

COMMITTEE REPORT

Date: 13 May 2021 **Ward:** Rawcliffe And Clifton
Without

Team: West Area **Parish:** Clifton Planning Panel

Reference: 20/01084/FULM

Application at: Joseph Rowntree Housing Trust Beverley House 17 Shipton Road Clifton York

For: Demolition of existing side projection and conversion of existing office building (B1) to form 9 apartments (C3) with development of land to side and rear to include erection of three detached buildings to provide 5 (building A), 6 (building B) and 1 (building C) apartments (21 in total; all for senior living) with external alterations of main existing building and associated landscaping, cycle, parking and refuse storage.

By: Mr Newton

Application Type: Major Full Application

Target Date: 1 June 2021

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Beverley House, No. 17 Shipton Road is a large detached extended Victorian villa set in large grounds. There is access off Shipton Road (A19) through an in - out arrangement around a mature lime and sycamore tree and area of shrub planting and an area of hard standing that provide car parking behind. The building is currently vacant having previously been used as offices.

1.2 The site sits between No 19 and 19a Shipton Road to the west and Homestead Park car park to the east with Ouse Lea beyond. No. 19 forms the Beechwood Close Hotel (at the time of writing the Hotel was currently vacant and for sale). No. 19a is a residential dwelling, with vehicular access between the application site and No. 19. To the rear of the site are former tennis courts and garden nursery which are private areas of Homestead Park, managed by Joseph Rowntree Foundation.

1.3 Planning permission is sought for the redevelopment of the site for residential to provide in total 21 senior living (over 55s) apartments. This involves the demolition of an existing extension to the Beverley House and its conversion to form 9

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residential apartments comprising of 1 x 3 bedroom apartment and 8 x 2 bedroom apartments. Land to the rear/side will be developed to include 3 detached buildings set around a communal garden:

- Building A - 5 apartments (2 x 1bed and 3 x 2bed)
- Building B – 6 apartments (2 x 1bed and 4 x 2bed)
- Building C – 1 x 1bed apartment

1.4 Overall the proposal will provide: 1 x 3 bed apartment, 15 x 2 bed apartments and 5 x 1 bed apartments. Whilst the proposal is for senior living, no element of care will be provided.

1.5 The building blocks all vary in height, Block A will be three storeys, Block B two storeys with Block A being single storey. Both Blocks B and C will have green roofs. Block A will have a green roof element on a stepped part of the building fronting Shipton Road. A number of the ground floor units in the new blocks will have private gardens/amenity spaces with balconies and terraces to serve some of the units at first and second floors.

1.6 18 car parking spaces will be provided to the front, with two being mobility parking spaces. Overall 22 secure cycle parking spaces will be provided for residents in three different locations; a cycle store provided to the front of the site, and within Buildings A and C. There will be 12 uncovered visitor spaces to the rear of Beverley House.

1.7 The vehicular access arrangement will be altered with the existing north eastern access point off the A19 forming the single access/egress to the development. The existing access point to the North West will be separated off and used for the sole use of No.19a Shipton Road.

1.8 The application is an amended scheme, having initially been submitted to provide 24 residential units (reduction of 3 units). Overall there has been complete re-consideration of the scale, positioning, design and internal layout of the proposed buildings including alterations to the car parking layout/arrangement as well as cycle and waste storage arrangements in order to address conservation, design, landscaping and highway concerns.

1.9 Additional information in the form of preliminary ecological appraisal and further bat surveys have also been submitted.

1.10 Beverly House is not listed, however the site is located within the Clifton Conservation Area. It is located within Flood Zone 1 where there is a low risk of river flooding.

2.0 POLICY CONTEXT

2.1 PUBLICATION DRAFT LOCAL PLAN (2018)

DP3	Sustainable Communities
EC2	Loss of Employment Land
H2	Density of Residential Development
H3	Balancing the Housing Market
H10	Affordable Housing
D1	Placemaking
D2	Landscape and setting
D4	Conservation Areas
D11	Extensions and Alterations to Existing Buildings
GI4	Trees and Hedgerows
GI2	Biodiversity and Access to Nature
CC1	Renewable and Low Carbon Energy Generation
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 DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

GP1	Design
GP4a	Sustainability
GP4b	Air Quality
NE1	Trees, Woodlands and Hedgerows
NE6	Species Protected by Law
HE3	Conservation Areas
HE11	Trees and Landscape
T4	Cycle Parking Standards
H2a	Affordable Housing
H5a	Residential Density

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (DCSD) (Conservation Officer)

3.1 Beverley House makes a positive contribution to the character and appearance of the Clifton Conservation Area. It is one of a number of villas dating from the 19th

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century lying on the south side of Shipton Road. It is most immediately part of the group consisting of nos. 17-25 but is also consistent with the group 135-139 Clifton and 1 Shipton Road, villas of similar status and era built on the same building line in relation to the main road with extensive gardens behind. The sites of Ouse Lea and Barleyfields, between the two respective groups, accommodated two villas which were also consistent with this group prior to development in the 1960s.

3.2 The historical pattern of development is one of 19th century ribbon development along a principal route into the City (leading to Bootham Bar) backing onto a pastoral landscape which stretches from extensive treed gardens through the Homestead Park to Clifton Ings and the River Ouse. As a consequence of its ownership by the Rowntree family and successor trusts this important landscape has not been subject to backland development except for a pioneering scheme of low-density mixed modernist housing in the 1960s Ouse Lea estate. Dormer House within the back garden of 19 Shipton Road to the west of the site is a 1980s-era house which is wholly non-confirming in its disposition, design and materials and is presumably a consequence of the use of this property as a hotel.

3.3 The proposal to retain and refurbish the existing building is wholly welcome because the villa is one of a characteristic group. Both of the late 20th century extensions to the villa have been designed with sensitivity to the host and executed with a high degree of quality, to the extent that it requires close attention to differentiate the modern from the original.

3.4 Initially, the large scaled blocks of 3 storeys were considered to represent an intensive scale and extent of development which would be out of character with this part of the conservation area; it would introduce a large scale of development into the back garden of the villa and would have been exceptionally intensive for the size of the plot in comparison with all the other villas in the group and the extensively laid out Ouse Lea.

3.5 The approach now taken represents an appropriate form of development for this site that preserves and restores the historic villa and adopts a suitable subservient and contextual scale and form within the curtilage that respects the status and character of the villa and the landscape and built qualities of the wider conservation area in this location.

Design, Conservation and Sustainable Development (DCSD) (Ecology)

3.6 Bats surveys and report (by Wold Ecology, dated July 2020) identify that Beverley House supports a large maternity bat roost which is considered to be of regional importance for bats and a day roost which is considered of local importance.

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3.7 A bat survey report has been updated following further bat surveys undertaken in August and September 2020 and the results of such confirmed the findings of previous surveys. The report provides clearer information on the approach to minimising impacts on bats throughout the refurbishment works.

3.8 The decision to refurbish Beverley House allows the large maternity roost of soprano pipistrelle bats to be retained. However, due to the current state of the building, reroofing works are required which will cause temporary disturbance to the bat roost. Whilst this will have a temporary impact upon bats, it is considered unavoidable and is preferable to the complete demolition of the building. The measures proposed to be included within the method statement will in my view ensure that there is no detrimental effect on the favourable conservation status of the species in the long term. It is acknowledged that a licence will be required from Natural England, and the method statement may vary as discussions take place with Natural England, however the broad principles of the method statement are set out within the report and should be followed. It is requested that a copy of the licence and method statement are submitted to the LPA prior to works to Beverley House commencing and a lighting strategy is secured by condition.

3.9 Aside from bats the only other ecological features which need consideration is nesting birds. There are no Schedule 1 species on site and as such an informative which requires trees, hedges, scrub or buildings to be removed outside of the bird nesting season is recommended. The development should seek to provide enhancement measures for birds and the applicant should incorporate a variety of bird nest boxes on the new buildings and within surrounding trees.

