

COMMITTEE REPORT

Date: 18 October 2017 **Ward:** Heworth
Team: Major and **Parish:** Heworth Planning Panel
Commercial Team

Reference: 17/01925/FULM
Application at: Burnholme Community Hub Bad Bargain Lane York
YO31 0GW
For: Erection of 80 bedroom care home with associated
landscaping, infrastructure and car parking
By: Ashley House Plc
Application Type: Major Full Application (13 weeks)
Target Date: 8 November 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for an 80 bed care home on the Burnholme Community College site. The building is roughly square with an open courtyard garden at the centre. The tallest element, at three storeys in height, is at the front facing on to the access road and the building steps down to the rear. The rear of the building is single storey and is set approximately 5.0m from the rear boundary. The building is flat roofed to the rear with pitched roofs on the frontage. External space is provided within the courtyard and on roof terraces. Materials proposed are a buff/ grey variegated brick and a dark coloured tile.

1.2 The site was most recently occupied by Burnholme Community College. A recently approved application (16/02023/GRG3) for a community hub on the site is currently being implemented and many of the existing school buildings have been demolished to facilitate this. The area is predominantly residential in nature and the care home site abuts a residential street, Burnholme Grove, to the West. Access to the care home will be via a new internal road approved under 16/02023/GRG3.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation: Residential Use

City Boundary GMS Constraints: York City Boundary 0001

Schools GMS Constraints: Burnholme Community College 0244

3.0 CONSULTATIONS

INTERNAL

Archaeology

3.1 The site is one of archaeological interest. Discussions have taken place regarding the site with the city archaeologist. A condition is recommended.

Public Protection

3.2 The proposed care home is located on the site of a former school and adjacent to a number of existing residential properties. As a result noise is not considered to be an issue which would prevent the granting of planning permission or cause loss of amenity. Conditions are recommended to protect neighbouring amenity and to remediate the site.

Highway Network Management

3.3 No objection. Conditions are recommended.

Flood risk management

3.4 No objection. A condition is recommended.

Design and Sustainability

3.5 The design of the proposal is supported. Concerns raised during the pre-application regarding the siting of the bin store have been resolved.

Ecology

3.6 No objection to the proposals. The landscape scheme includes specific elements to promote biodiversity which should be conditioned.

EXTERNAL

Yorkshire Water

3.7 A condition is recommended.

Foss Internal Drainage Board

3.8 The Board have no comments to make as the site sits outside of their district.

Heworth Planning Parish

3.9 No objection.

Neighbour notification and publicity

3.10 No representations received. A public consultation was undertaken in June 2017 prior to submission.

4.0 APPRAISAL

4.1 MAIN ISSUES

- Policy background
- Principle of the development
- Design and character
- Amenity considerations
- Highways issues
- Other considerations

POLICY BACKGROUND

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

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

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

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

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

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

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

Development Control Local Plan (DCLP) 2005

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

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

4.7 DCLP policies relevant to the development are:-

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass

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

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

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

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

Emerging Local Plan

4.8 A new pre-publication draft local plan and revised evidence base is currently at consultation until 30th October 2017.

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

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

- Policy D2 'Placemaking' development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

- Policy H9 'Older persons' specialist housing' states that developments specifically designed to meet the accommodation needs of older people will be supported where they contribute to meeting an identified need;

are well designed to meet the particular requirements of residents; and are in an accessible location by public transport or within walking distance to a range of community facilities or these are provided on-site.

- Policy H1 'Housing allocations'

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

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

PRINCIPLE OF THE DEVELOPMENT

4.13 The site is within the grounds of a recently demolished school. Part of the site is already in construction to form a new community hub and library (planning permission 16/02023/GRG3). Within the emerging Local Plan the Burnholme College site is allocated as general housing (reference H3) in the Pre-publication Draft dated September 2017. This allocation relates to the rear section of the site with the front of the site closest to Bad Bargain Lane being reserved for the community hub, a care home (to which this application pertains) and a health care centre. Sport England have made comment on the proposed allocation in relation to retention of a playing field on the site. This application does not impact on this playing field. Given the brownfield nature of the site and proposed allocation, the proposal is considered acceptable in principle subject to other material planning considerations.

