Anchor Hanover to do so. They will be offered first refusal on units in the new development and will receive a home loss payment to assist with the move.

5.38 Para.61 of the NPPF requires that planning policies include housing for different groups within the community including older people. This requirement is carried through into policy H9 of the emerging Local Plan which supports development which contributes to meeting an identified need; are well-designed to meet the particular requirements of residents with social, physical, mental and/or health care needs; and are in an accessible location by public transport or within walking distance to a range of community facilities and public open spaces'.

5.39 Para.122 of the NPPF states that planning decisions 'should support development that makes efficient use of land taking into account the identified need for different types of housing...and the available of land suitable for accommodating it; the availability of infrastructure and services...and the scope to promote sustainable travel modes that limit future car use; and the importance of securing well-designed, attractive and healthy places'. Para.118 confirms this in stating that 'substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs'.

5.40 The Older Persons Accommodation Manager has noted that York has a current demand for a minimum of 832 units of extra care/ supported living accommodation. The city currently has 286 unit of extra care with a further 176 units benefitting from planning permission or under construction. Population projections for the city

indicate that by 2030 there will be a demand for a minimum of 1082 units. The type of accommodation proposed offers residents the opportunity to remain in their own independent property but with care and support service available as needed.

HIGHWAYS AND PARKING

5.41 The proposal is for 34 parking spaces plus 3 disabled parking spaces. There will also be 20 cycle spaces, with a mix of 6 visitor spaces and 14 internal spaces, and 9 scooter parking spaces. Cycle parking levels are considered acceptable given that the internal spaces are provided to a high standard. Parking provision is acceptable for the intended use and in this sustainable location.

5.42 Footways have been designed to be wide enough for wheelchair and scooter users and provide access around the property. It is also noted that there is a right of way through the site linking to Water End; this is retained and would give access for residents and others through to riverside walks into the city.

5.43 Access is also retained to the private property to the rear albeit slightly realigned to the East of the site. Given the proposed level of vehicle movements it is not considered that the proposal will have any significant impact on the highway network.

5.44 Bin stores are provided to the rear of Ashbank and are sufficiently close to the public highway to allow collection by a Council waste service.

DRAINAGE AND FLOOD RISK

5.45 The site is partly within Flood Zone 2 (the area of garden currently occupied by the sunken garden). A sequential test has been undertaken by the Applicant and it is noted that residential development is identified within the NPPF as a form of development which can be appropriate within FZ2. A Flood Risk Assessment has been submitted with the application and has assessed that the risk of future flooding is minimal. The sequential test has not identified any other suitable sites in FZ1 and it is also recognised that the applicant already owns part of the site. There is no requirement to complete the exception test given that the site is in FZ2 and the use falls within the 'More vulnerable' category. Given the low risk of flooding to future residents and the minimal likelihood of increased flooding to existing residents it is considered that the proposal meets the requirements of the NPPF and policy ENV4 of the emerging Local Plan in terms of flood risk.

5.46 Details of drainage can be covered by planning conditions.

TREES

5.47 The proposal removes the large mature trees and sunken garden to the rear of Ashbank and the lime adjacent to the front of the villa. This tree has been assessed as category C as a result of its structure – the applicant's tree experts consider that it is unlikely that this tree would survive demolition works given the proximity to the building. A pine tree and chestnut to the rear are also removed – these have limited public visibility from the footpath to the rear of the site. They are not visible from Shipton Road. The removal of the lime tree will have the most significant impact on visual amenity – revised plans have been submitted to increase the number of replacement trees along the frontage and within the courtyard to the maximum number that the space can support.

5.48 The applicant recognises that the replacement tree planting scheme does not provide the same level of green infrastructure canopy as the existing situation but notes that the space is restricted and the trees have been chosen to avoid future conflict with residential amenity.

5.49 The Council's landscape architect has acknowledged that views along Shipton Road will improve with the removal of the extensions to Ashbank and the replacement of Barleyfields with a high quality modern design. They also accept that the proposed tree planting, in terms of the choice of species, form, location and detailing, is commendable but the loss of existing tree cover and greenspace has a negative impact which would have to be assessed within the overall planning balance.

5.50 Policy D2 of the emerging Local Plan relates to landscape and setting. It supports development which conserves and enhances landscape quality and character, and the public's experience of it; recognises the significance of landscape features such as mature trees and retains them in a respectful context where they can be suitably managed and sustained; create a comfortable association between the built and natural environment and attain an appropriate relationship of scale between building and adjacent...garden'.