Design, Conservation and Sustainable Development (DCSD) (Landscape Architect)

3.10 The proposed development, the footprint of the development, the car parking area and the working areas required for construction operations - encroach into the recommended root protection area (RPA) of several attractive mature trees to be retained within the development, to the front. These trees, Lime (T7, category A) and Sycamore (T5, category B1) contribute to the public amenity on Shipton Road, the character of the conservation area, and the amenity of the development. In addition, the footprint of Block B presents a risk of harm to the Beech (T14, category B1) and the Weeping Birch (T13, category B), which will be located within a restricted space between Block B and C and the site boundary.

3.11 Despite the reduction in the planting depth at the front of the property, the development retains a reasonable amount of foreground vegetation although the location of the cycle store interferes with this otherwise simple and attractive planted frontage to Shipton Road.

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3.12 The applicant has submitted a comprehensive arboricultural method statement (AMS) which recommends measures and construction details, such as a porous 'no-dig' construction for the car park, in accordance with good practice to reduce the risk of harm to the existing trees to be retained. But there is still a residual risk of harm, in particular to the Lime and Sycamore on the Shipton Road frontage, even though these are fairly resilient species and have good vitality, and the Beech and Weeping silver birch adjacent to Building B. To provide greater protection for the trees, the development would have to be reduced in size, so this needs to be weighed up in the planning balance.

Design, Conservation and Sustainable Development (DCSD) (Archaeologist)

3.13 The application site is situated between two Roman roads running from the North West (Road 5 and Road 7). Road 5 runs to the south of the site and was preceded by Road 7 to the north. Evidence of Roman activity, including burial, is well documented in the Clifton area. Cemeteries and individual burials are often located by the site of Roman roads. The plot of 17 Shipton Road is considered to be an area of archaeological interest.

3.14 This proposal has the potential to disturb archaeological layers, particularly those relating to the Roman period, through the excavation of foundations for the proposed new development and excavation for the creation of new services. An evaluation comprising of a single trench across the footprints of all new build areas can be secured via condition.

Public Protection

- Construction Impacts

3.15 As the development is close to the existing residential properties it is recommended that a Construction Environment Management Plan (CEMP) is conditioned in order to minimise the creation of noise, dust and vibration during the demolition, site preparation and construction phases of the development.

- Air Quality

3.16 In line with paragraph 110 of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Para 4.4 and 4.30 of the Planning Statement confirm that all the car parking spaces to the front of the building will be

provided with electric vehicle charging points. The exact locations, specification and management of the points should be agreed via condition.

- Contaminated Land

3.17 Our historic records show that approximately 100m from the site was a clay bricks and tile manufacturer and quarry dated between 1843 and 1893. A condition is requested that ensures that if unexpected contamination is found when carrying out the development, an investigation and risk assessment is undertaken and where remediation is necessary a remediation scheme.

Lead Local Flood Authority (LLFA)

3.18 Infiltration testing with Topping Engineering was witnessed on 6 March 2020 which failed and therefore I can confirm soakaways will not work in this location. During the above testing together with Topping Engineers it was established by way of lifting manhole covers and die testing that approximately 540m² of roof area had a positive connection to the existing combined foul and surface water manhole within the site which in turn appeared to connect to public combined sewer in Shipton Road therefore the 540m² is proven. I therefore confirm if Yorkshire Water are in agreement with my comments the submitted Drainage Strategy – Re: 20072-DR-C-0100 revision P2 dated March 2020 by Topping Engineering is generally acceptable.

Highways Network Management

3.19 The proposed use is unlikely to generate more traffic than the currently permitted office use and therefore it is acceptable that no transport statement has been submitted.

3.20 Parking provision is in line with CYC guidance and I note the provision of electric charging points and reduced mobility parking spaces. Cycle parking is considered sufficient, provided through a mix of storage space.

3.21 The applicants have addressed my concerns in respect to the continuation of the footways into the site and junction geometry and visibility splays.

Housing Development

3.22 An affordable housing contribution is required in accordance with Local Plan Policy H10. The local policy target is 20% however in this case Vacant Building Credit applies (NPPF paragraph 63). The applicant has provided floorspace details

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indicating a reduction of 65.54% in affordable housing obligation is required due to this government policy. This reduces the requirement from 4.2 homes equivalent to 1.45 equivalent. Accordingly a commuted sum in lieu of on-site affordable housing provision is required. This is calculated at the difference between estimated market value and affordable transfer value per home. A contribution of £206,579 has been identified as policy compliant.

3.23 The city has a shortage of over 1100 homes for older people. This development will contribute to addressing this shortage. Our recent research identified that York's residents would prefer to live in smaller, safe and manageable homes as they age. This development will add to the range of options available to our older residents, many of whom are existing home owners. A move to this type of accommodation supports ongoing independence, can reduce living costs and as a consequence may bring family housing back onto the market.

CYC Education

3.24 No education contributions are requested: a senior housing only development is unlikely to have children in education.

Lifelong Learning and Leisure

3.25 The open space audit advises that we do not have shortfall of outdoor sports provision in Rawcliffe and Clifton Without Ward but we do within closely neighbouring wards of Holgate, Clifton and Guildhall Ward, meaning a contribution will be sought. A contribution of £8,094 for sport and £5,738 for amenity open space is requested for the housing mix.

3.26 There are community facilities close to the development site and in particular York Tennis Club and York Squash Club support opportunities for older adults

3.27 This section 106 contribution could be used to enhance the adjacent Tennis Court in Homestead Park and support the York Tennis Club on the Clifton Park site. The City of York Council Draft Playing Pitch Strategy Needs Assessment cites that the club could benefit from resurfacing court, regenerating floodlighting and establish a new club house. The Draft Built Facilities Strategy also supports the updating of facilities including squash courts within the city. This contribution could be used to improve facilities at York Squash Club on the Clifton Park site.

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EXTERNAL

Clifton Planning Panel

3.28 No objection to the revised proposals and welcome the design revisions, although we are still disappointed that no affordable housing is to be offered on site.

3.29 Concerns to the initial proposals included consideration that this may be a case of overdevelopment of the site, overlooking between the blocks and occupants of the apartments and the large areas of glass in the front of the new block facing Shipton Road is very prominent and could be seen as problematic to the frontage of the development as a whole.

Yorkshire Water

3.30 Conditions are recommended. Additionally, Yorkshire Water promotes the surface water disposal hierarchy and the developed must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

3.31 As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface curtilage surface water may discharge to public surface water sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation.

Conservation Area Advisory Panel (CAAP)

3.32 The Panel had seen a previous proposal for the site in October 2020 and had, in principle, been supportive of the proposals. However following comments from the CYC Conservation Officer the Architects had submitted revised proposals taking on a recommendation to consider the adjacent Ouse Lee development, albeit it being approximately 50 years old. The Panel are of the opinion that the revised proposals are not an improvement, they have no affinity to the existing building but have no distinctive character, the elevations are 'flat' and lack detailing (the lack of adequate drips to the windows etc. raised the question as to how well the building would weather). If there is to be a contrast to the existing building then the Panel would prefer to see a more contemporary building utilising perhaps glass or render.

York Civic Trust

3.33 The existing building has suffered from a change of use and an unflattering side extension which gives it a far broader facade than is comfortable for a 'villa' and therefore whilst improvements can be made to the design, there is support for the proposed change of use of the building to be returned to residential use.

3.34 The proposed new buildings are set aside, back and away at the rear of Beverley House, creating a garden court area that maintains the independence of the historic building. The slope of the site to the rear assists this intention - although more might be done in setting the facade of Block A further behind the building line of Beverley House to minimize overdevelopment along the streetscape. Buildings A and B are subservient to Beverley House and echo the latter's prominent, Victorian features, such as fascia boards and gables. Overall, the scheme offers to be a good example of how new build can complement historic properties in the city.

