

## COMMITTEE REPORT

**Date:** 20 August 2020      **Ward:** Strensall  
**Team:** East Area      **Parish:** Strensall With Towthorpe  
Parish Council

**Reference:** 19/02044/FULM  
**Application at:** Moorlands Nursing Home 10 - 12 Moor Lane Strensall York YO32 5UQ  
**For:** Erection of 62 bedroom care home with associated car parking and landscaping following the demolition of existing care home (resubmission of 18/02935/FULM)  
**By:** Mr M Ladhar  
**Application Type:** Major Full Application  
**Target Date:** 15 April 2020  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 The application site is the existing Moorlands Nursing Home, located on the western side of Moor Lane in Strensall. The existing nursing home, now closed, was built up from two bungalows at the site (no's 10 & 12) and has been extended a number of times to the rear. The surrounding area is residential, being characterised by a mix of one and two storey dwellings that are predominantly detached. Of note are two pairs of large Edwardian villas on the eastern side of Moor Lane, to the north east of the application site. There are a number of buildings set back from the highway frontage, including Harvest Close, directly to the north, Station Square to the west and Highlands Avenue to the south west. There are a number of mature trees nearby to the site including a protected Oak tree on Moor Lane.

1.2 Planning permission is sought for the demolition of the existing nursing home and its replacement with a 62 bed care home. An application was submitted in 2018 for the redevelopment of the site by the same applicant as care home but was withdrawn following officer concerns over design and an incomplete bat survey. The current application was submitted in October 2019 and following concerns raised by the case officer and local residents with regard to the scale and the impact on neighbour amenity, revised plans were submitted for consideration in February. These have been subject to a re-consultation with local residents and the relevant internal and external consultees.

1.3 The revised replacement care home is predominantly two storeys in height with the elevation fronting Moor Lane being approximately 8.6 metres in height with the front central gable being a further 0.75 metres higher. The width of the building is 39.9 metres to the front elevation. The total length rear from front elevation to rear is 57.5 metres. The existing vehicular access will be retained with a 25 space car park to the front of the building will be set behind a hedge. Cycle and waste storage is also provided. Space within the car park for an ambulance or doctor's vehicle is included. A landscaping scheme with grassed areas and a mix of planting is proposed.

## **2.0 POLICY CONTEXT**

### National Planning Policy Framework

2.1 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The policies are material planning considerations.

2.2 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. Paragraph 11 sets out that there is a presumption in favour of sustainable development.

### Publication Draft Local Plan 2018

2.3 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).

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

## 2.5 Relevant Policies

H9	Older Persons Specialist Housing
HW7	Healthy Places
D1	Placemaking
D2	Landscape and Setting
D4	Conservation Areas
GI4	Trees and Hedgerows
ENV2	Managing Environmental Quality
ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access

### 2005 Development Control Local Plan

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

## 3.0 CONSULTATIONS

### INTERNAL

#### Design Conservation and Sustainable Development (Conservation)

3.1 The development site is just outside the boundary of the Strensall Conservation Area and, therefore, affects its setting (how the heritage asset is experienced). Views from the south as you approach Strensall CA contribute to its character and appearance. The character is defined in the CA Appraisal as:

*The Village has an attractive and informal mixture of well proportioned 18th Century and 19th Century detached houses and vernacular cottages. A sense of unity arises from their shared scale, height (2 storey) and use of traditional materials – mostly pinkish-brown brickwork with pantile or Welsh slate roofing. Buildings are positioned at slightly varying distances and angles to the street frontage, some gable end on to the street and most traditionally with small fronted gardens enclosed by walls, railings or hedges.*

3.2 This defined character is clearly exhibited as you approach the CA from the south with the development site on your left. The current buildings although of no special interest at least exhibit a domestic scale that reflects this character.