5.51 Clearly the proposal removes trees which contribute to the natural environment and, in some cases, visual amenity in the locality. However, the proximity of the lime

tree to the extensions to be removed appears to call into question its long term retention; the removal of these unattractive extensions has been assessed as being a positive element of the scheme and the tree removal must be assessed in this context. Similarly trees to be removed at the rear have little impact on visual amenity being fully enclosed from views from Shipton Road and are only glimpsed from the rarely used claimed footpath to the south of the site. There is a clear impact from the development on mature trees within the Conservation Area which must be assessed within the overall planning balance.

5.52 The site sits on the edge of a Green Infrastructure Corridor. While the trees on site do contribute to the overall tree cover in the immediate area it is not considered that the loss significantly undermines its overall integrity.

ECOLOGICAL ISSUES

5.53 Bat surveys recorded bats roosting in 3 different parts of Ashbank. The applicant has confirmed that they would look to minimise works to the existing roof covering as much as possible to avoid disturbance to bats but that a full inspection of all existing roof covering has not yet been possible. A European Protected Species Licence would be required to undertake the repairs to Ashbank which are likely to result in the loss of the bat roosts.

5.54 The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended), contain 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 an EPS.

5.55 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.

5.56 In relation to the first test, it is considered the bringing back in to viable and appropriate use of Ashbank, the benefits to the character and appearance of the Conservation Area from the removal of Barleyfields and the extensions to Ashbank and the provision of extra care housing provide the overriding public interest required to meet this test.

5.57 Ashbank is a positive building within the Conservation Area but is in a significant state of disrepair. It would appear, from the available information, that any works to bring Ashbank up to modern standards would require works to the roof which would impact on the bat roosts so to this extent there would appear, in relation to the second test, to be no satisfactory alternative if the building is to be reused.

5.58 Finally, 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.

5.59 The Council's Ecology officer has confirmed that the Ashbank building currently supports a small number of roosting Common Pipistrelle and Soprano Pipistrelle bats in three day roosts. Both of these are considered common and 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 requirement to provide four integrated bat boxes in the new buildings will maintain roosting opportunities on site. Therefore the third test for maintenance of favourable conservation status is met providing appropriate conditions for avoidance and mitigation measures to prevent direct harm to bats and retain roosting features on site are imposed.

5.60 In accordance with the above, it is considered that the derogation tests could be passed by the development and it is likely that Natural England would grant the European Protected Species (EPS) License.

SUSTAINABILITY

5.61 The applicant has submitted a BREEAM pre-assessment of the proposals with the application. This confirms that the applicant is intending to achieve a target BREEAM rating of 'Very Good' aspiring to 'Excellent'. It is intended to incorporate heat recovery air source heat pumps, and an array of PV panels on the flat roof and south facing pitched roof. Water resource management measures will be incorporated in the development. Following discussions with the applicant it is agreed that conditions requiring the buildings to be compliant with DLP policies CC1 and CC2 which require exceedance of Building Regulations with regards to energy efficiency and carbon emissions (through the use of low/zero carbon technology or building efficiency) and BREEAM excellent will be recommended. Building Regulations require that the Dwelling Emission Rate (DER) does not exceed the Target Emission Rate (TER). Local policy requires a 28% reduction.

5.62 The site is in a highly sustainable location on a main road into the city. There are good public transport links through to the city. Local services in Clifton are approximately 300m from the site and Homestead Park is very close providing opportunities for outdoor recreation.

AFFORDABLE HOUSING

5.63 In accordance with policy H10 of the emerging Local Plan a 20% requirement is made for affordable housing. This will be provided as 12 affordable apartments in the scheme by the applicant, a Registered Provider, and secured through a section 106 agreement.

5.64 The affordable housing on the scheme would be provided as 10 social rented and 2 shared ownership apartments, pepper potted throughout the development to offer an integrated, mixed tenure scheme:

- 5x 1-bed social rented
- 5x 2-bed social rented
- 2x 2-bed shared ownership

5.65 The existing Barleyfields site contains 27 older people's affordable homes which will be demolished as a result of the proposal resulting in a net loss of 15 affordable homes. However there is no relevant national or local planning requirement that would prevent the demolition of the existing building. It is also

recognised that the proposed accommodation would be considerably larger, of greater quality and better suited to meet contemporary expectations and requirements of the intended residents.

OPEN SPACE PROVISION

5.66 The NPPF advises that planning decision should aim to create healthy and inclusive places. Paragraph 96 states ‘access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.67 Policy GI6 (new open space provision) of the Publication Draft Local Plan states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’... ‘The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them’. The policy goes on to state that ‘the Council will encourage on-site provision where possible but off-site provision will be considered acceptable in the following circumstances’.