3.35 Some of the design detailing could however be improved upon. There are two principle issues that the Trust have identified where this is the case:

- the new central flat portion of roof to Beverley House, although a good solution for ceiling height and space for the second floor flats, it is presented as a harsh 'infill' of the roofscape. If it were angled 45-60° from roof to floor, this would help soften the visual impact of this roof addition and also ensure this addition's subservience to the original material and design concept of Beverley House.

- there is lack of consistency or clarity behind the conservation approach of original fabric at Beverley House. In a majority of cases, the restoration approach of returning buildings to their imagined original form is usually dissuaded. However, the reintroduction of a main front door at Beverley House is acceptable. The converse proposal to replace the roof in materials 'similar' to what is presumed Welsh Slate would detract from this development and the character of Beverley House.

3.36 Overall the Trust welcome this development and the next phase of history for Beverley House, but advocates for the retention of as much original fabric as feasible.

4.0 REPRESENTATIONS

4.1 The application has been advertised by site and press notice, as well as neighbour notification. Further neighbour consultation was undertaken following the amendments to the scheme. In total, there have been 13 letters of support, which some concerns expressed, from 11 respondents.

4.2 A summary of the comments includes:

- this is of high quality design and architecture which is sympathetic to the existing building
- general support of improving and refurbishing the existing building to a high standard which has been neglected
- the proposal addresses the lack of high quality accommodation specifically intended for the over 55's in York
- will support and enhance the local community
- the scheme will bring many benefits to the area
- welcomed retention and protection of a larger area of trees and landscaping to the street frontage
- new trees and plants will give more visual coverage
- potential impact on local wildlife, specifically bats has been addressed by the applicant
- concerns about new building being close to our property have been alleviated by agreement to remove overlooking windows on gable end and screen to balconies
- fewer car parking spaces risks encouraging more parking on Shipton Road and we support extended parking restrictions in front of Beverley House
- support the variation to the parking layout avoiding potential conflict of two-way traffic on single access lane leading to our property
- the properties should be restricted to over 55's and should not lead to short term letting or similar

5.0 APPRAISAL

5.1 Key Issues:

- Loss of employment land and principle of residential use
- Density
- Impact upon Character and Appearance of Clifton Conservation Area
- Design
- Ecology
- Landscape
- Archaeology
- Impact upon neighbouring residential amenity
- Residential amenity of prospective occupiers
- Highways and access
- Climate change
- Drainage and Flood Risk
- Planning Obligations

LEGISLATIVE BACKGROUND

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5.2 The site is within the designated Clifton Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

5.3 The NPPF sets out the government's planning policies for England and how these are expected to be applied. 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.

5.4 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development.

5.5 The sections of the NPPF that are considered to be of relevance to this planning application include: 5) Delivering a sufficient supply of homes, 8) Promoting healthy and safe communities, 9) Promoting sustainable transport, 11) Making effective use of land, 12) Achieving well-designed places, 14) Meeting the challenge of climate change, flooding and coastal change, 15) Conserving and enhancing the natural environment, 16) Conserving the historic environment.

PUBLICATION DRAFT LOCAL PLAN (2018)

5.6 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).

5.7 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. Of relevant to this application, the evidence base includes:

- Strategic Housing Market Assessment (SHMA) (June 2016)
- Strategic Housing Market Assessment Update (SHMA) (2017)
- Strategic Housing Market Assessment Addendum (June 2016)

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.8 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 and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

ASSESSMENT

Loss of Employment Land and Principle of residential use

- Loss of employment use

5.9 Beverley House has been vacant for about 6 years, it was previously last in use as offices. It was originally a single dwelling house. It was purchased by the Rowntree family for its location and became the home of the general manager of the cocoa works in 1911. Following WWII it was divided into three flats, each with its own entrance, and then converted to offices with the additional wings added. This provided office space for the three Joseph Rowntree Trusts with some shared areas/facilities, although it was in 1990 that the Joseph Rowntree Foundation moved their head offices to the nearby Homestead and Beverley House was leased to the Local Government Ombudsman who vacated when their lease expired in 2015.

5.10 Paragraph 80 of the NPPF places great weight on the need to support economic growth and productivity. 2018 Draft Plan policy EC2 states that when considering proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, the Council will expect a statement to demonstrate that the land or building are not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent use, and the proposal will not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.11 The applicant sets out that the building's previous owners, Joseph Rowntree Trust (JRT) decided to sell the property in 2019 following a vacancy period of over 4

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years. During these four years the property was vacant and not marketed. In 2019 JRT had decided to sell the asset, and the site was marketed by Savills. The sale particulars included the retention of the property as office use, but also advocating that it was suitable for a number of uses including residential. The property was on the market for approximately 6 months, with interest from developers seeking to either demolish Beverley House and build housing on the site or to convert/extend/new build in curtilage for residential.

5.12 The applicant has set out that that following marketing by Savills, there was no interest from office investors or occupiers that emerged during the marketing process. The marketing process identified some shortcomings of the building's potential reuse as office space including the costs required of full refurbishment when weighed against the potential office rental income, and its location was not attractive to potential office occupiers (those that have a preference to be located closer to the railway station). It is considered that its condition and the costs of refurbishment are unlikely to appeal to prospective office purchasers and are prohibitive in this instance. Additionally, office use is out of keeping with the predominantly residential character of the area.

5.13 Furthermore, the site is not a strategic site or other site which is earmarked for employment uses as outlined in draft policy EC1 of the 2018 Draft Plan, where 38hectares of employment land is required during the plan period. The loss of the application building comprising of 1155sqm (equivalent of 0.011 hectares) of employment land is not considered to have a significant impact upon the employment needs of the City where other sites have been identified to meet this requirement. It is considered that the site, for the reasons outlined above is no longer suitable for employment use, and the proposal would comply with requirements of draft policy EC2 of the 2018 Draft Plan.

- Proposed residential use

5.14 The NPPF supports the Government's objective of significantly boosting the supply of homes. The site is located to the north-west of the city centre and is within a predominantly residential area. Residential properties are situated to the either side of the application site and on the opposite site of Shipton Road to the north. There are other uses including hotel accommodation, sports clubs and Homestead Park also surrounding the application site.

5.15 Section 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses. Paragraph 118 sets out that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and promotes and supports the development of under-utilised land and buildings which would help to meet identified need for housing where supply is constrained and

available sites could be used more effectively. Paragraph 68 of the NPPF highlights the important contribution that small and medium sized sites can make to meeting housing requirement of an area, and are often built out very quickly.

5.16 The site is in a sustainable location with easy access to the city centre. Shipton Road is a high frequency public transport corridor. It is considered that residential use would be an appropriate land use that would be compliant with the existing land use surrounding the site with access to transport routes and local shopping facilities.

5.17 The Strategic Housing Market Assessment states that there is a requirement for all property sizes with a greater need for 2 and 3 bedroom properties, however regard is had to the requirements of the over 55's market, where smaller one or two bedroom flats are more likely to appeal. There will be a communal garden and some of the properties will have individual amenity areas or terraces. The mix of accommodation across the site is considered to be appropriate and will provide flexible accommodation and features that are attractive to older people.

5.18 The application identifies that the apartments will provide market housing, although they will specifically target over 55's, and no care will be provided. Neighbours have raised concerns outlining that the properties should be restricted to the specific age group and to further restrict their occupation to avoid short term lets. The application specifies the development will be within the C3 dwellinghouse use class however it is considered appropriate to restrict occupants to those who have attained the age of 55 (or the spouse or partner) in order that the benefits of this form of development for older persons can be retained in perpetuity. Furthermore the specific nature of the development proposed has resulted in other aspects not being secured that would otherwise be if occupiers were unrestricted, such as reduced parking provision (data shows a lower level of car ownership in apartments and with increasing age from over 60s), no education or play equipment contribution that would otherwise be expected from development that could contain families.