3.3 Concerned that the current proposal doesn't sufficiently reflect the defined character of well-proportioned detached houses and vernacular cottages. The building is of a scale, in terms of height and footprint, which will have an institutional character. A scheme that is more articulated, in terms of its massing, and had the appearance of individual villas might be more appropriate. The proposal, in my opinion, would have a detrimental impact on the setting of the Conservation Area and would, therefore, reduce its significance.

#### Design Conservation and Sustainable Development (Landscape)

3.4 Note that the drainage run has been revised to keep it outside of the fenced protection area of the Oak T3 and Larch T4 at the front of the site; and a method for installing utilities is covered in the arboricultural method statement (AMS)

3.5 In respect of Oak T7, accept that the extent of tree surgery would be relatively small. Problems with leaves falling on the roof etc. would be no worse than the existing situation.

3.6 The working area is very tight, but given the existing footprint, relative to the proposed, accept that the methodology within the AMS sufficiently covers this element.

3.7 However, there will be new drainage runs within the root protection area (RPA) which could potentially cause additional root severance but it is difficult to judge without knowing what the existing drainage runs are. This is an area covered by the AMS, but would have to be assessed on site at the time of demolition/construction. I

note the AMS quite rightly includes the involvement of the arb' consultant where incursion into the RPA may be necessary.

3.8 Give the tight working area and the line of proposed drainage, it is strongly recommended that the development be pulled slightly further back to ease the risk of harm; however in this instance would not insist on this, bearing in mind the limited public visibility of the tree.

3.9 Nonetheless also very concerned about the quality of the living environment for the end unit – Standard Room 1 which is not only north-facing but would also be very dominated by the close presence of the Oak and Ash. The applicant should give this serious consideration. Furthermore, this creates a very real conflict and likely pressure to considerably cut back the crowns or remove the trees altogether. So again would strongly recommend that this unit is removed, or Standard room 2 is made bigger.

3.10 Thus, given the latest information, still suggest that the development be set further away from Oak T7, but leave that to planning officer weigh up the balance.

#### Design Conservation and Sustainable Development (Ecology)

3.11 A previous survey of this site identified building features suitable for roosting bats, and the site is located close to high quality foraging habitat. A bat emergence survey subsequently undertaken in June 2019 did not record any bats emerging from the building and no further survey work is recommended.

3.12 Although no bats were found to be roosting in the building its demolition will result in the loss of potential roosting habitat. The increased structural integrity of modern developments reduces the potential for bats to utilise modern buildings for and roosting therefore any new developments should integrate a variety of features or bat boxes. Condition recommended.

#### Highways Network Management

3.13 Reviewed the revised design for this application, noting that there is an existing planning consent for the same use.

3.14 As per previous comments, please can we condition a Travel Plan and CEMP/Method of work and a financial contribution/bond to manage TROs/parking

on Moor Lane, including to protect the grass verges, if overflow parking from the site becomes an issue (approx.. £5,000).

3.15 Note that deliveries are an issue raised in multiple objections. The design of the car park should enable deliveries to take place on site but this could also be managed through a servicing plan to be conditioned.

3.16 The cycle parking design is improved for staff and now acceptable. The visitor hoops should be moved to a more suitable location as the allocated space near parking bay 25 is very narrow. Would this work better near bays 14 or 15?

3.17 I note that the bin store has moved to what appears to be a very tight location. I am not sure there is enough space to get large bins through at the side of the building and in the car park for them to be collected.

#### Environmental Protection Unit

3.18 Conditions recommended for construction hours, Construction Environmental Management Plan (CEMP), air quality, machinery and plant noise, deliveries and waste collection, odour, light and contaminated land.

#### Flood Risk Management Engineer

3.19 No response received.

#### Older Persons Accommodation Programme

3.20 The scheme is for a 62 bed care home in Strensall. Strongly in support of this increase in provision in the north of the city.

3.21 National Benchmarks for the provision of care home beds indicate that for every 100 residents aged 75+ there should be 11 residential and/or nursing care beds available.