5.68 The site is within the Rawcliffe and Clifton Without Ward but close to the boundary with the Clifton Ward. Clifton Without has a surplus of all types of open space based on the Open Space and Green Infrastructure Update (September 2017) however there is a deficit in all types in the Clifton Ward. The 2017 update details existing supply only. There are some allocated sites for open space in the 2018 DLP but no current city wide strategy to provide adequate space (or improve existing sites), either for the existing or envisaged local population.

5.69 Typically it is not possible to accommodate open space provision on urban sites as there is not the space. Alternatively an off-site contribution can be requested. This must meet the CIL Regulations – be necessary to make the development acceptable, reasonable in scale and kind, and directly related to the

development. National guidance on the use of planning obligations is also to be mindful of viability and the need to prioritise/incentive development of brownfield land.

5.70 An open space contribution of £10,419 for amenity and open space and £15,336 for sports provision is required by the developer in line with Council policy. Schemes have been identified at Homestead Park and York Tennis Club. The contribution would be secured via a S106 agreement.

THE PLANNING BALANCE

5.71 Para.118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. The proposal represents a re-use of the Barleyfields site, which currently provides outdated sheltered accommodation, with a modern extra care facility. As such the proposal for extra care accommodation should be given substantial weight.

5.72 Other factors weighing in favour of the scheme are the improvements to the character and appearance of the Clifton Conservation Area from the removal of the existing modern extensions to Ashbank and the poor quality modern building at Barleyfields. The scale of the proposed building is considered to result in harm to the Conservation Area but this has, in accordance with para. 196 of the NPPF, been assessed as at the lower level of less than substantial harm. The removal of the extensions and Barleyfields building and their replacement with a well-designed new building, more sensitively located than the existing structures, provides the public benefits, along with the provision of housing, which outweigh the identified harm. In relation to policy D4 it is particularly noted that the proposed development better reveals the significance of the Conservation Area as well as enhancing its special character and appearance by allowing Ashbank to be viewed once more as a period villa within a garden area as identified within the Conservation Area Appraisal.

5.73 Further benefits of the scheme are the provision of 12 units of affordable housing in line with policy H10 of the emerging Local Plan.

5.74 Finally, it is recognised that there is an undersupply within the city of 370 units of extra care housing when using National benchmarks. Population projections indicate that this shortfall will increase to 620 units by 2030 unless further extra care accommodation is provided. The scheme provides a net increase of 30 units of

modern purpose-built accommodation of a form which Council research has shown to be desirable to residents.

5.75 As a result of the scale of development on the site, it is recognised that there are dis-benefits to the scheme. The proposed building has a significant footprint. This results from the operational requirements of the proposed use – the extra care facility is based around communal facilities which are available to all residents and which need to be contained within a single building. Without sufficient numbers of residents the communal facilities would not be viable and the development would not be able to provide the intended benefits to residents.

5.76 The scale of development on site has led to a number of concerns which have been highlighted in the report above in paragraph 5.25. Also, the loss of trees in the Conservation Area is a concern but it is acknowledged that most of the trees to be removed are not publically visible as they are within the enclosed garden area of Ashbank. The loss of the lime tree to the front of the villa would result in harm to the Conservation Area but its proximity to extensions identified for demolition mean that its retention could not be guaranteed. This tree is one of a number within the streetscene which all contribute to the character of the area. The tree loss, as a result of the lack of visibility of the garden trees and quantity of other trees along Shipton Road, would result in less than substantial harm to the appearance of the Conservation Area. The public benefits provided by the provision of housing and visual benefits to the Conservation Area from removal of the extensions to Ashbank are considered to outweigh the harm to the Conservation Area from the amount of development on site and consequent tree loss. To address the tree loss the scheme includes significant tree replacement, where possible, on site.

5.77 Other issues arising from the scale of the building include overlooking to the neighbouring garden to the East of the site. This neighbouring garden is significant in size and the overlooking would be across the bottom part of the plot. The neighbouring property and the garden closest to it would not be affected and would be screened by trees within the garden. That being said, the proposal presents 4 storeys of development in close proximity to a neighbouring boundary and is reliant on the neighbouring site to provide outlook for new residents.

5.78 Finally, there is restricted on-site amenity space for future residents as a result of the scale of development on site. However, the proposed garden area would be well landscaped and could provide a pleasant enclosed seating area for residents. Flats have good levels of amenity and most are provided with balconies to allow

enjoyment of the outdoors. The site is in close proximity to Homestead Park and the development will provide a financial contribution towards improvements at the park.