DESIGN AND CHARACTER

4.14 The building is three storeys in height adjacent to the new internal road reducing down to single storey on the rear boundary adjacent to the existing

residential properties. The front elevation features pitched roofs with the individual elements being slightly offset to give the impression of a terrace of properties along the frontage. The entrance to the building is on the front corner as are the communal spaces. These are indicated by the use of large glazed areas and a canopy. While a substantial building, the structure has been carefully designed to give a residential but non-institutional character.

4.15 The choice of materials further emphasises the residential nature of the building. The choice of buff bricks, as opposed to the red brick of the community hub and nearby dwellings, is considered to reduce the impact of the scale of the building ensuring it is not overly imposing. Large bay windows are provided to rooms with communal areas having larger windows. Windows will be grey finished to match the other buildings on the site and roof tiles will be grey fibre cement. Flat roofs will have a green sedum roof.

4.16 Externally, a car park area is situated to the front with some landscaping to ensure that it is not the most prominent feature visible when entering the wider site from Bad Bargain Lane. Following pre-application discussions the bin store has been moved away from the site frontage to a position adjacent to the building where it will be less prominent.

4.17 Soft landscaping is provided around the external elevations of the site. This is particularly important on the frontage of the site where it provides defensible space for the ground floor residents facing on to the pavement. At the rear some of the existing trees will be retained with a grass strip and enhanced soft landscaping between the proposal and existing development. The central courtyard is landscaped to provide attractive space for residents use to include raised beds and seating areas. A small children's play area is proposed adjacent to the lounge area. Ground floor residents facing on to the courtyard have small seating areas within the courtyard and there are balconies to the lounge areas on the upper floors. There are small terraces on the flat roof areas off the first and second floors.

AMENITY CONSIDERATIONS

4.18 The proposal replaces a school building which has recently been demolished. This building was a large single storey pitched roof building sited approximately 10m from the rear boundaries of the dwellings on Burnholme Grove. The proposal is set a minimum of 5m from this boundary and is single storey for the range of buildings closest to the boundary stepping up as the distance from the boundary increases. Distances between the proposal and the original rear elevations of the dwellings on Burnholme Grove are a minimum of 12m although it is noted that many of the properties have been extended closer to the site. Officers recognize that the properties have small rear gardens and that distances between the proposal and existing dwellings are tight however it is considered that the impact on residential amenity will be acceptable. The new building is 3.8m in height closest to the

boundary and steps up to 8m in height at 9m from the boundary although because of the courtyard form of the development this is the end of the South and North ranges of the building and not a full elevation running along the boundary. The distance from the boundary of the West single storey range combined with its height is such that officers consider it will not have an overbearing impact on residents. As the building increases in height so does the distance from the boundary and these distances are such that little overbearing impact is anticipated.

4.19 Bedroom windows are proposed at ground floor facing the boundary. These can be adequately screened by a close boarded fence. At upper levels there are only lounge windows looking towards Burnholme Grove. These look on to external terraces on the flat roofs of the lower levels and will be screened by a pergola, climbing shrubs and secured by railings. West facing bedrooms in the Northern range of buildings are 43m from the boundary and look on to the internal courtyard.

4.20 The building is to the East of the properties on Burnholme Grove. As a result of this siting it is considered that there will be little overshadowing of neighbouring properties as a result of the proposal.

4.21 Amenity for future residents of the care home is considered good. All bedrooms are provided with a large bay window to provide good natural light. Residents have access to communal areas with access to good quality outside space which has been specifically designed to meet their needs while some of the rooms have been designed with private external terraces. Outlook from the ground floor rooms on the ground front and south elevations have a minimal outlook but planting provides defensible space and there are good quality communal areas available. The number of rooms affected is small with 5 bedrooms on the front elevation and 2 on the south elevation facing the car park which will serve the future health centre. Railings are proposed on the Southern boundary and these will provide security while ensuring that these South facing bedrooms retain some outlook.