Density

5.19 The NPPF sets out in paragraphs 122 - 123 that planning policies and decisions should support development that makes efficient use of land. Developments are expected to make optimal use of sites. This apartment scheme will provide a density of 71 units/ha. The site is located within the 'York urban area' as defined by Figure 5.2 of the 2018 Draft Plan. Draft policy H2 expects housing developments in this density zone to achieve a net density of 50 units/ha. Policy H2 is the Council's up to date density policy which accords with the NPPF. This policy states that delivering densities that support the efficient use of land requires good

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design that responds to its context, an appropriate mix of house types and should be informed by the local character of the area. The policy recognises that the availability of public transport capacity may enable development density to be increased and in this regard it is noted that Shipton Road is a high frequency bus corridor identified in Figure 5.3. Therefore along with the amenity provision in the development, consideration of design and heritage and local context matters, the proposed development would make efficient use of land and the density is considered acceptable, in regards to 2018 Draft Plan policy H2.

Impact upon the Character and Appearance of the Clifton Conservation Area

5.20 Paragraph 192 of the NPPF 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.

5.21 Paragraph 193 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset (i.e. 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).

5.22 Paragraph 196 of the NPPF 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.

5.23 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.

5.24 Beverley House is a red brick Victorian villa; it reads as a two storey building although it comprises of a basement and a second floor located in the attic space. It has a Welsh slate roof and timber doors and fenestration. The building has been much altered, and the principal extensions include a 1970s linear wing extension to the north and an 'L' shaped extension to the rear bay of the southern gable. The

extensions have been designed with sensitivity to the host building and executed with a high degree of quality to the extent that it requires close attention to differentiate the modern from the original.

5.25 The villa is one of a number of villas dating from the 18th century lying on the south side of Shipton Road. It is most immediately part of the group consisting of nos. 17-25 but is also consistent with the group 135-139 Clifton and 1 Shipton Road, villas of similar status and era built on the same building line in relation to the main road with extensive gardens behind. It is therefore considered that Beverley House makes a positive contribution to the character and appearance of the Clifton conservation area.

5.26 There has been much emphasis upon the historical pattern of ribbon development during the application's consideration, along this principal route into the city. The ownership by the Rowntree family and successor in trusts has avoided significant backland development except for a pioneering scheme of low-density mixed modernist housing in the 1960s Ouse lea Estate. There is, in addition 'Dormer House' (19a Shipton Road) within the back garden of 19 Shipton Road, although this is non-conforming in its disposition, design and materials.

5.27 As Beverley House is one of a characteristic group, the proposal to retain and refurbish the existing building is wholly welcome. Works to the building involves the reinstatement of a front door to the front elevation, the loss of the southern extension and reinstatement of the southern gable and with the new development (Block A) separated from the southern gable, the legibility of the original house will be enhanced, providing a sense of what Shipton Road would have looked like in the 19th century, contributing to the Victorian heritage of the conservation area. The aesthetic design value of the building contributes to the significance of the conservation area; Beverley House was designed and constructed with its visual impact and appearance in mind, rather than its function. This reinforces the building's status which as a large villa, which is characteristic of the conservation area.

5.28 The building does have a direct connection with the Rowntree family, however the connections to the Rowntree family are not specifically identified as being of particular importance to the character and appearance of the conservation area, however and this historical associative value does enhance the significance of the building in its own right.

5.29 Whilst the building, along with its extensions and existing outbuilding (cycle store) have filled the majority of the width of the plot, this has not completely obscured the impression of the garden to the rear, notably due to the open aspect of the car park and access to Homestead Park to south. However, whilst this partly

allows Beverley House to be in a more open setting as was originally intended, this presented an opportunity for the development of the land to the rear and side of Beverley House.

5.30 The development will occupy a large proportion of the site, however there has been substantial changes to the initial submitted scheme to reduce the intensive and domineering nature of the additional residential blocks. Whilst increasing the number of residential blocks (Block C was added during the application process), there have been substantial reductions to Block A and B in terms of their scale, size, height and mass to achieve a more subservient and inconspicuous development. The importance of views between Block A and Beverley House were highlighted as maintaining the connection between the villa and the verdant landscape beyond; the applicant has addressed this with the reduction of Block B to two storeys and with added green roofs, to both Block B and C which will help to foster a softer garden character.

5.31 It is considered that the revisions made to the scale and mass of Block A are now appropriate, and adopts a subservient scale and form within the curtilage of the villa, in addition to its position behind the building line of the villa.

5.32 In relation to the impact on the streetscene and from public vantage points, it is considered that the proposals would respect and enhance the status and character of the villa, and this in turn would preserve the character and appearance of the conservation area. The removal of extensions to Beverley House, it being brought back into an appropriate use and the design and siting of the new buildings are all considered to contribute to the preservation of the significances of the Clifton conservation area, in accordance with policy D4 of the 218 Draft Plan and para. 192 of the NPPF.

5.33 Notwithstanding the above, the development within the curtilage of the site, and its overall scale is considered to result in less than substantial harm to the Conservation Area (the designated heritage asset). In line with paragraph 196 of the NPPF, this harm should be outweighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.34 Paragraph 8 of the NPPF identifies the overarching objectives of the planning system, which are interdependent and need to be pursued in mutually supportive ways; these are economic, social and environmental objectives. In terms of a social objective, the development will provide 21 residential dwellings for senior living, meeting the needs of present and future generations. The proposal will also contribute to protecting the historic environment through securing the building's future; this involves the conversion of the building back into residential use, its original use.

5.35 It is considered that the public benefits outlined above sufficiently outweighs the harm of the proposal upon this designated heritage asset (Clifton Conservation Area).

Design

5.36 Paragraph 124 of the NPPF states that 'Good design is a key aspect of sustainable development, creates better place in which to live and work'. Paragraph 127 of the Framework sets out six design expectations for new developments which includes a requirements that developments will (a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (c) are sympathetic to local character and history, while not preventing innovation or change; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

5.37 There are three new residential buildings proposed in total which all have a contemporary form. Block A would be three storey, although it has a penthouse storey which is set in from the main building footprint, Block B two storey and Block C single storey. Blocks A and B will have inset terraces and balconies helping to reduce the massing and scale but also add visual interest. The design does not conflict with the appreciation of the aesthetic and historical significances of the villa. The contemporary design is further enhanced by the palette of materials, which include buff/grey Flemish bond brickwork and timber cladding and decorative brick elements. The visual success of the buildings would be, in part, a result of rich and high quality detailing in timber, concrete and brick elements. Cladding construction and joinery fixture detailing to ensure crisp modernist lines can be secured via condition.

5.38 The proposed buildings are considered to respond appropriately to the local character of the site; they have a much more subservient presence in the curtilage of the villa.

5.39 Blocks A and B will sit close to the boundaries of the site, particularly on the south western and south eastern sides of the site. These blocks will borrow outlook and daylight from neighbouring sites. The applicant has consulted Joseph Rowntree Foundation who own and manage Homestead Park, including the tennis courts, garden nursery and parking area and they advise they do not envisage that the immediate areas surrounding the application site will in the short-medium term be developed; the tennis court will be subsumed into the garden nursery to which public access is restricted.

5.40 The new residential buildings have been set back from all three boundaries which has helped to provide amenity areas for the ground floor flats. The distance between the residential Blocks A and B and the side/rear boundaries varies between 2m – 3m. Windows are proposed in the rear elevation of Block A to take advantage of the open aspect of the car park. There are no proposal that officers are aware of for the development of the adjacent site; any future development proposals would have to consider the surrounding site characteristics. Homestead Park is closed at certain times and therefore it is expected that the car park ceases to be used beyond these times. Notwithstanding the above, it is not considered that the use of this area of land as a car park would be such a sensitive use that would give rise to harmful overlooking. There is usually a degree of mutual overlooking between public/private spaces within residential areas such as this.

5.41 The situation at the rear of Block B is similar to that of Block A, in that the proposed development may use adjoining sites for outlook and daylight. The area adjacent to the rear of the site is a disused tennis court, part of the Homestead Park, although it is noted that this area is not currently publically accessible. Again, the Joseph Rowntree Foundation do not have any major re-development plans for this area of their site, other than the tennis courts being subsumed into an extension of the garden nursey. It is not considered that the proposed development would give rise to harmful overlooking to the rear of the site in this regards.

