



## Notice of a public meeting of

### Planning Committee

- To:** Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson, Shepherd and Warters
- Date:** Thursday, 16 November 2017
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

The mini-bus for the site visits for this meeting will depart from **West Offices at 10:00am on Tuesday 14 November 2017.**

#### 1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 2. **Minutes** (Pages 3 - 22)

To approve and sign the minutes of the meetings of the Planning Committee held on 18 October and 25 October 2017.

### 3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5:00pm on Wednesday 15 November 2017**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register, please contact the Democracy Officer for the meeting on the details at the foot of this agenda.

#### **Filming or Recording Meetings**

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting e.g. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### 4. **Plans List**

This item invites Members to determine the following planning applications:

**a) Beechwood Grange Caravan Club Site, Malton Road, York (17/02263/FUL) (Pages 23 - 32)**

Provision of additional 26 serviced all weather pitches accessed by new tarmac road and installation of new service point with bin store, water and drainage pump. [Huntington/New Earswick Ward] [Site Visit]

**b) Severus SRE Site, Lindsey Avenue, York (17/02006/OUTM) (Pages 33 - 48)**

Outline application for the erection of 43 affordable dwellings [Holgate Ward] [Site Visit]

**c) Land To The South Of Keepers Cottage Intake Lane, Dunnington, York (17/00893/FUL) (Pages 49 - 60)**

Erection of entrance gates, 1 agricultural store, 1 field shelter, and shooting platform (retrospective) [Osbalwick And Derwent Ward] [Site Visit]

**d) Site Of Former Fordlands House, 1 Fordlands Road, York (17/01969/FULM) (Pages 61 - 100)**

Erection of 64 bedroom care home, car parking and landscaping following the demolition of existing care home. [Fulford and Heslington Ward] [Site Visit]

**5. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer

Angela Bielby

Contact details:

- Telephone: 01904 552599
- Email: a.bielby@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim  
własnym języku. (Polish)**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

** (01904) 551550**

**PLANNING COMMITTEE****SITE VISITS****Tuesday 14 November 2017**

<b>TIME (Approx)</b>	<b>SITE</b>	<b>ITEM</b>
10:00	Minibus Leaves from outside West Offices	
10:15	Severus Hill, Lindsey Avenue	4b
10:50	Beechwood Grange Caravan Club, Malton Avenue	4a
11:30	Keepers Cottage, Intake Lane, Dunnington	4c
12:05	Former Fordlands House, 1 Fordlands Road	4d



City of York Council

Committee Minutes

Meeting	Planning Committee
Date	18 October 2017
Present	Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson, Shepherd and Fenton
Apologies	Councillors Warters

**36. Site Visits**

<b>Application</b>	<b>Reason</b>	<b>In attendance</b>
The Carlton Tavern Public House 140 Acomb Road	As the recommendation was for approval and objections had been received.	Councillors Ayre, D'Agorne, Dew and Fenton
Burnholme Community Hub Bad Bargain Lane	To familiarise Members with the site.	Councillors Ayre, D'Agorne, Dew, Fenton and Reid
Cemetery New Lane Huntington	To familiarise Members with the site.	Councillors Ayre, D'Agorne, Dew, Fenton and Reid
Yorvale Ltd Fossfield Farm Foss Field Lane Acaster Malbis	To familiarise Members with the site.	Councillors Ayre, D'Agorne, Dew, Fenton and Reid

**37. Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Pavlovic

declared a pecuniary interest in the Carlton Tavern application as he had a previous business relationship with the developer involved with the alternative proposal to the planning application. Cllr Reid declared a pecuniary interest as her son lives in Shelley House, adjacent to the Carlton Tavern site.

**38. Minutes**

Resolved: That the minutes of the last meeting held on 14 September 2017 be approved and then signed by the chair as a correct record.

**39. Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

**40. Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**41. The Carlton Tavern, 140 Acomb Road, York (17/00476/FULM)**

[Note: Councillors Reid and Pavlovic withdrew from the meeting during consideration of this item and took no part in the debate or decision thereon.]

Members considered a major full application by Crown Care for the construction of a three-four storey 74 bedroom care home with associated parking, cycle racks and landscaping following the demolition of the existing Carlton Lodge Public House.

Officers provided an update to Members. Members were advised that that there had been additional submitted drawings, an email from a third party which had been forwarded to Officers in relation to a potential bid, an objection in relation to boundary impact, and an additional 40 letters of objection.



Duncan Marks, representing York Civic Trust, spoke in objection to the application. He stated that York Civic trust strongly objected to the proposed demolition of the Carlton Tavern due to it being a heritage asset on the city's local list, and a building of historical importance, as an example of late Victorian Tudor revivalism designed by Walter Green Penty. This included the aesthetic of the vertical wall hung tiles, which was a style that was being increasingly recognised nationally. He highlighted the loss of other buildings designed by Penty and added that Carlton Tavern had a rich history of serving the local community.

Dave Rowsell, on behalf of Friends of Carlton Tavern then spoke, also in objection to the application. He noted the use of the lift and the impact of the loss of car parking spaces, suggesting that this would have a negative impact on parking in the vicinity. He also cited the public use of facilities as a safeguarding concern, asking how the safeguarding of residents at the proposed care home could be ensured when the cafe was open to the public.

Louise Ennis, a local resident, addressed the Committee in objection to the application and she provided additional points in relation to her objection. She outlined the benefits versus the harm to the Carlton Tavern as a heritage and community asset. She suggested that there had been a lack of consultation and noted the level of public objection to the proposed application. She asserted that the evidence demonstrated that consultation was inadequate, that community needs and experts' views on heritage significance were disregarded, and that the harm to the whole community from the loss of the Carlton Tavern outweighed the benefit.

Roy Wallington, CYC Programme Director for Older Persons' Accommodation then addressed the committee. He advised that there was a rise in the number of over 90 year olds in York, and that dementia care was in huge demand in York. He noted that Oakhaven would be redeveloped to provide care for elderly people to live independently and there was a need to build 10 care homes to keep pace with the rapidly changing population. In response to Members' questions, he explained that integration and support were key to the city and most care homes in the city accommodated people that have moved were no more than three miles from their own homes.

Dr Pummi Mattu, Chief Operating Officer of Crown Care, spoke in support of the application. She stated that York had a shortfall of 657 residential and nursing beds. She noted that CYC had closed Oakhaven and the redevelopment of the Carlton Tavern site would enhance that care shortfall. She noted that their care homes were regulated by CQC in which they met and exceeded the regulatory requirements. She added that the care home would be an inclusive development representing a new and improved community asset. It was hoped that the development would strengthen and support CYC's assisted living complex on the Oakhaven site.

Mark Massey, the applicant's agent, spoke in support of the application, stating that the current owners had agreed to sell the building site to Crown Care. A thorough appraisal of the building had concluded that the building could not be converted and included in a larger development and evidence had been provided to show that this was neither practical nor feasible. He cited the use of a meeting space for local community groups, cinema, gym and therapy room open to the over 55s who live locally. The cafe and restaurant would be open to the wider public during visiting hours. He added that the care home would create in excess of 30 full time equivalent jobs.

In response to Members' questions, Mr Massey confirmed that no alternative land for the development was available at a price Crown Care could afford and that it had not proved possible to deliver a feasible option to keep the facade of the existing building.

Members went on to have a full debate on the proposals in the light of Officers advice and the issues raised by the public participants. In response to Members' questions, Officers advised that:

- The issue was whether the provision of the care home outweighed the cumulative loss of a non designated heritage asset and an asset of community value
- The Carlton Tavern was not formally recognised as a non designated heritage asset.

Cllr Shepherd then moved and Cllr Looker seconded a motion to refuse the application. On being put to the vote, the motion was lost.