6.0 CONCLUSION

6.1 Officers recognise that this is a balanced judgement. The benefits of the scheme are that it provides new residential accommodation on predominantly brownfield land and, in accordance with para. 118 of the NPPF, this should be given substantial weight. Other advantages of the scheme are the bringing back in to use of the villa; the removal of its modern and unattractive extensions; and the demolition of the Barleyfields building. The provision of modern purpose-built extra-care accommodation, where there is an identified shortfall, should also be given significant weight.

6.2 Weighed against these benefits are concerns about the level of tree loss within the Conservation Area, while recognising that the proposed landscaping scheme provides a high level of replacement planting; the scale of the building in relation to other buildings in the locality; overlooking to the neighbouring site; and levels of external amenity space.

6.3 The presumption in favour of sustainable development contained within para.11 of the NPPF requires that, where there are no relevant development plan policies, or the policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The policies referred to include those related to designated heritage assets which would include the Clifton Conservation Area. This means that the application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

6.4 The proposal has been considered against the relevant NPPF policies particularly those in Section 16: Heritage Assets. When taking a balanced view, and assigning substantial weight to the provision of extra care housing on brownfield land, it is considered that the substantial benefits of the scheme would not be significantly and demonstrably outweighed by the less than substantial harm to the Conservation Area, tree loss, and concerns about amenity.

COMMITTEE TO VISIT

Application Reference Number: 19/01042/FULM

Item No: 4c

7.0 RECOMMENDATION: Approve subject to;

- (i) Section 106 Agreement to secure the following obligations –
- £10,419 for amenity open space and £15,336 for sports provision;
 - Affordable housing (20% on site); and

(ii) the following conditions

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

Location Plan (Drg ref: 2001-S4 Rev P4);
Proposed Ground Floor Plan (Drg ref: 8201-S3 Rev P2);
Proposed First Floor Plan (Drg ref: 2202-S4 Rev P9);
Proposed Second Floor Plan (Drg ref: 2203-S4 Rev P9);
Proposed Third Floor Plan (Drg ref: 2204-S4 Rev P8);
Proposed Roof Plan (Drg ref: 2205-S4 Rev P7);
Site Plan - Demolition Plan (Drg ref: 2003-S4 Rev P4);
Site Plan - As Proposed (Drg ref: 2005-S4 Rev P10);
Site Sections - As Proposed (Drg ref: 2006-S4 Rev P2);
Ashbank - Proposed Demolition Work Plan (Basement, Ground, First) (Drg ref: 2103-S4 Rev P5);
Ashbank - Proposed Demolition Work Plan (Second & Roof) (Drg ref: 2104-S4 Rev P5);
Ashbank - Proposed Basement, Ground, First Floor Plans (Drg ref: 2108-S4 Rev P5);
Ashbank - Proposed Second Floor & Roof Plans (Drg ref: 2109-S4 Rev P5);
Ashbank - Demolition Elevations (North & East) (Drg ref: 2110-S4 Rev P5);
Ashbank - Demolition Elevations (South & West) (Drg ref: 2111-S4 Rev P5);
Ashbank - Proposed Sections (Drg ref: 2112-S4 Rev P4);
Ashbank - Proposed North & East Elevations (Drg ref: 2113-S4 Rev P4);
Ashbank - Proposed South & West Elevations (Drg ref: 2114-S4 Rev P4);
Proposed North and East Elevations (Drg ref: 2206-S4 Rev P8);
Proposed South and West Elevations (Drg ref: 2207-S4 Rev P8);
Proposed Sections (Sheet 1 of 2) (Drg ref: 2208-S4 Rev P4);
Proposed Sections (Sheet 2 of 2) (Drg ref: 2209-S4 Rev P2).
Proposed Landscape Masterplan Ref: ANCH 378/13-001 Rev P04
External Lighting Layout Ref: 019.061.E.01 Rev: P1

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

3 No groundworks shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to for the duration of the construction of the development. The CEMP shall set out the overall strategies for:

i. Location, scale and appearance of contractor's compounds, materials storage and other storage arrangements for cranes and plant, equipment and related temporary infrastructure;

ii. Wheel washing facilities;

iii. Measures to control the emission of dust and dirt during construction;

iv. Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials;

v. Construction noise and vibration strategy;

vi. Earthworks and soil management strategy including excavations and foundations;

vii. Sustainable site waste management plan, including waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;

viii. The designation, layout and design of access and egress including any temporary access points for demolition and construction traffic including internal site circulation and directional signage

ix. A construction travel plan;

x. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;

xi. Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction;

xii. The storage of fuel and chemicals; and

xiii. The control of lighting

xiv. A dilapidation survey jointly undertaken with the local highway authority

xv. A scheme for signing the promoted construction traffic routing

xvi. Method statement for the treatment of the Public Right of Way during the construction period.