5.42 Additionally, it is recognised that Homestead Park (excluding the private areas the garden nursery and tennis courts and the car parking immediately to Shipton Road) are allocated as existing open space in the 2018 Draft Plan policies map (north) and as such there is a presumption against the loss of open space of environmental or recreational importance.

5.43 Further in respect to Block A this is positioned to the east of Beverley House and is the highest of the three blocks at under 9m high, with three storeys. It is noted however that the modular design creates a stepped design and the massing is reduced when viewed from the car park of Homestead Park and Shipton Road.

Ecology

5.44 Surveys identify a large maternity bat roost of Soprano pipistrelle bats in the northern gable which is of regional importance. There is also a day roost in the eastern gable end which is considered to be of local importance. The proposals involves the removal of the 20th century extension located on the eastern gable end and the refurbishment of the remaining building, allowing for the large maternity roost of soprano pipistrelle bat to be retained. However it is acknowledged that re-roofing works are required which will cause temporary disturbance to the bat root.

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Whilst this will have a temporary impact upon bats, it is considered unavoidable and is preferable to the complete demolition of the building.

5.45 The applicant has provided a mitigation strategy which includes a robust method statement and in the view of the Council's Ecologist will ensure that there is no detrimental effect on the favourable conservation status of the species in the long term. A European Protected Species Licence would be required to undertake the works to Beverley House.

5.46 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.

5.47 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.

5.48 In relation to the first test, it is considered the bringing back in to viable and appropriate use of Beverley House, the benefits to the character and appearance of the Conservation Area from its refurbishment the provision of providing much needed housing within the City, and particularly those aimed at the older population provide the overriding public interest required to meet this test.

5.49 Beverley House 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 Beverley House 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.

5.50 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.

5.51 The Council's Ecology officer has confirmed that the Beverley House building currently supports a Soprano pipistrelle maternity roost and a Soprano pipistrelle day roost, although Soprano pipistrelle bats are common and widespread throughout the UK, due to the number of bats present the maternity roost is considered to be of regional significance. The requirement for a EPS Licence will prevent any direct harm and the provision of appropriate mitigation 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.

5.52 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 EPS License.

Landscape

5.53 The proposal overall seeks the removal of two category B trees and 13 category C trees. There is a presumption to retain all trees on site that are category A and B, and some category C trees where they are compatible with development proposals and/or have a significant public amenity value and can be safely managed due to their contribution to the general canopy cover and bio-diversity value of the site.

5.54 There are mature trees (Lime (T7 Category A) and sycamore (T5, Category B1)) and shrubbery that border the length of Shipton Road which are a key component of the character of Clifton conservation area; they are a highly visible part of this scene. None of the trees are protected by TPO but it is noted that some are worthy of retention and protection. The extent of the car park to the front of the site has been reduced to limit the encroachment into the shrub bed and root protection area of the identified mature trees. A porous no-dig method of construction is proposed for the car park, although a residual risk of harm to the trees from compaction will remain.

5.55 A reasonable amount of foreground vegetation will be retained to the planting area to the front and along with additional planting proposed around the cycle shelter which will help to off-set views along Shipton Road of parked cars and other features to the front of the site.

5.56 To the rear the construction of Block B would involve the removal of 1 no category B tree (T21- Weeping Lime) along with small-medium conifers. The siting of Block C would result in the loss of a pair of category B trees (T10 and T11- Sorbus Vilmorinii) which are an attractive pair of trees in their own right. The trees to the rear are considered to contribute to overall tree cover although they have reduced public visibility.

5.57 Concern has been raised in respect to the relationship of the new residential blocks, particularly Block B and C, with proposed buildings encroaching, but outside of the RPA of category B1 trees (T14- Beech and T13 –Weeping Birch) and leaves little room for construction operations or potential future growth (albeit small). As a result of the development and space between Buildings B and C, the crowns are likely to be required to be reduced on a regular basis.

5.58 In order to afford greater protection to the trees, the development would have to be reduced in size. The risk and extent of potential harm will need to be weighed up against the value of the trees, and whether the risk of harm is outweighed by the benefits of the development.

5.59 The historical pattern of development is one of 19th century ribbon development along a principal route into the City (leading to Bootham Bar) backing onto a pastoral landscape which stretches from extensive treed gardens through the Homestead Park to Clifton Ings and the River Ouse. The development would result in an obvious change to the landscape character of the site, due to the loss of immediate garden space and the increase in built footprint. The character of the villa with direct large gardens would be eroded, and for the villa to read in its original form, it ought to have a direct relationship with the original large garden that it overlooks. The development creates a garden courtyard.

5.60 The retained trees on the site are considered to contribute overall to tree cover within the conservation area, and at the edge of a Green Infrastructure Corridor. There are some trees that would be lost as a result of the footprint of the development, whilst others are at risk through construction operations, although comprehensive measures and construction methods can mitigate this to an extent. The revisions to the application has resulted in a reduction to the number of residential units, and the footprint of Block B amended to improve the relationship to mature trees and it is considered that any further reductions would undermine the

contribution the site could make in terms of providing much needed residential accommodation. Additional impacts upon trees, whilst unfortunate are considered to ensure that the development has appropriate services and facilities to serve its residents. It is not considered that the development would undermine the overall integrity of tree coverage provided within the site, and it would still contribute to the character of the area.

Archaeology

5.61 The application site lies outside of the Central Area of Archaeological Importance (AAI) although the Clifton area has well documented evidence of Roman activity, including burials. The site is considered to be an area of archaeological interest; it is situated between two Roman roads running from the North West (Road 5 and Road 7). Road 5 runs to the south of the site and was preceded by Road 7 to the north. Cemeteries and individual burials are often located by the site of Roman roads. The Council's archaeologist considers that the site of 17 Shipton Road to be an area of archaeological interest.

5.62 As such, any of the archaeological features and deposits on the application site are undesignated heritage assets. Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

5.63 The proposed building works, particularly arising from excavation of foundation for the new blocks and new services have the potential to disturb archaeological layers, particularly relating to the Roman period. The Council's Archaeologist recommends that an evaluation comprising of a single trench across the footprints of all new build areas would be a suitable measure to ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ. Any harm to non-designated heritage assets (archaeological features and deposits) would be mitigated through the condition and the application is considered to comply with paragraph 197 of the NPPF.

Impact upon neighbouring residential amenity

5.64 In terms of neighbouring uses, residential uses are sited to the north west of Beverley House and its garden. No.19 Shipton Road is a residential property situated behind No. 19 Shipton Road a vacant hotel. To the south west, the site abuts private areas of Homestead Park (former tennis court and garden nursery)

and the car park associated with Homestead Park to the south east with the Ouse Lea development beyond.

5.65 There are side windows contained in the north western elevation of Block B, which would have an outlook over the side garden of the site (approximately 10m). Beyond is the residential curtilage of No.19a Shipton Road, however given the acute angle and distance in excess of 21m, it is not considered that Block B would impact on the privacy of residents at No. 19a Shipton Road in this regard.

5.66 Block C would be positioned only 1m away from the north western side boundary of the site, although this building is single storey and its flank north western (rear) elevation is blank. This building is would be positioned adjacent to the access road leading to No. 19a Shipton Road, which separates the application site from the garden of No. 19 Shipton Road. It is therefore considered that this building will not give rise to any significant overlooking or overshadowing that would impact upon the amenities of No. 19 or 19a Shipton Road. The main outlook from the apartment (AP.C1) contained within Block C is to the communal garden and their garden area to the south of this building.

5.67 In terms of the conversion of Beverley House, the main alteration to the building relates to the north eastern elevation, following removal of a 20th century extension and the re-installation of the facade. The building was built originally as a large villa and occupied by the General Manager of the Rowntree Cocoa Works. The heritage statement advise that it was subsequently divided into flats before being extended and converted to office accommodation.