Cllr Galvin then moved and Cllr Cuthbertson seconded the Officer recommendation for approval subject to the updated list of conditions (conditions 2, 6 and 12, 15 and 26 to be amended and conditions 13 and 17 to be deleted), and on being put to the vote the motion was approved and it was:

Resolved: That the application be approved subject to the conditions listed in the report, with conditions 13 and 17 to be deleted and conditions 2,6, 12, 15 and 26 amended as detailed below:

### Amended Condition 2

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

Site Location Plan PLO1

Existing Site Layout PL02

Existing Site Sections PLO3

Proposed Site Layout PLO4 REV F

Proposed Ground and first Floor PLO5 REV E

Proposed Second and First Floor PLO6 REV E

Proposed Roof Plan PLO7 REV D

Proposed Site Sections PLO8 REV D

Proposed Elevations PLO9 REV E

Proposed Boundary Treatment PL10 REV C

Proposed Streetscape along Acomb Road PL10 REV A

Proposed site Sections in relation to existing Buildings PL12  
REV E

Proposed Site Layout in context of Neighbouring Windows PI13  
REV A

Proposed Access Arrangements PL14

Proposed Site Layout in context of Shelley House PL15 REV C

Proposed Site Section cut and fill PI16

Artists Impressions Sheet 1 A101 REV A

Artists Impressions Sheet 2 A102 REV A

Artists Impressions Sheet 1 Trees Ghosted A103 REV A

Artists Impressions Sheet 2 Trees Ghosted A104

Artists Impressions of Principal Elevation A105

Proposed Principal Elevation Study PPES1

Internal Perspectives IPO1

Shelley House Perspectives – Existing SHO1

Shelley House Perspectives Proposed SHO2 REV B

Shelley House Perspectives Combined SHO3

Aerial Axonometric AA01

Eastern Elevation Artist Impression EE01

Design and Access Statement  
Addendum A to the Design and Access Statement.  
Archaeological Evaluation – Written Scheme of Investigation  
Arboriculture Impact Assessment  
Heritage Statement

Amended Condition 6

There shall be no demolition, construction or other invasive works on site until an Arboricultural Management Plan has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the submitted plan.

Reason: In the interests of the protection of existing trees on site that are subject to a Tree Preservation Order.

Amended Condition 12 (deleted repeated reference to cinema)

Prior to the first use of the building, or such longer period as may be agreed in writing by the LPA, a management plan for the community use and access of a meeting room within the building, together with the use of the cinema, gym and therapy room for use by over 55's who live in the Ward. Thereafter the operation of the building shall be carried in accordance with the approved plan, unless an amendment has first been agreed in writing by the local planning authority.

Reason: In the interests of securing community benefits.

Amended Condition 15

Notwithstanding the submitted details, the construction of the building hereby approved shall not commence until a detailed landscaping scheme (which shall illustrate the number, species, height and position of trees and shrubs) and boundary treatments (including full boundary treatment details) has been submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented in full prior to the occupation of the building unless a longer period has first been agreed in writing by the LPA. Any trees or plants which within a period of five years from the completion of the 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 alternatives are agreed in writing by the Local Planning Authority. The submitted details shall include planting along the boundary of the site with both Baildon Close

and Shelley House, and include details of planting, spacing, and height to be maintained.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area, and neighbour amenity.

Amended Condition 26

Add reason to state: In the interests of maintaining the amenities of neighbouring residents.

- (i) The main issue is whether, having regard to material planning considerations, any adverse impacts of the development proposed would significantly and demonstrably outweigh any benefits, when assessed against the policies of the National Planning Policy Framework as a whole.
- (ii) Paragraph 6 of that document explains that there are three dimensions to sustainable development - economic, social and environmental.
- (iii) In terms of the economic dimension, this proposal will result in the loss of the jobs associated with the existing public house. However, these will be more than compensated for by those created through this development (i.e. the 30 FTE employed in the Care Home itself, in its supply chain, and in construction of the facility). Whilst the development will result in the loss of the Business Rates generated from the Public House, this loss will be offset by the Council Tax receipts it will generate. Therefore, this application is considered to be sustainable in terms of the economic dimension of sustainable development.
- (iv) In the case of the social dimension, the balance of factors is in favour of the scheme. Whilst the demolition of the Public House will result in the loss of a local community facility and the function rooms and outdoor play area that it currently provides, the Carlton Tavern is not the only Public House serving this community (there are, in fact over 10 others within a mile of this site) and the development will include a publically-available meeting room, hairdressers, at the third level is a cinema, gym and therapy room that will be open to over 55's who live in the area. The provision of Class C2 facilities including traditional residential care facilities will help to meet a pressing need within

York for this type of accommodation. Therefore, this application will make a considerable contribution to the meeting an element of the housing needs of the City that is currently underprovided for. The revised plans have reduced the impact of the development on the existing amenities of neighbouring occupiers to a level that is considered to be on balance, acceptable.

(v) With regard to the environmental role, again the position is balanced. In terms of its location this development could not be more sustainable - it is well-served by existing public transport; it is within easy walking distance of existing shops, doctors and other community facilities; it is in a low flood-risk area. The design of the building, itself, is also very sustainable - the development will be very energy- efficient (equivalent to Level 4 of the Code for Sustainable Homes); it is proposed to be built using sustainably-sourced timber from managed forests, with sedum on the roof, and photovoltaic panels. In addition, the use would generate less movements than those of the current building. However, this has to be weighed against the fact that this application would involve the demolition of a building which, although not listed, is undoubtedly of architectural and historic interest in a local context and which makes a valued contribution to the character of the locality. Moreover, the development has raised some concerns over the longevity of the trees along the site's frontage, trees whose importance to the streetscene are recognised by virtue of the fact that they are protected by a TPO.

(vi) The loss of the community facilities provided by the Carlton Tavern are considered to be considerably outweighed by the benefits to the community of York, as a whole, which would derive from the provision of a form of accommodation for which there is a pressing need in the City and for which there are few suitable alternative sites in the authority's area.

(vii) Whilst the overall judgement is balanced, it is considered that the significant benefits which the care home would provide would be sufficient to outweigh loss of a non – designated heritage asset, even one of the undoubted local importance of the Carlton Tavern, and furthermore would outweigh the loss of a listed Asset of Community Value. It is considered that the possible harm to part of the root zone of the

nearest tree to create the lift platform is not sufficient to weigh in favour of refusal on its own.

**41a Burnholme Community Hub, Bad Bargain Lane, York, YO31 0GW (17/01925/FULM)**

Members considered a major full application by Ashley House Plc for the construction of an 80 bedroom care home with associated landscaping, infrastructure and car parking.

Officers provided an update to Members which detailed an amendment to condition 19 and an additional planning condition.

In response to Members' questions, it was clarified that:

- The reference to sustainable features is included in the policy requirement for BREAM, which was very good.
- The trees at the front of the site would be retained and the trees to the south would be removed.

Following discussion it was:

Resolved: That the application be approved subject to the conditions listed in the report and the amended and additional conditions below.

Amendment to condition 19

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.

Additional planning condition

The development hereby permitted shall not be occupied unless or until the carriageway and footway basecourses and street lighting to the new estate road, up to and including the exit point from the site, have been constructed.

Reason: To ensure appropriate access and egress to the building, in the interests of highway safety and the convenience of prospective residents.

Reasons:

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

(ii) It is considered that The design will be a positive addition to the site and that impact on neighbouring residents will be minimal given that the site was previously in use as a school and therefore recommend the application for approval subject to planning conditions.

**42. Cemetery, New Lane, Huntington, York (17/01250/FUL)**

Members considered a full application by Huntington Parish Council for the change of use of part of OS Field 0042 from agricultural land to extension to existing cemetery.

Following consideration it was:

Resolved: That the application be approved subject to the conditions listed in the report.

Reasons:

(i) In addition to the harm to the York Green Belt by reason of inappropriateness, it is considered that the development would impact on openness, because openness is considered to be an 'absence of development'. However it is considered that the operationa development would not be readily seen from outside the site, with an absence of visual intrusion. As such it is considered that subject to a landscape/ecological management plan, to include the retention of existing trees and hedges, (except where access is required), the development will not impact on the amenity of the area.



(ii) The proposed development is required to enable the extension of the existing cemetery to accommodate future demand in the Parishes of Huntington, New Earswick and Earswick. The land has already been acquired, and will enable the continued operation of the cemetery in a manner that benefits local people. Works carried out on the existing site, will enable the implementation of additional land in a manner that is low key, and utilises existing employees, equipment and a storage building. Furthermore it can be managed in a manner that benefits nature conservation. Furthermore the principle of development has already been agreed.

(iv) As such, even when substantial weight is given to the harm to the Green Belt, it is considered that the cumulative weight of the considerations above are sufficient to clearly outweigh the harm to the Green Belt and any other harm and that the very special circumstances necessary to justify the development exist.

**42a Yorvale Ltd, Fossfield Farm, Foss Field Lane, Acaster Malbis, York (17/01790/FUL)**

Members considered a full application by Yorvale Icecream Ltd for the construction of a single storey production building.

Members were provided with an update which reported that the Flood Risk Assessment referred to in the conclusion of the report had been received that afternoon. The submission was to be considered in due course and therefore the recommendation remained unchanged.

Following consideration it was:

Resolved: That the Committee:

- i) Delegate authority to Officers to approve the application on the receipt of adequate flood risk information that would result in a positive sequential test, and receipt of satisfactory drainage information.
- ii) Delegate authority to Officers to refuse the application if adequate flood risk information that would result in a positive sequential test and receipt of satisfactory drainage information has not been submitted within 3 months of the date of this resolution.