HIGHWAYS ISSUES

4.22 The internal access road to the wider site was secured under planning permission 16/02023/GRG3 and is currently under construction. Highways officers have no objection to the use of this road which is suitable to serve the proposed development. The scheme provides adequate parking and appropriate turning within the site. The level of additional vehicles movements as a result of the scheme is not considered to result in any material impact on the adjacent highway network.

SUSTAINABILITY

4.23 The aim of the building is to minimise energy demand and this has been achieved through construction materials and passive solutions. A combined heating

and power plant is proposed as well as photovoltaic cells on some of the flat roof sections. The building is intended to achieve BREEAM 'Very Good'.

4.24 It is noted that the site is within a sustainable location with local facilities available. Within the new community hub a library and cafe are to be provided and a new health centre is intended and the site is on a bus route to the city centre.

OTHER CONSIDERATIONS

Verbal comments have been received from the landscape officer who noted that the development allowed for little landscaping around the boundaries of the building. However, the proposed landscaping as described at 4.17 is considered to be acceptable for the development.

5.0 CONCLUSION

5.1 The provision of a care home on this brownfield site complies with relevant local and national policy. It is considered that the proposal makes good use of the site which is in a sustainable location and will provide much needed older persons' accommodation for the city.

5.2 The proposal has been subject to public consultation and pre-application discussions and officers consider that the design will be a positive addition to the site and that impact on neighbouring residents will be minimal given that the site was previously in use as a school and therefore recommend the application for approval subject to planning conditions.

COMMITTEE TO VISIT

6.0 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

668721 mlm zz xx dr d 0001	Proposed drainage strategy
687 -g-305	Rendered elevation
687 -g-306	Courtyard view
687-pl-100a	Extent of planning application
687-pl-101a	Proposed site layout
687-pl-200a	Ground floor
687-pl-201a	First floor
687-pl-202a	Second floor

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687-pl-203a Roof plan
687-pl-300 East elevation
687-pl-301a North elevation
687-pl-302a West elevation
687-pl-303a South elevation
687-pl-304a Street view
687-pl-307a Aerial view
687-pl-401a E/w site section
Cpw-17235-ex-101 p2 Proposed external lighting
Crm.1112.013.l.d.002 Landscape proposals
CRM.1112.001.TR.R.001 Travel plan
BA6281 AIA Issue 3 Impact assessment

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

3 VISQ8 Samples of exterior materials to be app

4 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation (3% sample trenching) and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an area of archaeological interest and the development may affect important archaeological deposits which must be recorded prior to destruction.

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

6 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local

planning authority. 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.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 5dB below the background noise level at 1 meter from the nearest noise sensitive façade when assessed in accordance with BS4142: 1997 (or exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014) inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

Reason: To safeguard the amenity of occupants of neighbouring premises

7 Upon completion of the development, no deliveries shall be taken at or dispatched from the site outside the hours of:

Monday to Friday 07:00 to 23:00
Sundays and Bank Holidays 09:00 to 18:00

Reason: To protect the amenity of occupants of the new and nearby properties from noise.

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

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) 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 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/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

9 LC2 Land contamination - remediation scheme

10 LC3 Land contamination - remedial works

11 LC4 Land contamination - unexpected contam

12 One (1) electric vehicle recharge point, serving one dedicated car parking bay, should be installed prior to first occupation of the site. The bay should be marked out for the exclusive use of electric vehicles. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. Also, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority. Prior to first occupation of the site an Electric Vehicle Recharging Point Plan shall be submitted to and approved in writing by the local planning authority that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years.

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

13 HWAY14 Access to be approved, details reqd

14 HWAY18 Cycle parking details to be agreed

15 HWAY35 Servicing within the site

16 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

17 LAND1 IN New Landscape details

18 Development shall not begin until details of the surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

1. Surface water flow control device manhole limiting the discharge to a maximum 5 l/sec.
2. Surface water storage tank/facility to provide storage for up to the 1 in 100 year + 30% climate change event.
3. Future management and maintenance arrangements for the proposed drainage system.

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

19 The premises shall be used only as a Care Home within Use Class C2 for persons who have attained the age of 55 years or over and shall not be used for any other purpose , including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

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

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