5.68 Alterations to the north western side of Beverley House at roof level to provide a Juliet balcony is considered to be acceptable in terms of avoiding significant overlooking towards No. 19 Shipton Road, which has principal rooms to its side elevation.

5.69 In terms of its relationship with neighbouring properties, it is considered that the use of the building for residential use, and as flatted accommodation is acceptable. There is adequate distance between neighbouring properties and any alterations are considered acceptable in respect to the impact upon neighbouring residential amenity.

Residential amenity of prospective occupiers

5.70 Paragraph 127 f) of the NPPF sets out that a design criteria for new developments is to create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

5.71 The majority of the apartments throughout the development will have either dual or triple aspect. Only 4 apartments will have a single aspect (indicated on the plans as AP3 and AP6 in the converted Beverley House, and AP.B2 and AP.B5 in Block B).

5.72 Apartment AP1 is located within the lower ground floor of Beverley House and is the only 3 bedroom apartment within the scheme. It will have triple aspect however outlook will be provided by existing lightwells to the front (north) and the excavation of a side (north east) lightwell and a terrace/courtyard to the rear (south). It is noted that the terrace will extend the full length of the property and the ground level of this apartment will be set 1.1m below the garden. The ground level of this apartment will be set 1.1m below the garden with the main habitable areas and main bedroom benefiting from a southerly aspect.

5.73 The proposed apartments within Beverley House and those within the new residential blocks are considered to be of adequate size (one bedroom apartments measuring between 50-59sqm, two bedroom apartments between 62-119sqm and the third bedroom apartment measuring 125sqm) noting that there is no relevant current local plan policy relating to space standards.

5.74 The majority of the apartments within Beverley House (with the exception of the lower ground floor apartment (AP1) and one of the top floor apartments (AP8)) will not benefit from individual gardens or terrace areas however there is a centrally positioned communal garden area for use by all residents.

5.75 Previous comments raised by the Clifton Planning Panel related to the potential for overlooking between the blocks and occupants of the apartments. The development has been designed for all building to be built around a communal garden, and the majority of apartments will have an outlook over. The distance between the blocks will achieve between 18 – 21m and are considered acceptable, noting that a mutual level of overlooking and degree of communality is expected for development schemes of this type.

5.76 Overall the proposed apartments will provide suitable living accommodation across the development for prospective occupiers.

Highways and access

5.77 Draft policy T1 (Sustainable Access) supports development where it minimises the need to travel and maximises the use of more sustainable modes of transport. The site is in an accessible location, with Shipton Road being a high frequency public transport corridor.

5.78 It is noted that there will be some changes to the internal arrangement, with an existing in-out arrangement from two access/egress points being reduced to a single access/egress (the easterly access) to serve the proposed development. The existing westerly access point shall be retained and used solely by the occupiers of 19A Shipton Road. This will avoid conflict between the users of the two sites.

- Car Parking

5.79 There is an existing parking area to the front of the property and the parking for the proposed development will generally follow this same arrangement along with additional parking along the eastern boundary, in front of Block A. The level of car parking has reduced during the assessment of the application, reflecting the reduction to the number of residential units proposed, and also due to concerns that the parking area would encroach into the RPA of the shrub bed and mature trees to the front of the site. The current scheme now seeks 18 car parking spaces in total including two that are identified as a mobility parking space. One of these mobility parking spaces will serve as a visitor space.

- Cycle Parking

5.80 The proposed development would also accommodate sufficient cycle parking provision; 22 cycle parking spaces would be provided and equates to one space per the one and two bedroom apartments, 2 cycle parking spaces for the 3 bedroom apartment. The cycle parking spaces would be in various areas of the development; 8 cycle parking spaces in Block C, 4 spaces in Block A and 10 spaces in the cycle store proposed to the front of the site. There will be an additional 12 uncovered visitors within the site, to the rear of Beverley House. This provision is in line with the Council's cycle parking standards (Appendix E Parking Standards).

- Refuse and Recycling

5.81 The waste collection proposal have been subject to change during discussions, with the bin store now located within Block C, alongside some cycle parking provision. This is a central location for all residents to access. The applicant sets out that the bins will be brought from the block to the site's entrance on the allocated bin day.

- Electric Vehicle Recharging Points (EVRP)

5.82 The applicant sets out that it is their intention to install electric vehicle recharging points (EVRP) for all the car parking spaces. The submitted plans indicate the position of seven points each serving two spaces reducing clutter that

would be highly visible. Spaces 7 and 8 and the visitor space appear not to be served by an EVRP. A condition is recommended, securing the exact locations, specification and management of the EVRP.

Climate change

5.83 Section 14 of the NPPF provides that the planning system should support the transition to a low carbon future in a changing climate. This includes encouraging the reuse of existing resources, including the conservation of existing buildings and support renewable and low carbon energy and associated infrastructure.

5.84 2018 Draft Plan policies CC1 and CC2 seek to encourage the use of renewable and low carbon energy generation and high standards of sustainable design and construction. Both policies are applicable to the three new residential buildings, however only Policy CC2 is relevant to the conversion of the existing building to residential with policy CC2 seeking to achieve BREEAM domestic refurbishment 'very good'.

5.85 The applicant has confirmed that the principles of policies CC1 and CC2, the minimisation of greenhouse gas emissions and the use of resources efficiently will be employed during the construction of the development. The applicant has agreed to a condition requiring details to be submitted that sets out how the design and construction of the development will achieve the requirements of policies CC1 and CC2.

Drainage and Flood Risk

5.86 The site is in Flood Zone 1 where there is a low risk of flooding. The site is covered by areas of hardstanding to the front, however it is grassed to the rear. It has been confirmed that soakaways will not work in this location, however there is a positive connection to the existing public combined sewer. It is considered that adequate evidence is provided that surface water disposal via infiltration or watercourse are not reasonably practical. Yorkshire Water have not objected to the proposals, although they consider that the surface water hierarchy should be followed before considering disposal to public sewer. Further, the LLFA do not raise any objections to the development in principle and conditions can be imposed to ensure that a drainage scheme can be agreed to development commencing.

Affordable Housing/Vacant Building Credit

5.87 Publication draft policy H10 seeks affordable housing provision for residential developments where 11 or more homes (or a residential floorspace of 1000sq.m) will be provided. Paragraph 63 of the NPPF provides an incentive for brownfield

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development on sites containing vacant buildings. The vacant building credit applies a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the LPA calculates any affordable housing contribution which will be sought. NPPF Footnote 28 of the NPPF states that this does not apply to vacant buildings that have been abandoned.

5.88 In considering how the VBC should apply to a particular development, regard should be given to the intention of national policy and guidance states that it may be appropriate for authorities to consider:

- whether the building has been made vacant for the sole purposes of redevelopment
- whether the building is covered but an extant or recently expired planning permission for the same or substantially the same development

5.89 The building has laid empty for a number of years following it being vacated by the Local Government Ombudsman in 2015. There is no evidence to suggest it was made vacant for the sole purposes of redevelopment, given that the lease with the Local Ombudsman came to an end and there was no other interest in the period following. There are no extant or recently expired planning permissions relating to this application site, and therefore it is considered that vacant building credit can be applied to this development.

5.90 Independent valuations for typical apartment types have been undertaken and the affordable housing commuted sum of £206,579 has been calculated.

Provision of Off-Site Open Space

5.91 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'.

5.92 Policy G16 (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

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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'.

5.93 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.

5.94 There would be a communal garden area for the sole use of residents of the proposed development. However, it is not possible to accommodate open space provision on urban sites such as this, 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 states that it is important to be mindful of viability and the need to prioritise/incentive development of brownfield land.

5.95 An open space contribution of £5,738 for amenity and open space and £8,094 for sports provision is required by the developer in line with Council policy. Schemes have been identified at Homestead Park, York Tennis Club and York Squash Club. The contribution would be secured via a S106 agreement.