Note: The CEMP shall be entirely compatible with the Arboricultural Method Statement.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users

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. Once approved it shall be installed and fully operational 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 Prior to occupation of any part of the development, each off street parking space shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable. These facilities shall thereafter be retained.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

7 LC4 Land contamination - unexpected contam

8 A programme of post-determination archaeological mitigation, specifically an

archaeological watching brief, and, if required, excavation is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved.

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

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

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within [2 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 is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

9 The following works to the building 'Ashbank' that may impact the exterior including covering the building with scaffolding, infilling gaps around window frames, replacing roof coverings and flashings that could result harm to roosting bats shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorizing the specified activity/development to go ahead; or

b) registration of the site on a bat roost Low Impact Class Licence; 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 prevent harm to a European Protected Species.

10 The demolition of the Building 2 (eastern extension to Ashbank) shall be undertaken in line with standard good working practice in relation to bats. This will involve a precautionary soft strip as part of its demolition, with the soffit gap on the west side removed by hand under the direction of a licenced bat worker, and appropriate mitigation and roost compensation provided if a bat is found e.g. safe relocation of any bat that does not fly off to an on-site bat box.

Reason: To prevent harm to a European Protected Species.

11 Prior to first occupation or use of the development hereby approved four integrated features providing a roosting crevice for bats must be constructed within the fabric of the new buildings, and two boxes for nesting birds and shall be retained.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 d) of the NPPF (2019) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains or biodiversity.

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 Within three months of commencement of development a detailed landscape scheme 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. It will also include details of ground preparation; tree planting details; paving, and street furniture. 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.

16 Before the commencement of development, including demolition, a complete and detailed Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include but shall not be limited to details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials and means of moving materials around the site, locations and means of installing utilities, location of site compound and marketing suite. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times.

The development shall be carried out in accordance with the approved Arboricultural Method Statement.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

17 The dwellings hereby permitted shall not be occupied other than by persons who have attained the age of 55 years or the spouse or partner of such persons including a widow or widower.

Reason: As the benefits from the provision of such housing is considered to outweigh other identified harm; and to protect the amenity of neighbouring residents.

18 The dwellings hereby approved shall achieve the following measures:

- At least a 19% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013).

- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

- A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to first occupation of each dwelling 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: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

19 HWAY13 Access to be improved

20 HWAY23 Vehicular sight lines protected

21 HWAY25 Pedestrian visibility splays protected

22 Prior to construction of above ground works 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.

23 HWAY19 Car and cycle parking laid out

24 No dwelling shall be occupied until a full Travel Plan, that accords with the Bellamy Roberts Travel Plan ref ITR/MT/5282/TS.3, has been submitted to the local planning authority for approval in writing. The development shall be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan.

Reason: To ensure the delivery of sustainable transport objectives including reductions in car usage and increased use of public transport, walking and cycling.

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

Verge and eaves details

Rainwater goods

Window details including depth of reveal, materials and method of opening, reveals, and a profile of any glazing bars.

External door details including depth of reveal, materials and profile

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

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

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

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:

Requested amended details re. highways layout
Agreed open space contribution

2. All contractors involved in the felling of the oak tree (ref. 1125) on site to be made aware of the potential presence of bats and the need to follow standard good working practices in relation to bats;

1. Wherever possible, work should be carried out between late August and early October or between March and April.

2. Work should be conducted in a sensitive manner, using a 'soft felling' technique where the tree is carefully dismantled in sections and each section slowly lowered to the ground to leave the habitat intact, left for 48 hours and then carefully examined for the presence of bats before removal.

3. In the unlikely event that bats are discovered when branches are removed or trees felled (particularly in winter), work must stop immediately and Natural England or the Bat Conservation Trust contacted. Advice will be given on how to proceed, including collecting up any bats with gloved hands and putting them into a bat box, if appropriate.

3. 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.

4. 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.

5. Drainage Design Considerations

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

Site specific infiltration testing has been carried out and It has been proven SuDs methods are unsuitable and a watercourse is not nearby therefore In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst case volume required.

Note - we recommend the above CCTV survey be carried before the existing buildings are demolished.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development.

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site, please discuss any design issues with the City of York Council Flood Risk Management Team.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

6. Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems for further advice on how to comply with condition 5. 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 Annex C of the DEFRA 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.

Contact details:

Case Officer: Alison Stockdale

Tel No: 01904 555730