Reason:

In addition to the harm to the York Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine two of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in this report.

However it is an established successful business that currently exists on the site and whilst the proposed development would be a significant increase on the existing host building it would be sited on a partially enclosed site on the edge of the confines of the farm and factory complex. Relocation to another site would break the functional link and remove the farm-based marketing value. There is considered to be a functional link of the ice cream business to the farm activity and the importance of the "provenance" of the ice cream, frozen yoghurt, and kefir. As such it is considered that cumulatively 2 factors the report are considered to have sufficient weight to clearly outweigh the harms to the Green Belt and other harms identified in this report even when substantial weight is given to the harm to the Green Belt. Therefore the very special circumstances necessary to justify the development exist.

#### **43. Appeals Performance and Decision Summaries**

Members received a report highlighting the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 April and 30 June 2017 and providing a summary of the salient points from appeals determined in that period. A list of outstanding appeals at date of writing was also included.

Resolved: That Members note the content of this report.

Reason: To inform Members of the current position in relation to planning appeals against the

Council's decisions as determined by the  
Planning Inspectorate

Cllr N Ayre, Chair  
[The meeting started at 4.30 pm and finished at 6.07 pm].

This page is intentionally left blank

---

Meeting	Planning Committee
Date	25 October 2017
Present	Councillors Ayre (Chair), Derbyshire (Vice-Chair), Reid, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Pavlovic, Richardson and Shepherd
Apologies	Councillors Warters

---

### 1. **Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. None were declared.

### 2. **Public Participation**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee.

### 3. **Plans List**

Members considered a schedule of reports of the Assistant Director, Planning and Public Protection, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

#### 3a **British Sugar Corporation Ltd, Plantation Drive, York, YO26 6XF (15/00524/OUTM)**

The Senior Solicitor (Planning) referred Members to the Introduction to the Report (page 3, item 3a). She advised that as an appeal for non-determination had been made, the report sought Members approval of the case to be put to the Inquiry to defend the deemed refusal.

The Development Management Officer asked Members to note that in Section 1 of the report there were two occasions where the application was incorrectly referred to as the 2014 application rather than the application 15/00524/OUTM.

The Development Management Officer explained that the reasons for the Council's case for non-determination were on the grounds that if it were required to determine the application at this time, the application would have to be refused due to the following reasons:

- The affordable housing provision had been not agreed – this was subject to a viability assessment and the figures to inform the assessment, for example around remediation, land value and construction costs, were yet to be agreed
- 106 Agreement – appropriate terms are not agreed including the claw back provisions required by the developer
- The amounts in the planning obligation had not been agreed and would be subject to more negotiation. It was noted that the amounts listed in the table at the end of the report were subject to adjustment as these would also need to be brought up to date / index linked since they were first proposed.

Councillor Pavlovic asked officers for an update on the design parameters and principles document submitted in October. Officers advised that they had now had chance to review the document and considered it did need some alteration. It was clarified officers were confident issues could be resolved prior to the hearing and consequently members were not being asked to oppose the application on design grounds at this stage.

Members considered the case to be put to the Inquiry to defend the deemed refusal. They expressed support for the reasons put forward.

Following discussion it was:

Resolved:

(i) That the Council's case for non-determination is on the grounds that if it were required to determine the application at this time, the application would have been refused due to the inadequate provision of necessary infrastructure and other mitigation required as a direct consequence of the development and lack of affordable housing provision.

#### Lack of Necessary Infrastructure

The need to secure sports, community and education facilities are advocated within section 8 of the NPPF. There are reasonably up to date local evidence bases which justify the requested facilities to support the proposed residents of the application site and these are agreed in principle by the applicants. Inadequate provision to deliver these needed facilities, specifically pre-schools, primary school, secondary school funding and off site sports provision, is grounds to refuse the application.

In addition to non-compliance with NPPF policy the lack of provision of such infrastructure conflicts with the following local policy -

#### Draft 2005 Local Plan policies

- GP13: Planning Obligations which states that where appropriate the Council will expect developers to enter into planning obligations to provide for infrastructure, including necessary community facilities which are relevant to planning, directly related to the proposed development in scale and kind to the proposed development, over-coming or mitigating against the effects or deficiencies resulting from the proposed development.
- ED4: Developer Contributions Towards Education which advises that where additional provision is required as a direct result of a proposal, developers will be expected to provide these facilities, typically through S106 contributions.
- L1c: Provision of New Open Space in Development which states developments for all housing sites will be required to make provision for the open space needs of future occupiers, based upon the latest planning guidance note(s) on open space.

Emerging Local Plan Publication Draft September 2017

- HW2: New Community Facilities requires that residential developments of more than 10 dwellings audit existing community facilities and where necessary provide for facilities to meet demand as a consequence of the development. The proposals do not accord with the policy because based on the size of the development it is not contended that community facilities are reasonable and necessary. However the proposals do not provide for delivery of such needed facilities.
- GI5: Protection of Open Space and Playing Pitches - The site includes playing pitches which are designed as such in the 2017 Open Space and Green Infrastructure Update. As such based on policy GI5 the pitches may only be lost provided it is satisfied they are suitably replaced. This is not allowed for in the applicant's legal agreement.
- GI6: New Open Space Provision which explains how residential developments will be expected to contribute to the provision of open space for leisure and amenity, giving due consideration to existing provision in the area.
- ED6: Preschool, Primary and Secondary Education requires facilities to meet identified need, in particular at strategic sites such as the application site. There is agreed need arising from the development, specifically for on site pre-school facilities and off site secondary school places. However the applicants 106 does not provide adequate funding to deliver the needed facilities.

Lack of Affordable Housing

NPPF section 6 requires local planning authorities use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area. There is a demonstrable need for affordable housing in York, as established in the evidence base that under-pins the emerging local plan and in line with affordable housing requirements established in policy H10 of the emerging plan.

The applicant's position of no affordable housing is unacceptable. The Council is not convinced by the viability



work undertaken to date that this is a reasonable position and that the scheme would be unviable if there were an affordable housing requirement.

Reason: In order that the “deemed” reasons identified the present deficiencies that were considered to remain with the new application would be relied upon in defending the non-determination appeal.

And (ii) That the Assistant Director (Planning & Public Protection) be given authorisation to remove or add to the above putative reasons for refusal in response to new evidence, information or amendment in the run up to and during the forthcoming public inquiry and to deal with outstanding issues in relation to securing a satisfactory S106 agreement.

Reason: In order that the “deemed” reasons identifying the present deficiencies that are considered to remain with the new application would be relied upon in defending the non-determination appeal.

Cllr N Ayre, Chair

[The meeting started at 6.00 pm and finished at 6.20 pm].

This page is intentionally left blank

## COMMITTEE REPORT

**Date:** 16 November 2017      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 17/02263/FUL  
**Application at:** Beechwood Grange Caravan Club Site Malton Road Huntington York YO32 9TH  
**For:** Provision of additional 26no. serviced all-weather pitches accessed by new tarmac road and installation of new service point with bin store, water and drainage pump  
**By:** Miss Awa Sarr  
**Application Type:** Full Application  
**Target Date:** 17 November 2017  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 Provision of 26 additional touring caravan pitches with associated tarmac access road and service point with bin store, water supply and drainage pump. In essence, the application is to extend the existing caravan park into an adjacent paddock currently being used as playing pitches for the caravanners.

1.2 The application is a resubmission of 17/01470/FUL, which was withdrawn following concerns raised by officers.

### PLANNING HISTORY

1.3 In October 2017 planning permission was granted for various improvements to the existing caravan park including erection of warden's accommodation building, improvements to site entrance, replacement toilet block and various additional service facilities (17/01942/FUL).

1.4 In 2007 planning permission was refused for 14 additional touring caravan pitches in the same paddock as the current proposal. The appeal against refusal was dismissed due to inappropriate development in the Green Belt, impact on openness, unsustainable location, impact on the character of the countryside and absence of very special circumstances to justify approval.

### 2.0 POLICY CONTEXT

**National Planning Policy Framework (NPPF) March 2012.** See section 4 for more detail.

### **Development Control Local Plan (DCLP) 2005**

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

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

2.3 DCLP policies relevant to the development are:-

CYV1 - Criteria for visitor related devt  
CYV5 - Caravan and camping sites  
CYGB1 - Development within the Green Belt  
CYGP4A – Sustainability  
CYGP15A - Drainage

### **Emerging Local Plan**

2.4 Consultation on a new pre-publication draft local plan and revised evidence base has recently been completed. (30th October 2017).