The Planning Balance

5.96 Paragraph.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 Beverley House site, which is currently vacant but formerly provided office accommodation. Other factors in favour of the scheme are the retention and improvements to Beverley House, which allows the large maternity roost of soprano pipistrelle bats to be retained and also wider benefits to the character and appearance of the Clifton Conservation Area. The development and its overall scale are considered to result in less than substantial harm to the character and appearance of the conservation area, but this has, in accordance with para. 196 of the NPPF been outweighed by the public benefits of the proposal, which include the provision of housing (21 residential units for senior living), the sensitive conversion and alteration to Beverley House to its original residential use.

5.97 Further benefits are the provision of affordable housing contribution, taking into account the vacant building credit to incentive development on sites containing

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vacant buildings. As such is it considered that the development of 21 residential units for senior living should be given substantial weight.

5.98 As a result of the scale of the development, it is recognised that there are dis-benefits to the scheme. The proposed new buildings have a significant footprint and occupy a large proportion of the site, which reduces the large garden associated with the villa, Beverley House. However the scale and height of the development has been reduced in order to provide a subservient development to Beverley House and the connection between the villa and verdant landscape beyond. The revisions in its design has resulted in communal areas for residents to enjoy being retained, as well as significantly increasing the private amenity areas afforded to the residential units provided in the new blocks.

5.99 The scale of the development have led to a number of concerns which have been highlighted in the landscaping section, there would be a loss of tress positioned to the front and rear of the site, within the conservation area, and residual risk to remaining trees from the position of development, although construction techniques would reduce some of this risk. The proposals include significant tree replacement on site, and along with the retained trees there would still be a good amount of tree coverage that contributes to the character of the area. The loss of trees across the site would result in less than substantial harm to the appearance of the conservation area. The public benefits provided by the provision of housing and the sensitive conversion and improvement to Beverley House are considered to outweigh the harm to the conservation area from the amount of development on site and consequent tree loss. It is important to note that the success of the scheme in terms of the retention of trees on the site will be as a result of the adherence to the Arboricultural Method Statement and the measures and construction details contained therein, including no-dig construction.

6.0 CONCUSION

6.1 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 paragraph 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; and the sensitive works to it.

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 buildings to the rear of the site, and their close proximity to existing and retained trees; and overlooking to the neighbouring site.

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6.3 The presumption in favour of sustainable development contained within paragraph 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, as well as biodiversity/ecology. 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: Conserving and Enhancing the Historic Environments. When taking a balanced view, and assigning significant weight to the provision of 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. Moreover, the application has been assessed and along with robust mitigation methods, the development will prevent any direct harm and maintain roosting opportunities on site and therefore it is not considered that there will be a detrimental effect on protected species in the long term.

7.0 RECOMMENDATION:

i That delegated authority be given to the Head of Development Services to APPROVE the application subject to:

- a. The completion of a Section 106 Agreement to secure the following obligations
- Affordable housing - £206,579 contribution towards off-site provision (index linked)
 - Off-site sport provision - £8,094 (index linked)
 - Off-site amenity open space - £5,738 (index linked)

b. the conditions set out below.

ii The Head of Service be given delegated authority to finalise the terms and details of the s106 Agreement.

iii The Head of Service be given delegated powers to determine the final detail of the planning conditions.

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:-

19058-VB-ZZ-00-DR-A(03)01_P04 Proposed Block Plan
19058-VB-ZZ-00-DR-A(03)02_P05 Proposed Site Plan
19058-VB-ZZ-00-DR-A(03)10_P07 Ground Floor GA Plan
19058-VB-ZZ-00-DR-A(03)09_P04 Level 01 Lower Ground Floor GA Plan
19058-VB-ZZ-01-DR-A(03)11_P06 First floor GA Plan
19058-VB-ZZ-02-DR-A(03)12_P05 Second Floor GA Plan
19058-VB-ZZ-XX-DR-A(03)03_P03 Roof Level GA Plan
19058-VB-ZZ-XX-DR-A(03)35_P01 Secure Cycle Shelter
19058-VB-ZZ-XX-DR-A(03)20_P03 Propsoed Sections
19058-VB-ZZ-XX-DR-A(03)30_P03 Proposed Elevations 1 of 4
19058-VB-ZZ-XX-DR-A(03)31_P03 Proposed Elevations 2 of 4
19058-VB-ZZ-XX-DR-A(03)32_P03 Proposed Elevations 3 of 4
19058-VB-ZZ-XX-DR-A(03)33_P03 Proposed Elevations 4 of 4
19058-VB-ZZ-XX-DR-A(03)34_P02 Typical bay study

Demolition Plans

19058-VB-ZZ-01-DR-A-(11)09 Lower Ground Floor Demolition Plan
19058-VB-ZZ-00-DR-A-(11)10 Ground Floor Demolition Plan
19058-VB-ZZ-01-DR-A-(11)11 First Floor Demolition Plan
19058-VB-ZZ-02-DR-A-(11)12 Second Floor Demolition Plan

Arboricultural Method Statement - January 2021

5113-DR-ARB-102 Tree Protection Fencing Plan
5113-DR-LAN-102 rev A - No Dig Permeable Construction Detail

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

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

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

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

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

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results (including publication if required) and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ in line with Section 16 of National Planning Policy Framework.

4 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents during the construction process.

5 No demolition or re-roofing works (including erection of scaffold and

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preparatory work) to Beverley House will commence until 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 to go ahead; or
- b. A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure protection of a European Protected Species and to accord with Section 15 of the National Planning Policy Framework.

6 Prior to the commencement of development, a lighting design strategy for biodiversity which details any external lighting to be used during the demolition, site preparation and construction phases of the development as well as a lighting strategy for the scheme once completed shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- Demonstrate that it has taken account of the recommendation set out in section 7.9 of Bat Report, Wold Ecology Ltd, September 2020
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats accessing their roost sites or using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To protect the habitats European Protected Species where there might be changes on site in accordance with Section 15 of the National Planning Policy Framework.

7 Prior to the commencement of development a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The a statement shall include at least the following information;

- measures to prevent the egress of mud and other detritus onto the adjacent public highway
- a dilapidation survey for the footway areas near to the site access, jointly undertaken with the local highway authority

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- the routing for construction traffic that will be promoted
- a scheme for signing the promoted construction traffic routing
- the management of construction traffic and contractor parking

The measures set out in the statement shall be implemented at all times during the clearance/preparatory and construction works of the development.

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.

8 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- i) the flow control device manhole the means by which the surface water discharge rate shall be restricted to a maximum rate of 5.3 (five point three) litres per second,
- ii) the attenuation tank the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved, and
- iii) the future management and maintenance of the proposed drainage scheme shall be provided.

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

9 Prior to the demolition of the extension to Beverley House, large scale constructional drawings of all exterior joinery to the retained building including front door surround and casing, front door and reinstated and replacement windows and nay replacement bargeboards shall be submitted to an approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of Beverley House and the Clifton conservation area in accordance with Policies D4 and D1 of the City of York Publication Draft Local Plan and Paragraph 127 of the National Planning Policy Framework.

10 Prior to the commencement of development, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. The energy statement shall set out how the design and construction of the proposed development will minimise greenhouse gas emissions and the use of resources in line with the requirements of policies CC1 and CC2 of the Publication Draft Local Plan (2018). The measures outlined in the energy statement shall be incorporated

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into the design and construction of the development and shall be operational for the lifetime of the development.

The requirements of Policy CC1 is applicable to both the conversion of Beverley House to residential and the new residential buildings.

The new residential buildings should seek to achieve:

- 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.

The conversion of the existing building (Beverley House) to residential should aim to achieve BREEAM domestic refurbishment 'very good'.

Reason: In the interests of sustainable design and in accordance with Section 14 of the National Planning Policy Framework and policies CC1 and CC2 of the City of York 2018 Draft Plan.