3.22 York currently has 1300 care home beds, (with a further 158 in development) a statistical shortage of 576 beds. The city's care homes are currently operating at approximately 98% capacity, which puts significant pressure on the sector.

3.23 In the north of the city there are 432 care home beds which is 9.08 care home beds per 100 residents aged 75+ in that area of the city. Increasing this provision by 62 beds will increase the overall rate of provision in the north to 10.39 beds per 100 residents aged 75+. This development will help to address the shortage of provision in the city.

3.24 The scheme offers a mixture of bedroom types to cater for residents on a range of budgets, and shared communal, social areas. There is access to the outdoor garden area from the communal lounge. It would be good to have further information about how the outdoor space will be laid out and how resident's access to this space will be supported and encouraged.

## EXTERNAL

### Strensall Parish Council

3.25 Object for the reasons following:

- Scale and massing - effect on amenity of neighbouring properties
- Use of terraces/balconies - effect on amenity of neighbouring properties
- Car parking - which is inadequate for number of staff/visitors
- It is considered that the proposal, by virtue of the size and extent of the building footprint and its excessive scale and massing, would adversely affect the amenity and outlook of the occupiers of adjacent residential properties and would be unduly harmful to the character and appearance of the area. Thus it would conflict with Central Government advice on design contained within Planning Policy Statement 1 ("Delivering Sustainable Development") and policies GP1, GP10 and C1 of the City of York Draft Local Plan
- The lack of a Daylight & Sunlight Assessment demonstrates that the developer has not assessed the impact of natural light and potential environmental effects this application would cause. It is noted in the City of York Council: House Extensions and Alterations Draft Supplementary Planning Document (December 2012) that overshadowing and loss of light is covered in sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6; and

- (If members are minded to approve) The premises shall be used only as a residential care home for older people within Use Class C2 and shall not be used for any other purpose, including any other purpose in Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that order.

3.26 For the avoidance of doubt, older people are defined as over 55 years of age. This is in order to allow consideration of the impact of any changes on amenity, and because the consideration of the planning application has taken account of the need for older persons accommodation.

- Application 09/01776/OUT which was refused and dismissed at appeal (APP/C2741/A/10/2126146) that has clear parallels to this application.

3.27 Response to revised plans – February 2020 - The Parish Council feel the minor alterations do not affect the substance of their previous comments and due consideration should be taken of the neighbours current and previous comments.

#### Yorkshire Water

3.28 The Surface Water Drainage Strategy is acceptable. Condition recommending separate foul and surface water drainage recommended.

#### Foss Internal Drainage Board

3.29 Condition recommended to ensure surface water discharged to public sewer adopted by the water company or alternative method demonstrated if this is not viable.

#### North Yorkshire Police Designing Out Crime Officer

3.30 The overall design and layout of the proposed scheme is considered acceptable.

### **4.0 REPRESENTATIONS**

4.1 The application has been advertised by neighbour notification, press notice and site notice. 17 letters of objection were received.



4.2 The issues raised in the objections are summarised below.

- Noise during construction
- Loss of sunlight, make house and garden feel dark, overshadowing
- Loss of privacy
- Increase in traffic
- Insufficient parking
- Loss of value if going to sell house
- Scale is excessive and overbearing
- Terraces will result in loss of privacy, noise particularly in summer
- Insufficient parking, Moor Lane will become overspill car park
- Noise and smell from kitchen
- Noise, disturbance, and pollution from increased vehicular traffic from staff, service/delivery vehicles and visitors.
- Not on a bus route, nearest bus route 10 minute walk away
- Light pollution
- Flooding/drainage concerns, existing drainage concerns on Moor Lane
- Industrial scale, unsuitable for location
- Too high for area
- Don't object to a care home on the site, but a more suitable design required
- Previous care home had difficulties recruiting staff
- Concerns over scale and mass
- Wildlife
- Height would tower over Harvest Close
- Noise pollution if there is a dementia unit
- Out of scale looks more like a hotel
- no daylight/sunlight assessment been undertaken
- does doctor surgery have capacity
- first floor windows will lead to overlooking and noise than existing layout

4.3 Revised plans were received and were subject to re-consultation in February 2020. Twelve letters of objection were received. The following concerns were raised.