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

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

EC5 – Tourism  
EC5 - Rural Economy  
GB1 – Development in the Green Belt  
DP2 – Sustainable Development

## **3.0 CONSULTATIONS**

INTERNAL

Application Reference Number: 17/02263/FUL

Item No: 4a

### Planning and Environmental Management (Archaeology)

The site lies within an Iron Age/Romano-British landscape. Archaeological features may survive so the site is an area of archaeological interest. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. This should be made a planning condition if planning permission is granted.

### Flood Risk Management

Objection. Insufficient information has been provided by the applicant for us to determine the potential impact on the existing drainage system and downstream watercourses.

### Public Protection

No objection in principle. If planning permission is to be granted add conditions regarding hours of construction, reporting of unexpected contamination and submission of details of any noisy plant/machinery.

### EXTERNAL

#### Huntington Parish Council

No objections.

#### Foss Internal Drainage Board

Objection. Insufficient information has been provided to determine the potential impact the proposals may have on the existing drainage systems. Details of the existing surface water system should be provided together with details of the proposals for the new development. This will enable the impact of the proposals on the downstream watercourse to be assessed. If the local planning authority is minded to grant approval conditions should be attached requiring drainage details, including attenuation, to be submitted for approval.

#### Neighbour Notification and Publicity

No response received .

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Impact on the Green Belt

- Sustainability
- Whether Very special circumstances exist
- The planning balance.

## APPLICATION SITE

4.2 The proposal relates to an all-weather recreational caravan park owned and operated by the Caravan and Motorhome Club. The site has pitches for 112 touring caravans and ancillary facilities all connected by a loop road that meanders through the site. The site is flat, tidy and appears well managed. At the northern end of the site and within its boundaries, are two paddocks. One is used by caravanners for dog walking. The other is laid as lawn and used as playing pitches. These paddocks are separated from the main part of the caravan park by a fence that follows the alignment of a dismantled railway. The new pitches would occupy one of these two paddocks.

4.3 Access is via the Hopgrove roundabout (Hull Road/Ring Road junction). The whole of the caravan park is in the Green Belt and outside any settlement limit. Most of the site, including the two paddocks, abuts open countryside.

## POLICY CONTEXT

4.4 Section 38(6) of the Planning and Compensation Act requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. This is a statutory requirement and is the starting point for consideration of the planning application. The development plan for York comprises the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved in 2013. These policies are YH9(C) and Y1 (C1 and C2) and the key diagram insofar as it illustrates the general extent of the Green Belt. It is for the local plan process to identify the precise boundaries of the Green Belt around York but the application site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.5 In the absence of a formally adopted local plan the most up-to date representation of relevant policy is the National Planning Policy Framework (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). However, this presumption in favour does not apply to the current application as the more restrictive specific policies in the NPPF apply because of the site's Green Belt location. Sustainable development is identified as having three roles, which are economic, social and environmental (paragraph 7). These roles should not be taken in isolation because they are mutually dependent. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. They include driving and supporting sustainable economic development and protecting the Green Belt.

4.6 One of the twelve core planning principles set out in the NPPF is the protection of the Green Belt around urban areas, recognising the intrinsic character and beauty of the countryside (Paragraph 17). Another core principle states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations (paragraph 17). Section 3 of the NPPF says that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development.

## IMPACT ON THE GREEN BELT

4.7 The NPPF lists the types of development that are acceptable in the Green Belt. All other development is inappropriate and therefore, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In short, within the Green Belt the “tilted balance” in favour of sustainable development does not apply. Instead, the onus is very much on the applicant to demonstrate that very special circumstances clearly outweigh harm to the Green Belt.

4.8 The siting of caravans is not among the uses described as 'not inappropriate' at paragraph 89. The provision of the proposed additional pitches and the associated access road would therefore be inappropriate development in the Green Belt and, by definition, harmful. Furthermore, the use would reduce the openness of the site and conflict with one of the purposes of the Green Belt, which is to assist in safeguarding the countryside from encroachment.

4.9 The site is largely screened from outside the site by existing hedges, although some public views are likely to be possible when the hedges are not in leaf. Whilst this screening would reduce the visual impact of the caravans, it does not alter the inappropriateness of the development in the Green Belt. For the development to be considered acceptable there would need to be very special circumstances clearly outweigh the harm to the Green Belt and any other harms identified

4.10 The proposal is also harmful due to the site's unsustainable location. It lies beyond the outer ring road and outside any settlement limit. The site is poorly served by public transport with only one bus service, and with the nearest stop being almost 1km from the caravan site. In addition, the site is not readily accessible by bicycle. Cyclists heading towards York would have to dismount and walk across the outer ring road at Hopgrove roundabout. Whilst the roundabout has a pedestrian refuge the manoeuvre is inconvenient and unpleasant and not conducive to walking or cycling, particularly for visitors to the area.

## DRAINAGE

4.11 The NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere and only

consider development appropriate in areas at risk of flooding where the most vulnerable development is located in areas of lowest flood risk (paragraph 103).

4.12 The application site is in low risk flood zone 1 and should not suffer from river flooding. However, no foul and surface water drainage details have been submitted to enable the local planning authority assess the impact on the foul and surface water network. The application form states that surface water from the site is to be disposed of via a main sewer and/or to an existing watercourse. The plans provided with the application provide no details as to which areas of the development are to be drained via which mechanism, how the overall drainage strategy would operate and where the discharge routes would be. In addition, some aspects of the development appear to be reliant on infiltration but no evidence has been provided to confirm that infiltration would be effective in this location. Regarding foul water, disposal by septic tank, as is proposed, would not be an acceptable solution. These matters are fundamental to the proper drainage of the site and, if planning permission were to be granted, should not be left to be dealt by planning conditions.

#### VERY SPECIAL CIRCUMSTANCES AND THE PLANNING BALANCE

4.13 The NPPF states that when considering planning applications local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Inappropriate development should not be approved except in very special circumstances that clearly outweigh harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In the current case the other harms include impact on openness, encroachment into the countryside, conflict with sustainable development objectives and potential risk to existing drainage infrastructure and downstream watercourses.

4.14 The applicant argues that the proposed screening and the tourist income that the development would generate constitute very special circumstances to justify approval of the application. The boundary hedges would be supplemented with mature, native species and, along part of the site, a new 1m-high earth bund. Whilst these measures would reduce the visual impact resulting from the development they would be mitigation, not benefits to weigh in favour of the development. The NPPF says that planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development but this policy does not negate the need to consider the Green Belt policies in the NPPF, which must be read as a whole. The contribution a development makes to the local economy could be substantial enough to outweigh harm to the Green Belt. In the current case however no proper assessment has been made of the need for additional pitches nor of the economic benefits they would create. Other caravan sites exist in the local area and a planning permission was granted in 2015 for a new 40-pitch caravan site within 300m of the application site (14/02112/FULM). Officers understand that the approved application is likely to be implemented shortly.



4.15 In the planning balance, when giving substantial weight to the potential harm to the Green Belt, the applicant has not demonstrated that harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

## **5.0 CONCLUSION**

5.1 The 26 additional caravan pitches would be harmful to the Green Belt due to inappropriateness, impact on openness and encroachment into the countryside. Other harms include conflict with sustainable development objectives and potential harm to drainage infrastructure and downstream watercourses. These harms are not clearly outweighed by any other considerations and there are no very special circumstances that would justify the proposal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. Beechwood Grange lies within the general extent of the Green Belt. The proposed siting of 26 serviced caravan pitches, the internal access road and the ancillary structures constitute inappropriate development in the Green Belt and are, by definition, harmful to the Green Belt as set out in section 9 of the National Planning Policy Framework. No very special circumstances have been put forward by the applicant that would clearly outweigh harm by reason of inappropriateness and other harm including impact on openness, conflict with the purposes of including land within Green Belt, conflict with sustainable transport objectives and potential harm to drainage infrastructure and downstream watercourses. The proposal is therefore contrary to national planning policy in the National Planning Policy Framework, in particular 'Core Planning Principles', 'Achieving Sustainable Development', section 9 'Protecting Green Belt Land' and paragraph 103 relating to flood risk.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In an attempt to achieve an acceptable outcome the council was advised that the application was being recommended for refusal. The applicant did

not withdraw the application, resulting in planning permission being refused for the reasons stated.