11 During any site preparation, demolition and construction phases of the development, the existing trees shown to be retained on the approved plans (REF) shall at all times be protected in the manner set out in the Arboricultural Method Statement Jan 2021 and the Tree Protection Plan 51134_DR-ARB-102 or any subsequently approved revision thereof.

The car park shall be constructed in accordance with drawing no. LAN-102 Rev. A 'No Dig Permeable Construction Detail' or any subsequently approved revision thereof.

A copy of the document will be available for reference and inspection on site at all times.

Reason: To protect existing trees that are considered to make a significant contribution to the amenity of the area and development.

12 Within three months of commencement of development a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants and hardstanding. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants

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which within a period of five 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 within the entire site, since the landscape scheme, is integral to the amenity of the development.

13 Prior to first occupation of any part of the development, the applicant will submit to the Local Planning Authority for approval in writing (such approval not be unreasonably withheld or delayed) a strategy for the provision of electric vehicle charging facilities on the site. The strategy should cover numbers, locations and specification of charge points proposed. The strategy should also include an 'Electric Vehicle Recharging Point Management Plan' detailing the management, maintenance/servicing and access arrangements for each Electric Vehicle Recharging Point for a minimum period of 10 years.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and paragraph 110 (e) of the National Planning Policy Framework (NPPF).

Notes

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council.
- All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

14 Notwithstanding what is shown on the approved plans, and prior to the construction of any of the new residential buildings (Blocks A, B and C) above foundation level, large scaled sectional drawings relating to each new residential building shall be submitted to and approved in writing by the Local Planning Authority. This will include:

- i. construction and arrangement of windows and door reveals, window and door frames;
- ii. design of the timber cladding;
- iii. construction and profile of railings (if relevant)
- iv. junction between roofs and walls

The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the new residential blocks and to safeguard the character and appearance of the Clifton conservation area and to comply with paragraph 127 of the National Planning Policy Framework as well as Policy D1 and D4 of the City of York Publication Draft Local Plan (2018).

15 Notwithstanding what is shown on the approved plans, and prior to the construction of any of the new residential buildings (Blocks A, B and C) above foundation level, samples of all external materials to be used for each new residential building (including timber cladding and bricks) and the cycle shelter shall be submitted to and approved in writing by the Local Planning Authority.

Where brickwork is proposed sample panels of the brickwork to be used (for each residential block A, B and C, if different) shall be erected on the site measuring 1.1m x 0.8m and shall illustrate the coursing, brick bond, mortar and pointing to be used. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Note: Due to current coronavirus restrictions, 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 materials will be available for inspection and where they are located.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the new residential blocks and to safeguard the character and appearance of the Clifton conservation area and to comply with paragraph 127 of the National Planning Policy Framework as well as Policy D1 and D4 of the City of York Publication Draft Local Plan (2018).

16 Notwithstanding what is shown on the approved plans, and prior to the demolition of the extension to Beverley House, a sample of the metal cladding to the roof extension shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Note: Due to current coronavirus restrictions, 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 materials will be available for inspection

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and where they are located.

Reason: To safeguard the character and appearance of Beverley House and the Clifton conservation area in accordance with Policies D4 and D1 of the City of York Publication Draft Local Plan and Paragraph 127 of the National Planning Policy Framework.

17 Prior to the commencement of development (excluding demolition) to the existing building (Beverley House), details of any masonry repairs including mortar and pointing techniques shall be submitted to and approved in writing by the Local Planning Authority. If the repairs require replacement bricks, samples of sub bricks shall also be submitted to and approved in writing by the Local Planning Authority. The infill works to Beverley House shall be carried out using the approved details.

Note: Due to current coronavirus restrictions, 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 materials will be available for inspection and where they are located.

Reason: To safeguard the character and appearance of Beverley House and the Clifton conservation area in accordance with Policies D4 and D1 of the City of York Publication Draft Local Plan and Paragraph 127 of the National Planning Policy Framework.

18 Notwithstanding what is shown on the approved plans, and prior to the occupation of any of the buildings as residential, details including a sample of all hardstanding within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Note: Due to current coronavirus restrictions, 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 materials will be available for inspection and where they are located.

Reason: To safeguard the character and appearance of Beverley House and the Clifton conservation area in accordance with Policies D4 and D1 of the City of York Publication Draft Local Plan and Paragraph 127 of the National Planning Policy Framework.

19 Prior to the occupation of any residential property hereby permitted, a detailed

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scheme including detailed drawing and a bio-diversity management plan in relation to the planted roofs to the residential buildings Block's B and C to include construction method, layout, species and maintenance regime shall be submitted to and approved in writing by the Local Planning Authority.

Within 6 months of first occupation, the planted roofs shall be installed in accordance with the approved details.

Reason: In order to enhance the natural and local environment potential of the site in accordance with Section 15, paragraph 175 of the National Planning Policy Framework.

20 Notwithstanding what is shown on the approved plan 19058-V-ZZ-00-DR-A(03)02_P05 Proposed Site Plan, prior to the construction of the new residential building's (Blocks A, B and C) above foundation level, details of all means of enclosures to the site boundaries and boundaries to individual residential garden areas shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details and maintained in the form shown for the lifetime of the development.

Reason: To ensure that the boundary treatment will preserve the privacy of neighbouring occupiers and the visual amenity of the area will be maintained.

21 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.

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

22 The site shall be developed with separate systems of drainage for foul and surface water on site.

Reason: In the interest of satisfactory and sustainable drainage.

23 The buildings shall not be brought into residential use until all areas used by vehicles and cycles for parking and manoeuvring have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reasons: In the interests of highway safety, in order to comply with Section 9 of the National Planning Policy Framework.

24 The buildings shall not be brought into residential use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

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

25 HWAY23 Vehicular sight lines protected

26 HWAY25 Pedestrian visibility splays protected

27 LC4 Land contamination - unexpected contam

28 The cycle parking stores and parking areas (including visitor spaces) as shown on plan 19058-V-ZZ-00-DR-A(03)10_P07 Ground Floor GA Plan shall be provided prior to the occupation of any building for residential use. The cycle parking areas shall be kept clear at all times and used solely for such purposes.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads, in the interests of highway safety in accordance with Section 9 of the National Planning Policy Framework.

29 The cycle store to the front of the site as shown on plan 19058-V-ZZ-00-DR-A(03)10_P07 Ground Floor GA Plan shall be constructed in accordance with those details set out in the approved plan 19058-V-ZZ-00-DR-A(03)35_P01 Secure Cycle Shelter. The cycle store shall be maintained in the approved form for the lifetime of the development and shall be solely used for this and no other purpose.

Reason: To ensure that the visual appearance of the enclosure is appropriate in this sensitive location and to promote use of cycles thereby reducing congestion on the adjacent roads, in the interests of highway safety.

30 The waste store within Block C as shown on drawing 19058-V-ZZ-00-DR-A(03)10_P07 Ground Floor GA Plan shall be kept clear at all times and used solely for such purposes.

Note: It is your responsibility to ensure that the bins are transported to a suitable area at the site's boundary in order that they can be collected from the A59.

Reason: In order that there is adequate waste and recycling facilities to serve the

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development.

31 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: The nature of the development as over 55s housing means that the lack of contribution to education and play equipment, as well as reduced car parking provision does not comply with policies DM1 (Infrastructure and Developer Contributions) and T1 of the 2018 Draft Plan as well as Appendix E Parking Standards of the DCLP 2005 and the National Planning Policy Framework, as such the occupation of the development for general market housing would be inappropriate.

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:

- negotiation in respect to number of residential units, design, scale, landscaping, car and cycle provision

2. Any works to the vegetation on site is undertaken outside of the bird nesting season. This includes works to trees, hedgerows and scrub. The bird nesting season is generally taken to be the 1st March to 31st August. Any works that need undertaking during the nesting season will first need to be checked by a suitably qualified ecologist. This informative is provided to ensure compliance with the provisions of the Wildlife and Countryside Act 1981 (as amended).

3. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including

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deliveries to and despatch 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.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

4. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575