- changes seem minimal and previous objections remain
- note 2 additional parking spaces but can't see bike and waste store
- still concerns over scale and design,
- overlooking and loss of light, drainage concerns on Moor Lane,
- noise and parking
- 3 storeys too high
- Staffing levels an issue

- Why not build it on Fours Alls site
- Where will lorries offload

## **5.0 APPRAISAL**

### **5.1 Main Issues**

- legal context
- need for older person's accommodation
- impact on the character of the conservation area
- impact on the streetscene
- impact on amenity and living conditions of adjacent occupiers
- highways and parking
- ecological issues
- drainage

## **LEGAL CONTEXT**

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for this part of the City of York.

5.3 The application site lies adjacent to the southern end of the Strensall Village Conservation Area where Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that conservation area.

## **NEED FOR OLDER PERSONS ACCOMMODATION**

5.4 The current planning use of the application site is that of a care home, albeit now closed. As there is no change of use of the site proposed, the principle of development is acceptable.

5.5 Paragraph 59 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

5.6 Policy H9 of the 2018 Draft Plan states that developments specifically designed to meet the accommodation needs of older people will be supported where they:

- i. contribute to meeting an identified need;
- ii. are well designed to meet the particular requirements of residents with social, physical, mental and/or health care needs; and
- iii. are in an accessible location by public transport or within walking distance to a range of community facilities including shops, medical services and public open spaces or these are provided on-site.

5.7 The Council's Older Person's Accommodation Programme has highlighted the existing shortfall of provision for care homes in the north of the city. The proposed development is considered to meet parts i. and ii. of Policy H9 as there is an identified need for older persons accommodation and the design incorporates facilities for residents such as outdoor amenity space, roof terraces and further facilities such as an ambulance parking space.

5.8 In terms of part iii. of policy H9 (accessibility) the application site is approximately 550 metres from the bus stop and facilities on The Village, including shops and public houses and 600 metres from Strensall Medical Practice on Southfields.

5.9 The proposal is therefore considered to be in accordance with paragraph 59 of the NPPF and Policy H9 of the 2018 Draft Plan. Given the identified shortfall of care home places, the redevelopment of the care home to provide a modern replacement is an identifiable public benefit.

## IMPACT ON THE CHARACTER OF THE STRENSALL VILLAGE CONSERVATION AREA

5.10 Paragraph 192 of the NPPF states that local planning authorities should take account of the following when determining planning applications:

- 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.

5.11 Paragraph 193 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.12 Paragraph 196 states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.13 Policy D4 of the 2018 Draft Plan advises that affecting the setting of a conservation area will be supported where they:

- i. are designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance;
- ii. respect important views; and
- iii. are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

5.14 The draft policy goes on to say that harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a Conservation Area will be permitted only where this is outweighed by the public benefits of the proposal.

5.15 The application site lies to the south west of Strensall Village conservation area. The conservation area was first designated in 1979 and later extended south from Princess Road to include the eastern side of Moor Lane, stopping approximately at the north eastern corner of the application site. The character appraisal was published in 2010 and notes in paragraph 10.02 that "the special interest of this character area is the result of its development during the late nineteenth and early twentieth century. As a result, this area has a distinct suburban character, very different from the traditional village qualities of the rest of the Conservation Area." Nos. 5-11 Moor Lane are highlighted as excellent examples of large, early twentieth century, semi-detached suburban houses. The grass verge down the west side of Moor Lane also highlighted as important to the streetscene as

it softens the hard landscape and includes several mature trees, which contribute to the leafy appearance of this character area.