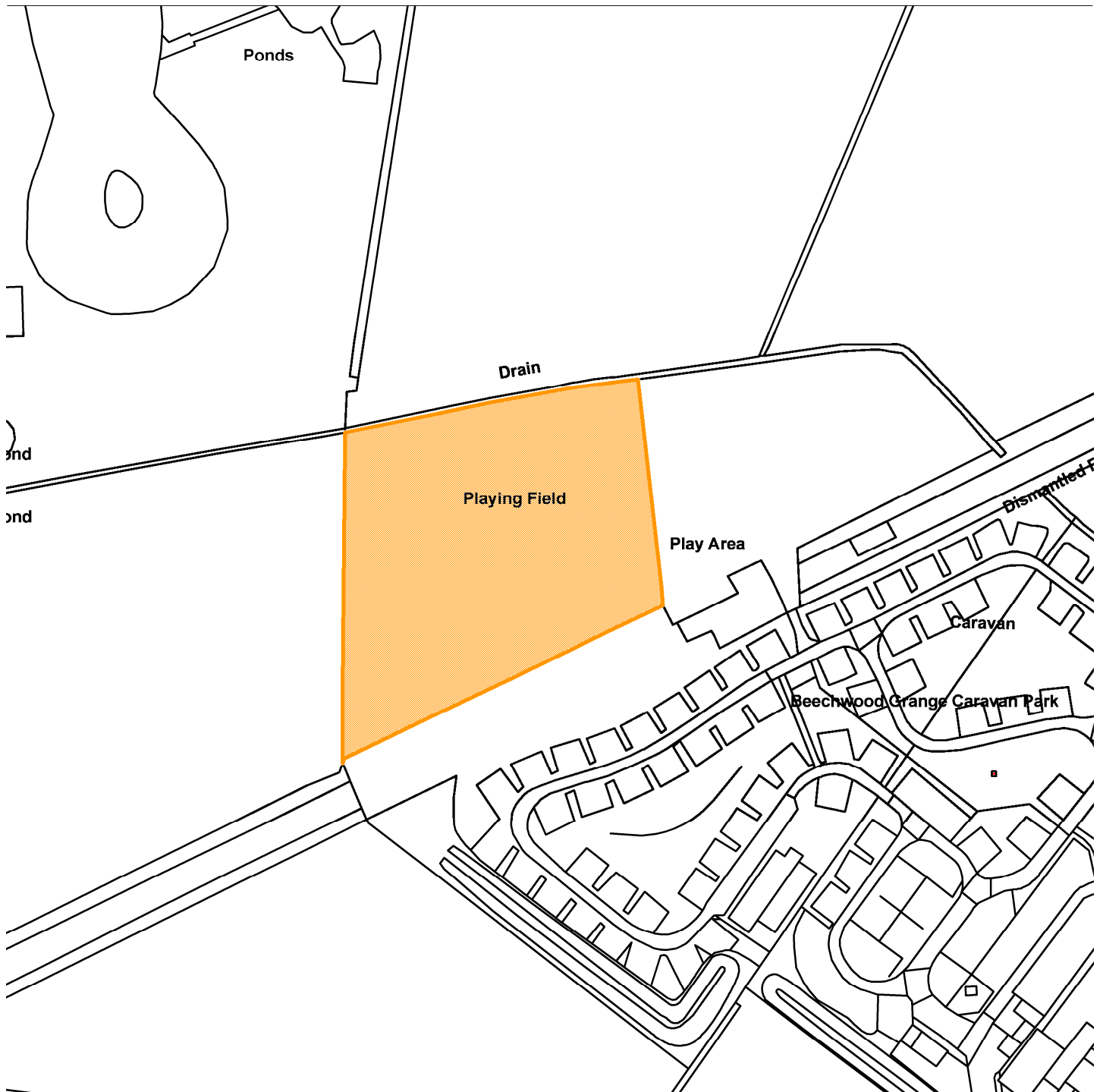
**Contact details:**

**Author:** Kevin O'Connell Development Management Officer

**Tel No:** 01904 552830

17/02263/FUL

Beechwood Grange Caravan Club Site Malton Road



Scale : 1:1685

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	08 November 2017
<b>SLA Number</b>	Not Set

This page is intentionally left blank

## COMMITTEE REPORT

**Date:** 16 November 2017      **Ward:** Holgate  
**Team:** Major and                      **Parish:** Holgate Planning Panel  
Commercial Team

**Reference:** 17/02006/OUTM  
**Application at:** Severus SRE Site Lindsey Avenue York  
**For:** Outline application for the erection of 43no. Affordable dwellings  
**By:** Yorkshire Housing  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 20 November 2017  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 Severus Hills comprises a 1.66 hectare partially wooded site occupying a prominent hill top location to the north west of the City Centre. It was formerly occupied by a partially below ground reservoir associated with the York Water Works Company and retains a large and visually prominent water tower on the directly adjacent site. The site is a notified SINC (Site of Interest for Nature Conservation) on the basis of providing a calcareous grassland habitat. Outline Planning Permission is sought for erection of 43 affordable dwellings on the cleared site incorporating a mix of social rent and discounted sale properties. Landscaping only is reserved. The application has been amended since submission to include a series of photomontages to clarify its impact upon the visual amenity of the wider street scene and the residential amenity of neighbouring properties.

### 2.0 POLICY CONTEXT

**National Planning Policy Framework (NPPF) March 2012.**  
See section 4 for more detail.

#### **Development Control Local Plan (DCLP) 2005**

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

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

2.3 DCLP policies relevant to the development are:-

CGP15A - Development and Flood Risk  
CYGP1 - Design  
CYH2A - Affordable Housing  
CYH4A - Housing Windfalls  
CYNE5A - Local Nature Conservation Sites  
CYNE7 - Habitat protection and creation  
CYNE1 - Trees, woodlands, hedgerows  
CYHE2 - Development in historic locations

## **Emerging Local Plan**

2.3 Consultation on a new pre-publication draft local plan and revised evidence base was completed on 30th October 2017.

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

2.5 The evidence base includes:

- Strategic Housing Land Availability Assessment (SHLAA) (2017)
- Strategic Housing Land Availability Assessment (SHLAA) Annexes (2017) (18.67 MB - PDF)
- Heritage Impact Assessment (2017) (2.36 MB - PDF)
- Heritage Impact Assessment Annexes (2017) (5.61 MB - PDF)
- City of York Biodiversity Audit (2011)
- City of York Biodiversity Action Plan (2013)
- Local Plan Evidence Base Study Open Space and Green Infrastructure (2014)
- Green Corridors Technical Paper (2011).

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

- H3 Balancing the Housing Market
- H10 Affordable Housing
- D6 Archaeology
- G11 Green Infrastructure
- G12 Biodiversity and Access to Nature
- G14 Trees and Hedgerows.

## **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Planning and Environmental Management (Archaeology) object to the proposal on the grounds that the application contains insufficient information to assess the impact of the proposal upon known significant deposits of Roman date surviving at the southern edge of the site.

3.2 Planning and Environmental Management (Ecology) object to the proposal on the grounds that the proposal fails to comply with the requirements of Central Government Policy as outlined in paragraph 118 of the NPPF in respect of sites of significant biodiversity importance in that it would result in the total removal of a significant area of recognised and important natural habitat and fails to demonstrate that loss can be adequately compensated for.

3.3 Planning and Environmental Management (Landscape) object to the proposal on the grounds that:-

- “The Water tower is a landmark building that contributes to the diversity of buildings and structures that add to the character of York and provide variety within the city’s sky line. From certain view points it is seen within the same panorama as Holgate windmill and The Minster. The openness around the Water tower, partnered with the topography and vegetation, contributes to its visual setting, as well as cultural context, rendering the site an important component of the cityscape.
- There is currently a comfortable, complementary distance between the water tower and the surrounding residential properties, supplemented by the existing vegetation.
- The proposed loss of vegetation and openness that skirts around the eastern half of the Water tower would have a detrimental impact on the setting of the Water tower – a landmark building - and the landscape quality of the city’s sky line, as viewed from surrounding locations such as the city walls.
- The lack of open space, plus the relatively small garden sizes, and the need to mitigate for the loss of neutral grassland means there is limited scope for tree planting that would reduce the visual impact in the wider landscape.
- The current undeveloped nature of the site, presents significant value (existing and potential) as a green infrastructure ‘stepping stone’ within a relatively dense, residential area; this would be considerably reduced.
- Whilst the scheme aims to provide much needed affordable housing, the quality of the environment would be poor. The proposed housing layout results in extremely little accessible and functional open space. The site sits within

Holgate ward in which there is already an overall deficit of open space, in particular that for children, teenagers, and natural & semi-natural/amenity space. The strips of 'neutral grassland' on the surrounding slopes would be inaccessible, and would not function as open space. Furthermore these areas would be enclosed with six foot, rear garden, fencing, and therefore would not be directly overlooked. The site would result in an area of 'no man's land' on the mounding, which could prove problematic to manage. (It is possible that these areas could quite quickly become dumping grounds for adjacent properties.) “

3.4 Highway Network Management. Object to the proposal on the grounds that the proposed layout would lead to road conditions substantially prejudicial to safe and convenient use of the local highway network. 3.5 Strategic Flood Risk Management raise no objections to the proposal subject to any permission being conditioned to require submission and prior approval of a detailed surface water drainage scheme for the site.