5.16 The application site lies outside of the conservation area, thus reducing the significance of the designated asset and will result in an increased set back from the public highway compared with the existing building. While the proposed development is larger than existing in terms of the height and the width, there is a much increased set back and the grass verge is maintained. It is noted in the conservation appraisal that the character of the closest part of the conservation area is 'suburban' rather than 'traditional village'. While the Conservation Architect has identified there will be harm to the character of the conservation area due to the scale of the development given the domestic nature of the existing buildings. The level of harm identified is considered to be modest in its significance due to the location of the proposal outside of the conservation area, the increased set back of proposed buildings away from the conservation area and the retention of the grass verge on Moor Lane. The identified harm is considered to be less than substantial and it is necessary to consider the public benefits of the proposal as per paragraph 196 of the NPPF.

## IMPACT ON THE STREETSCENE

5.17 Paragraph 127 of the NPPF states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.18 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment.

Development proposals that cause damage to the character and quality of an area will be refused.

5.19 The existing care home has evolved in an ad hoc manner over recent decades with the result being somewhat awkward in appearance when viewed from the front and an inefficient use of the space. The existing layout is poor with no suitable amenity space for residents and the applicant advises that existing bedrooms do not have en suite facilities. The existing building is considered to be of no architectural merit. The layout is clearly inefficient from an operational perspective for staff. The proposed new care home will result in a larger building than previously, in terms of the height although a similar number of bedrooms will be provided. Multiple objections have been received that the scale is excessive for the character of the area.

5.20 The proposed replacement care home is for a single T shaped building which is predominantly two storeys in height with a three storey element in the roof of the front elevation. The dual pitched roof of the building will reflect the character of the area and the gables to the front elevation reflect those used in the villas on the opposite side of Moor Lane. The use of buff brick and grey/red riviis roof tiles would be in keeping with the mixed palette of materials found elsewhere along Moor Lane. It is proposed that samples of materials are to be required by condition to ensure a satisfactory appearance.

5.21 The revised design height of the building has been reduced from a front elevation roof ridge height of 9.6 metres for the withdrawn 2018 application to 8.6 metres with the revised plans submitted in 2020, excluding a slight increase for the central front gable. This is a reasonable height for a two storey pitched roof building, such as a dwelling. For example a recent planning application at 2 Harvest Close (next but one to the north) of the site show a height of 8.7 metres for the dwelling (18/01733/FUL). Given there are a number of two storey buildings on Moor Lane, the height is considered acceptable.

5.22 More concerns were raised over the width and depth of the building to the front elevation and the rear projection. The front elevation is approximately 40 metres in width, however there is a substantially increased set back from the front elevation when compared to the existing building, meaning this will mainly be apparent when viewing the building from directly in front and from the north east. It is correct that the scale is larger than adjoining buildings, however given the use this is to be expected. It will sit within a relatively mixed streetscene including a mix of one and two storey dwellings and also three storey villas on the eastern side of the road. There is also a row of terraced housing the west of the site on Station Square. The reduction of the height of the building to 8.6 metres is comparable to, or lower than, many surrounding buildings and this helps to mitigate the length of the development.

5.23 The character of the area is also defined by the generous grassed verges on highway edge to the west of which this proposal will have a positive impact by being further removed from the highway. The existing layout has a much larger footprint than the proposal but is for the most part single storey. It does however sit very close to the boundaries of the site, approximately 3 metres. While the proposal is predominantly two storey the rear off shoot has been brought in from the boundaries and is a minimum of 7 metres from the northern boundary and normally at least 8.5 metres from the northern boundary. It is considered that the substantial set in from most of the boundaries would help to mitigate the length of the rear off shoot.

5.24 The existing landscaping of the building is predominantly hardstanding in a courtyard arrangement and detracts from the appearance of the site. The proposed replacement scheme increases the level of the soft landscaping and is a positive of the scheme. The applicant has also set out how the roof terraces and the improved landscaping scheme are important for the physical and mental wellbeing of residents. The Council's Landscape Architect has noted the proximity of the tree on the western boundary to the site and that this may increase pressure for tree works in the future and have an impact on the level of light to the closest room. While they have recommended the building be pulled further away, they have not objected on these grounds, noting the lack of visibility of the tree and the impact of the existing building. The Landscape Architect also notes the impact of the existing hardstanding on trees on the site resulting raised tarmac in places. The proposed landscaping scheme is considered to be beneficial in this respect.