3.5 Education Services raise no objection to the proposal subject to the proposal subject to the payment of a commuted sum of £293,118 in lieu of the provision of educational places at Millthorpe School secured by means of a Section 106 Agreement.

3.6 Public Protection raise no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a CEMP, re-remediation of any contaminated land and the provision of electrical charging points for electrically operated vehicles.

3.7 Public Health (Sport and Active Leisure) were consulted with regard to the proposal on 22nd August 2017. Views will be reported orally at the meeting.

3.8 Housing Services were consulted with regard to the proposal on 22nd August 2017. Views will be reported orally at the meeting.

EXTERNAL:-

3.10 Holgate Planning Panel object to the proposal on the grounds that the proposal would result in the loss of a green space of townscape significance, the proposal would give rise to very substantial harm to the residential amenity of adjoining properties and would overload local infrastructure.

3.11 The Yorkshire Wildlife Trust object to the proposal on the grounds of substantial harm to local biodiversity through total loss of a SINC with inadequate compensation or mitigation.



3.12 The Ainsty (2008) Internal Drainage Board raise no objection in principle to the proposal but raise concerns in respect of the detail of the proposed surface water drainage strategy for the site.

3.13 The Environment Agency raises no objection to the proposal.

3.14 Yorkshire Water Services raise no objection in principle to the proposal but express concerns in respect of the proposed means of surface water disposal.

3.15 159 Letters of objection have been received in respect of the proposal together with a 115 signature petition opposing the development. The following is a summary of their contents:-

- Objection to the loss of a green space of significant townscape importance;
- Objection to the substantial harm caused by the development to the setting of York Minster;
- Objection to the substantial harm caused to local biodiversity caused by the loss of a SINC without proper mitigation or compensation;
- Objection to the loss of archaeological deposits of Roman date;
- Objection to the very substantial harm caused to the residential amenity of adjoining properties;
- Objection to the substantial harm caused to the amenities of protective occupiers of the proposed residential units;
- Objection to the significant strain that the development would cause to local transport, drainage and other infrastructure;
- Objection to substantial harm to the visual amenity of the wider street scene;
- Concern in respect of substantial harm to residential amenity of neighbouring properties caused during the construction process;
- Concern in respect of increased flood risk for surrounding properties caused by the development;
- Concern in respect of the manner in which the applicant undertook their pre-application consultation exercise with the local community.

## **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Design and Layout;
- Impact upon local biodiversity through loss of a SINC;
- Impact upon the residential amenity of neighbouring properties;
- Impact upon the amenities of prospective occupants of the new properties;
- Impact upon archaeological deposits of significance;
- Impact upon the visual amenity of the local street scene;
- Impact upon the local surface water drainage network;
- Highway Layout;

- Provision of Housing;
- Provision of Affordable Housing;
- The Planning Balance.
- Other material considerations.

#### PLANNING POLICY AND LEGISLATIVE CONTEXT:-

4.2 IMPACT UPON LOCAL BIODIVERSITY:- Paragraph 118 of the National Planning Policy Framework indicates that if significant harm to biodiversity arising from a development can not be avoided through locating to an alternative site with less harmful impacts, adequately mitigated or as a last resort compensated for then planning permission should be refused.

4.3 IMPACT UPON RESIDENTIAL AMENITY:- Paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give significant weight to the maintenance and provision of a good standard of amenity to all new and existing occupants of land and buildings.

4.4 HOUSING PROVISION AND THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT:- Paragraph 49 of the National Planning Policy Framework indicates that planning applications for housing should be considered in the light of the formal presumption in favour of sustainable development and that relevant policies for the provision of housing should not be considered up to date if the Local Planning Authority could not demonstrate a five year supply of land for housing. Paragraph 14 of the NPPF further indicates that where relevant local policies are considered out of date then planning permission should be granted unless the impacts of doing so would specifically and demonstrably outweigh the benefits or specific policies contained within the NPPF indicate that development should be restricted. However, in this case specific policies in the NPPF apply which seek to restrict development – namely paragraph 118 relating to ecology and therefore the “tilted balance” in favour of granting permission does not apply.

4.5 IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:- Paragraph 61 of the National Planning Policy Framework urges Local Planning Authorities to give substantial weight to the means on integration of new development into the existing pattern of built development and natural environment.

#### DESIGN AND LAYOUT:-

4.6 Central Government Planning Policy as outlined in paragraph 64 of the National Planning Policy Framework indicates that Local Planning Authorities should refuse planning permission for developments which fail to take opportunities to improve the character and quality of an area and the way it functions. Fundamental elements of good design, specifically of residential development lie in its layout, its relationship

with its surroundings, its contribution to local distinctiveness and opportunities to enhance local amenity and the quality of landscape. The submitted proposal envisages a very dense pattern of development with a simple uniform built form that would be visually prominent in all views from outside of the site other than to the north west. The pattern of density is such that in two locations the minimum acceptable separation distances from adjacent development may not be achieved. At the same time little thought has been given to the provision of amenity open space within the development other than on the surrounding embankment which the developer also indicates would serve as the mitigation area for the loss of the SINC (Site of Interest for Nature Conservation). Whilst it is acknowledged that details of landscaping are reserved for future consideration, inadequate space has been allowed within the development for an appropriate landscaping scheme that would promote local distinctiveness and effectively integrate the development into its wider surroundings. Indeed the submitted details indicate that the existing landscaping which defines the existing character of the site would be almost completely removed. It is therefore felt that the design quality of the development falls significantly below an acceptable standard.

#### IMPACT UPON LOCAL BIODIVERSITY:-

4.7 The application site is notified as a SINC (Site of Interest for Nature Conservation) as a good example of a calcareous grassland habitat. The eastern and southern fringes of the site are also thickly wooded. It furthermore provides an important function as a green corridor of semi natural habitat linking the densely developed inner urban area with sub-urban development and the rural area beyond as well as linking the undeveloped Ouse corridor with Hob Moor to the south west. It is identified as being of high biodiversity value with habitat for a range of butterflies, moths and hedgehogs together with bats which are formally protected under Section 41 of the 2006 Natural Environment and Rural Communities Act. The proposal envisages the almost complete removal of the vegetation supporting the habitat giving rise to substantial harm without appropriate mitigation being put in place.

4.8 Paragraph 118 of the NPPF indicates that where determining planning applications Local Planning Authorities should place substantial weight on the need to preserve and enhance local biodiversity and where substantial harm may not be avoided or adequately mitigated for then planning permission should be refused. At the same time paragraph 9 of the NPPF indicates that sustainable development should ensure positive improvements in terms of biodiversity. The submitted tree retention plan however clearly indicates that all the existing vegetation would be removed from the site although the submitted photomontages show a degree of tree retention. Whilst some form of mitigation is proposed for the calcareous grassland habitat for which the site has been notified as a SINC, no mitigation has been put forward in respect of the loss of the tree cover which forms a significant element of the character of the existing site. The mitigation strategy itself for the loss of calcareous grassland is not specific as to its long term management and it is unclear as to what extent it would be successful bearing in mind the degree of public use of

areas of retained open space and the inability to control use and development of adjacent private gardens. The grassing of private gardens is also identified as an important element of the landscape strategy within the submitted site plan. The methodology of implementation is also similarly unclear.

4.9 Reference is made to areas of ecological enhancement which implies additional biodiversity benefits without substantiating what they might be and the site layout indicates a significant risk of the tipping of garden waste in areas adjacent to the domestic gardens of the properties to be constructed as well as a significant and harmful degree of public use of the remaining areas of open space. Harm to the SINC and its biodiversity value from the development would be substantial and the requirements of paragraph 118 of the NPPF are not capable of being complied with. Furthermore the site has previously been considered on several occasions as a potential site for residential development in the SHMA and SHLA and discounted on the grounds of the substantial harm it would cause to local biodiversity.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.10 The application site lies surrounded by residential development some of which are bungalows with a number of properties approaching close to the site boundary. Differences in levels between the proposed development area and the adjacent properties notably to the south east are substantial and in the order of 16 metres at their greatest extent. The nearest residential property in Howe Hill Close is some 22 metres to the south east. However the steeply sloping nature of the site combined with the total removal of the existing vegetation would greatly increase a sense of proximity between the south eastern section of the development and residential properties in Howe Hill Close. With a level site and surroundings separation distances with properties to the south and south east would be at the minimum generally accepted, however with the unusually sharp change in level both across the site and in respect of the surrounding areas the impact of the development upon adjoining properties notably in Howe Hill Close would be overbearing. A sun path diagram has been submitted which demonstrates some modest loss of sunlight to adjoining gardens however the nature of the relationship is such as to be oppressive to the adjoining properties with substantial harm being caused to their residential amenity. A series of photomontages have been submitted to illustrate the relationship although an assumption of some tree retention is made which is directly contradicted by the tree retention plan. Even allowing for a degree of retention an oppressive and unacceptable relationship between the proposed properties and existing properties in Howe Hill Close to the south east is clearly demonstrated. The requirement of paragraph 17 the NPPF in terms of maintaining and providing a good standard of amenity for all new and existing occupants of land and buildings can not therefore be fulfilled.

#### IMPACT UPON THE AMENITIES OF PROSPECTIVE OCCUPANTS OF THE NEW PROPERTIES:-

4.11 The application site comprises a former reservoir with associated water tower operated by the former York Water Works Company. The Water Tower, which forms one of the most prominent landmarks on the City skyline, is retained in the ownership of Yorkshire Water Services Limited on the directly adjacent site. The submitted site layout envisages the construction of five plots (Nos 34-38) in close proximity to the foot of the Tower which is approximately 40 metres high. The closest property (plot 35) is some 13 metres from its foot. The resulting relationship would be oppressive and overbearing and would give rise to an unacceptable standard of amenity for the occupants of the plots affected. Once again the requirements of paragraph 17 of the NPPF in respect of the provision of an acceptable standard of residential amenity may not be complied with.

#### IMPACT UPON ARCHAEOLOGICAL DEPOSITS OF SIGNIFICANCE:-

4.12 Large elements of the southern and eastern sections of the site have remained historically undeveloped and there is an association with the site and the Roman occupation of the City. An archaeological Desk Based Assessment has been submitted with the proposal which confirms the possibility of significant Roman material in the form of a road together with associated road side activity. This would particularly impact upon the site of the access road together with the six plots directly adjacent. No evaluation has however been submitted in order to establish the nature of any impact and associated mitigation required despite one being requested. It is not therefore possible to make a meaningful assessment of the impact of the proposal upon archaeological deposits of importance and the scheme as it stands is unacceptable on archaeological grounds.

#### IMPACT UPON THE VISUAL AMENITY OF THE WIDER STREET SCENE:-

4.13 The application site with its sylvan surroundings with adjacent water tower forms a prominent point of definition within the local skyline particularly in views from the east and south east notably from the East Coast Mainline and from the area of Poppleton Road School. Its well treed semi-natural nature gives it an important defining role within the wider City skyline along with the Terry's Clock Tower and the racecourse grandstand. The proposed development would completely erode its character replacing its existing naturalistic well treed character with a heavily engineered densely developed pattern of urban development. A Landscape and Visual Assessment has been submitted with the proposal, however it assumes the retention of a significant degree of the existing tree cover when the submitted application plan indicates that none will be retained at the same time the chosen landscape views have been from locations where the site is not as visually prominent. The LVIA further appears to assume a greater retention of existing and proposed planting to screen the development than is in reality expected in the ecological mitigation plan. The analysis of the landscape value of the site – both in the immediate and wider context, is to an extent thin; and the assessment of the scheme's relationship with the existing landscape character by way of its suburban

nature, is a rather too simplistic. Paragraph 61 of the NPPF indicates that new development should clearly integrate into the surrounding built and natural environment and that Local Planning Authorities should give significant weight to achieving that objective. It is felt that the proposal singularly fails to respect the existing character of the site or knit successfully with the grain of built development surrounding. As a consequence it is felt that the requirements of paragraph 61 of the NPPF are not complied with and substantial harm would be caused to the visual amenity of the wider street scene by the development.

#### HIGHWAY LAYOUT:-

4.14 The highly dense and regimented nature of the development has resulted in a physically constrained highway layout. It has not been demonstrated that the proposed turning areas are capable of accommodating large vehicles such as refuse collection vehicles and removal vans. At the same time a number of access roads and drive ways are unusually narrow creating difficulties for accommodating vans and larger cars. More fundamentally visitor parking spaces block the driveways to 7 of the 43 plots creating conditions prejudicial to the safety and convenience of highway users.

#### IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE NETWORK:-

4.15 Some concerns have been expressed in respect of the impact of the proposal on the local surface water drainage network. However, an outline drainage scheme has been submitted with the proposal which envisages the treatment of surface water via a scheme of attenuation before passage into the public surface water sewer to the south west. This is felt to be acceptable in principle as means of draining the site subject to any permission being conditioned to secure the details. That does not however detract from the serious concerns in respect of other aspects of the development.

#### PROVISION OF HOUSING:-

4.16 Whilst paragraph 49 of the NPPF clearly indicates that housing applications should be clearly considered in the context of the presumption in favour of sustainable development, in this case such presumption does not apply due to the more restrictive policies concerning heritage and biodiversity. Para 49 also states that where a Local Planning Authority can not demonstrate a five year supply of deliverable housing sites then relevant policies for the delivery of housing should not be considered up to date. At the present time the Authority is not able to fully demonstrate a deliverable five year housing land supply and as such the delivery of the number of housing units proposed should be given significant weight in the planning balance. However, it is also material consideration that the site has been considered as potential site for the number of units currently offered through the production of the housing evidence base on several occasions and it has been

specifically discounted as a consequence of the serious harm that would be caused to local biodiversity.

#### PROVISION OF AFFORDABLE HOUSING:-

4.17 The proposal envisages the erection of 43 affordable dwellings with a mix of 30 affordable and 13 discounted sale properties. Paragraph 50 of the NPPF indicates that Local Planning Authorities should work to deliver a wide mix of tenures, sizes and types of housing to reflect the range of economic and social circumstances in the locality in order to build sustainable and socially inclusive communities. The proposed development together with other sites in the locality would make a significant contribution towards the requirement for the delivery of affordable housing in the medium to long term in the locality. However, the level of harm in terms of the impact of the proposal on local biodiversity, residential amenity and the visual amenity of the wider street scene is such that any positive benefit in terms of the provision of the required affordable housing would be outweighed by a range of substantial harms.

#### THE PLANNING BALANCE:-

4.18 The proposal envisages the provision of 43 affordable homes with a mix of affordable rent and discounted sale which are important positive considerations which merit substantial weight in the planning balance as the Local Planning Authority cannot demonstrate a NPPF compliant 5 year supply of housing at this time. However due to substantial harm to biodiversity, the “tilted balance” in favour of sustainable development at paragraph 14 to the NPPF does not apply in this case.

4. 19The proposed scheme would give rise to an unacceptable standard of amenity to prospective occupants of Plots 34-38. It would lead to significant erosion of the residential amenity of Nos. 25-29 Howe Hill lie directly adjacent to the development. Its design and layout fails to properly address the provision of external amenity space or landscaping to appropriately integrate it with its surroundings. It would seriously erode the character of a site of substantial significance in terms of the wider City skyline and most importantly it would result in the total loss of a site identified as of substantial biodiversity value. It is felt that cumulatively the substantial harms identified more than outweigh the positive benefits identified and that the development is not therefore acceptable.

#### OTHER ISSUES:-

4.20 Education Services indicate a requirement for a commuted sum payment of £293,118 in lieu of the provision of school places at Millthorpe School. The payment would be secured by means of a Section 106 Agreement and is found to be compliant with the “pooling requirements” of the 2010 CIL Regulations and to be compliant with the Regulations in all other respects.

## **5.0 CONCLUSION**

5.1 Severus Hills comprises a 1.66 hectare partially wooded site occupying a prominent hill top location to the north-west of the City Centre. It was formerly occupied by a partially below ground reservoir associated with the York Water Works Company and retains a large and visually prominent water tower on the directly adjacent site. The site is a notified SINC (Site of Interest for Nature Conservation) on the basis of providing a calcareous grassland habitat. Outline Planning Permission is sought for erection of 43 affordable dwellings on the cleared site incorporating a mix of social rent and discounted sale properties. Landscaping only is reserved. The application has been amended since submission to include a series of photomontages to clarify its impact upon the visual amenity of the wider street scene and the residential amenity of neighbouring properties.