5.25 Objectors have referenced the appeal for a care home that was dismissed in 2010 at the Bonneycroft site further to the north on Moor Lane. This appeal was

against the refusal of outline planning permission for a care home on the site of an existing bungalow and was for a 50 – 60 bed care home in an 'I' shape layout of 2, 2.5 and 3 storeys in height. The appeal was dismissed on the grounds of the impact on the character of the area and on neighbour amenity, with the Inspector noting concerns over the impact on the character of the conservation area. The site has subsequently been redeveloped as a residential cul de sac of 7 dwellings (13/00566/FUL). It is noted that the application site is an existing care home site with a similar number of bedrooms, rather than a site containing a single bungalow. As such the context differs, the application site is already substantially more developed than Bonneycroft was and there is no change of use proposed.

## IMPACT ON NEIGHBOUR AMENITY

5.26 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policies D1 and ENV2 of the 2018 Draft Plan consider amenity.

5.27 The use of the site as a care home will remain unchanged. Concerns have been raised by adjoining neighbours over a loss of light and privacy as a result of the development. There have also been concerns regarding noise and comings and goings.

5.28 In terms of impact of loss of light, the proposal is a detached building that is predominantly two stories in height. Furthermore it has been reduced in height during the application process in response to comments from neighbours and concerns from officers. The rear off shoot of the building is set well in from the side boundaries of the site, unlike the current building. The most affected buildings are likely to be the dwellings directly to the north, particularly 1 Harvest Close. There are no habitable windows to the side facing elevation of 1 Harvest Close and the proposed building would be a minimum of 8.5 metres from the rear garden of this dwelling. Due to the kinked design of the off shoot, it would be much further away from the rear of the garden. The submitted sunlight assessment indicates that there would not be an unacceptable loss of light to the garden. Furthermore the closest first floor bedroom window will be obscure glazed to assist in protecting privacy. It is not considered the proposal would result in an unacceptable loss of privacy or light to no 1 or would be overbearing.



5.29 No 8 Moor Lane lies to the north east of the proposed building and would due to the designed set back retain an acceptable level of light to the garden. Concerns have also been raised by residents to the west and south of the building however the building is two storey and the separation distances are considered to be acceptable. The closest buildings lie directly to the south on Moor Lane. However due to the design of the rear off shoot being over 20 metres from these houses and the location of the building to the north there would be no loss of sunlight or privacy.

5.30 There are two roof terraces and these are set well in from the boundaries and would have screens to reduce noise pollution. Noise pollution has been raised as a concern with regard to comings and goings and the additional storey to the building. In terms of comings and goings the proposal would be in the same use class as previously and would have a similar number of occupiers. A condition is proposed to restrict delivery times.

5.31 In terms of light pollution, it is noted the site lies within the existing settlement boundary and as such a building in residential use will produce some light, like its neighbours. The Council's Public Protection Officer has no objection subject to a condition controlling lighting through a curfew from 11pm to 7am and also the submission of a lighting assessment for proposed lighting. A Construction and Environmental Management Plan (CEMP) condition is recommended to minimise disruption during the construction process. Conditions are also proposed to cover remediation for gas safety, for the finding of unexpected land contamination and to cover details of external noise and odour from the kitchen.

## HIGHWAY SAFETY AND PARKING

5.32 Paragraph 108 of the NPPF states that when assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.33 Para 109 goes onto say development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.34 The site is located on a relatively straight section of Moor Lane, with an existing access that has good visibility due to the extensive grass verges on the western side of the public highway. It is noted there is a railway level crossing to the north of the site but it is approximately 100 metres distant. The proposed care home will utilise the existing access for the care home and further more will not result in an increase in residents at the site. Secure cycle parking and dedicated disabled and ambulance parking will be provided. Following comments from the Highways Officer regarding visitor cycle parking and access for large bins, a revised site plan has moved the visitor spaces. The access has been confirmed as being 0.3 metres wider than the bins used. The Council's Highways Officer has no objection to the proposal subject to conditions. Given the use of the site will remain as before and the number of bedrooms will be decreased the proposal is considered to be acceptable with regards to highway safety and parking. It is proposed that a Section 106 is entered into with the applicant to monitor parking levels on the verges of Moor Lane and to set out remedial measures if required in the form of traffic regulation order (TRO). The applicant has agreed in principle to an up to £5,000 contribution to cover a TRO repayable after 5 years if overspill parking is not an issue.

## ECOLOGY

5.34 Paragraph 175 of the NPPF states that when determining applications, significant harm to biodiversity resulting from a development should be avoided or mitigated or an application should be refused. Policy GI2 of the Draft Plan seeks to conserve and enhance York's biodiversity. Where appropriate, any development should result in net gain to, and help to improve, biodiversity.

5.35 A Bat Emergence Survey and Bat Risk Assessment Report were submitted alongside the resubmitted application. The survey from June 2019 did not record any bats emerging from the building and no further survey work is recommended. A condition is recommended for bat roosting features to be incorporated into the new building to provide an ecological improvement.

## DRAINAGE

5.36 The application site lies in flood zone 1 and currently contains a substantial amount of impervious hardstanding. While it is recognised that there are issues with surface water drainage in the local area due to soil conditions, the proposal introduces additional soft landscaping and grassed areas onto the site and the proposal can be controlled by a pre-commencement condition. It is noted there are no objections from Yorkshire Water or the Internal Drainage Board.

## SUSTAINABILITY

5.37 The applicant has been advised of the requirements of policies CC1 and CC2 of the 2018 Draft Plan with regard to climate change. A carbon and renewable energy report has been submitted which indicates the policies can be met. A condition will be imposed to ensure policy compliance. Given the ad hoc and single storey nature of the existing care home, the redevelopment will result in a more energy efficient and modern building and facilities for the residents. As such the climate change policy requirements for redeveloping the site are an identifiable public benefit.

## 6.0 CONCLUSION

6.1 Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

6.2 The proposed development does not involve a change of use given the use would remain as a care home. A need for places in care homes in this area of York has been recognised and the replacement would allow these places to be kept. The redevelopment of the site would provide a much more efficient and suitable modern building and greatly improved outdoor amenity space for residents. While concerns have been raised over the design and scale of the building, the height is similar to existing buildings in the immediate area. The size of the building is acknowledged but due to the reasonable height, the substantial set back from the public highway and the set in front the adjoining properties it is considered to be acceptable and

broadly in accordance with national and local policies with regard to design. In terms of amenity, the use and number of occupiers will remain as before and due to the reduced height and siting of the majority of the building away from the boundary, impacts will be minimised. Obscure glazing will be applied to certain windows to protect privacy. The proposal is considered to be acceptable in terms of highway safety and parking subject to condition. The proposal will also result in a more modern building that achieves the climate change policies set out in CC1 and CC2 of the 2018 Draft Plan. The site layout shows there will be an increase in soft landscaping which in turn is likely to have a beneficial impact in terms of drainage.

6.3 Set against this is the identified harm to the character of the Strensall Conservation Area by the siting of the building to the south west of the conservation area boundary. The building will be of a larger scale than previously and will be more visible in views out of the conservation area. However the amount of harm is considered to be modest rather than significant. The NPPF states that great weight should be attached to an identified harm to a designated heritage asset and the greater the importance of the asset, the greater the weight. Given the proposal affects the character of the conservation area from views to the outside, this is considered to further reduce the weight against granting permission to be apportioned in the planning balance. Furthermore, the harm should be weighed against the public benefits of a modernised, replacement care home with improved facilities and an improved landscaping scheme for residents in an area of recognised need for care home place. The proposed design will be more energy efficient in terms of meeting the climate change policies in the 2018 Draft Plan and will result in an increased permeable area for drainage with a new drainage strategy. There are further limited public benefit in the form of temporary employment during the construction period and measures for bat habitation incorporated into the design. The identified harm is not considered to outweigh these identified benefits. The proposal is therefore considered to be acceptable and is recommended for approval subject to the following conditions and a legal agreement to cover the monitoring of parking on the public highway.

## **7.0 RECOMMENDATION:** Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

3033.07.131 G received 26 June 2020  
3033.07.140 J received 26 June 2020  
3033-07-101L received 21 May 2020  
4566M-101 REV C received 17 March 2020  
AMS-TPP A received 17 March 2020  
3033.07.130 G received 21 Feb 2020  
3033.07.132 G received 21 Feb 2020  
3033.07.141 H received 21 Feb 2020  
3033.07.100B received 23 September 2019

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

3 DRAIN1 Drainage details to be agreed

4 VISQ8 Samples of exterior materials to be app

5 Before the commencement of development, including demolition, and throughout development operations, tree protection shall be implemented in strict accordance with Arboricultural Method Statement (insert revision number) and AMS Tree Protection Plan (TPP) (insert revision number) by All About Trees. A copy of the documents will be available for reference and inspection on site at all times.

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

6 Before the commencement of development, construction details and an accompanying method statement for the reinstatement of the car park surface and edging within the root protection areas of the existing trees shown to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered too throughout the construction period.

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

7 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of

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 and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development and the immediate area.

8 Prior to the development coming into use details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

9 No part of the development shall be occupied until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said approved Travel Plan.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport.

10 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality

11 HWAY40 Dilapidation survey

12 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-

18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason. To protect the amenity of local residents

13 The development shall not be occupied until a minimum of 1 parking bay has incorporated facilities for charging electric vehicles. Electric Vehicle Recharging Points (minimum 32A) shall be provided in a position and to a specification to be first agreed in writing by the Council. In addition, a minimum of 1 additional parking bay should be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays should be provided with all necessary cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future. The locations of these additional bays should also be agreed in writing by the Council. Within 3 months of the first occupation of the development, an Electric Vehicle Recharging Point Management Plan shall be submitted to the Council for approval in writing. The Electric Vehicle Recharging Point Management Plan will detail the management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

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

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

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

15 Upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

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

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

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

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

17 There shall be no external lighting between the hours of 23:00hrs and 07:00hrs by obtrusive lights, other than those necessary for emergency and security lighting. A scheme outlining which lights will be switched off between these hours shall be submitted to and agreed by the Local Authority in writing before use of the site commences and the curfew implemented in accordance with the said scheme as approved thereafter.

Reason: To protect the amenity of the locality.

18 The development shall not be occupied until a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the



edge of the site boundary

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E3 contained within the following table taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: To protect the amenity of the locality.

19 Prior to commencement of development, gas monitoring and/or a risk assessment shall be carried out by a competent person to assess landfill gas generation and migration. Based on the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 The development shall not be occupied until, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21 LC4 Land contamination - unexpected contam

22 Prior to first occupation or use of the development hereby approved four integrated features providing a roosting crevice for bats must be constructed within the fabric of the new buildings.

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

23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2018 (or any order revoking or re-enacting that Order), unless otherwise agreed in writing with the Local Planning Authority, the windows identified as obscure glazed in approved drawing 3033.07. 131rev G shall at all times be obscure glazed to a standard equivalent to Pilkington Glass level 3 or above and

remain fixed shut below 1.7 metres above internal floor level.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

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

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan (2005) and Policy CC2 of the Draft local Plan (2018).

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

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

## **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:

Revised plans

2. NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen

the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

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

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses

[public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

### 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 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 manufacturer's 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

**Contact details:**

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