5.2 It is felt that the proposal by virtue of its overbearing nature would give rise to substantial harm to the residential amenity of adjacent properties within Howe Hill Close contrary to paragraph 17 of the NPPF. The clear adverse relationship between the retained water storage tower to the north west and the adjacent plots within the development would give rise to conditions prejudicial to the amenities of prospective occupants of the properties contrary to paragraph 17 of the NPPF.

5.3 The total removal of the notified SINC (Site of Interest for Nature Conservation) with associated woodland habitat without adequate mitigation as required by paragraph 118 of the NPPF would give rise to substantial harm to local biodiversity.

5.4 The heavily regimented and over-engineered pattern of development combined with the total removal of the surrounding landscaping would give rise to clearly demonstrable harm to the wider landscape setting of the Historic City contrary to paragraph 61 of the NPPF. At the same time insufficient information has been forthcoming to enable an informed assessment of the impact of the proposals upon important archaeological deposits of Roman date known to be present on the site together with any necessary mitigation measures. Notwithstanding the positive benefits in terms of provision of affordable housing the proposals are therefore felt to be inappropriate in planning terms and refusal is recommended.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The development by virtue of its design and location would give rise to conditions substantially prejudicial to the residential amenity of Nos 25- 29 Howe Hill Close by virtue of overbearing impact and loss of privacy contrary to Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework, "Core Planning Principles".



2 The development by virtue of its proximity to the retained water storage tower on adjacent land to the north west would result in conditions substantially prejudicial to the residential amenity of prospective occupants of Plots 34 -38 by virtue of overbearing impact contrary to Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles".

3 The proposed development by virtue of the total removal of a notified SINC (Site of Interest for Nature Conservation) with associated woodland habitat without clear and robust mitigation measures would give rise to very substantial harm to local biodiversity contrary to Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework.

4 The development would give rise to a substandard highway layout to the prejudice of the safety and convenience of highway users with the driveways serving plots 8, 10, 20-23, 31 and 32 incapable of reasonable vehicular use by their occupiers.

5 The development by virtue of its visual prominence combined with its engineered, regimented character and total loss of surrounding landscaping would give rise to substantial harm to the wider landscape setting of the City contrary to Central Government Planning Policy as outlined in paragraph 61 of the National Planning Policy Framework.

6 The development by virtue of its overly-dense, physically constrained nature, erosion of the existing landscaped character of the site, lack of opportunity to provide additional landscaping and amenity space and failure to address acceptable amenity separation distances fails to achieve an acceptable quality of design contrary to Central Government Planning Policy as outlined in paragraph 64 of the National Planning Policy Framework.

7 Insufficient information has been submitted with the proposal to enable an informed assessment of the impact of the proposal upon known significant archaeological deposits of Roman date known to be present within the site together with any necessary mitigation measures.

## **7.0 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

- i) Sought revisions to the scheme to reduce its density and extent to address the clear concerns in terms of its impact upon residential amenity;
- ii) Sought submission of detailed and robust mitigation proposals to compensate for the harm caused to habitat and biodiversity.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

**Contact details:**

**Author:** Erik Matthews Development Management Officer

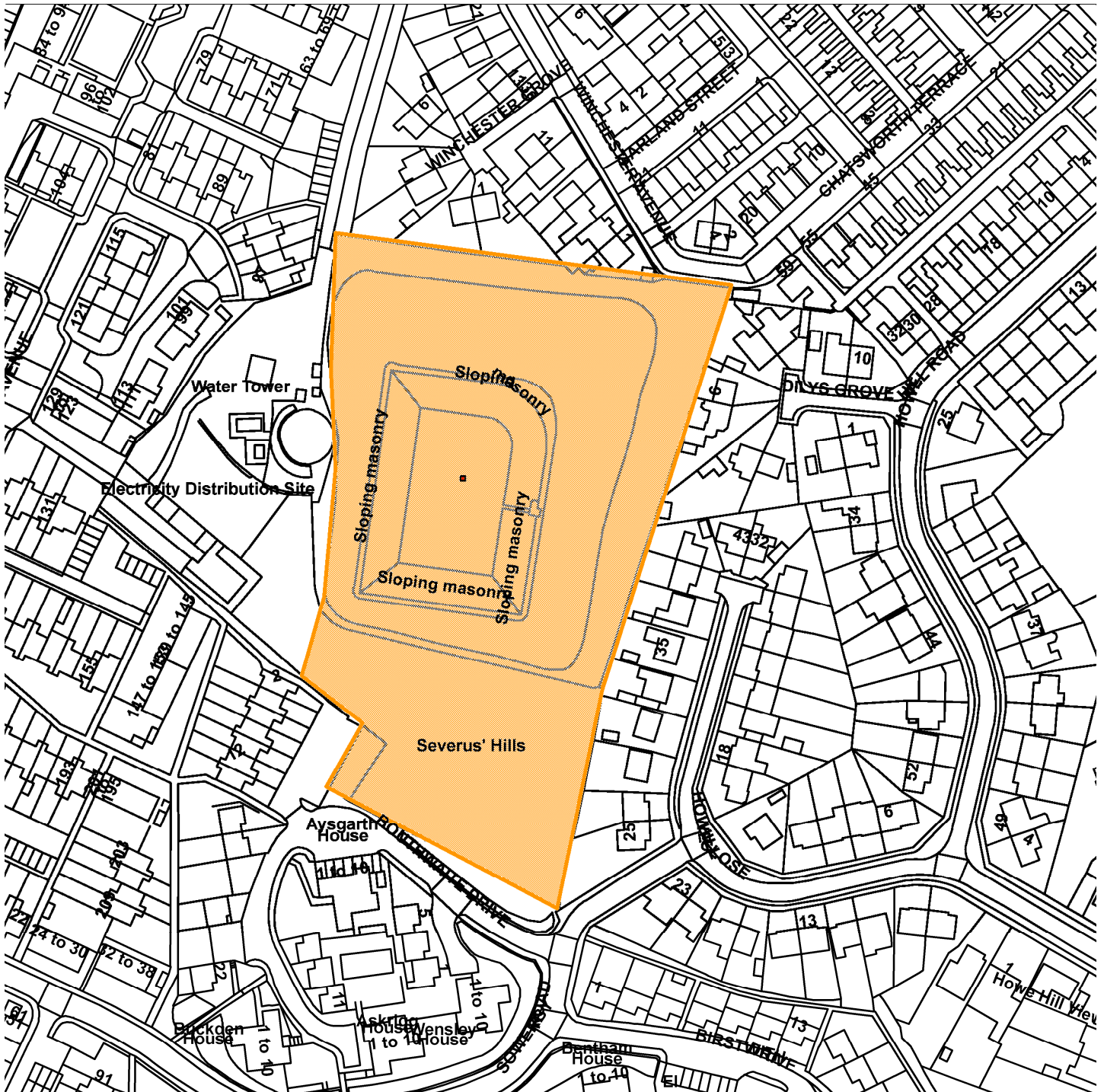
**Tel No:** 01904 551416

17/02006/OUTM

Severus SRE Site, Lindsey Avenue



GIS by ESRI (UK)



Scale : 1:1685

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	08 November 2017
<b>SLA Number</b>	Not Set

This page is intentionally left blank

**COMMITTEE REPORT**

**Date:** 16<sup>th</sup> November 2017    **Ward:** Osbaldwick And Derwent  
**Team:** Major and Commercial Team    **Parish:** Kexby Parish Council

**Reference:** 17/00893/FUL  
**Application at:** Land To The South Of Keepers Cottage Intake Lane Dunnington York  
**For:** Erection of entrance gates, 1 no. agricultural store, 1 no. field shelter, and shooting platform (retrospective)  
**By:** Mr Andrew Cole  
**Application Type:** Full Application  
**Target Date:** 6 July 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Planning permission is sought for a field shelter for livestock together with a timber storage shed, a shooting platform and a metal gate. The application is retrospective. Approximately half of the field has recently been planted with fruit trees and the south east part of the site has been planted with deciduous trees. The applicant has advised that the site is being used as a commercial orchard.

1.2 The monopitched timber field shelter is sited in the north east part of the field. Would measure 1.43 metre by 2.43 metres. The tallest part of the roof would be 1.82 metres high. At the time of the site visit it was being used by pigs.

1.3 The timber storage shed has the appearance of domestic garden shed. It is sited centrally within the field and was being used for the storage of animal food. The dual pitched shed measures 1.82 metres by 2.43 metres and would have a maximum height of 2 metres. However the shed on site would appear to be taller than 2 metres.

1.4 The shooting platform would measure 1.82 metres by 1.82 metres and would be 4 metres in height. The upper section of the structure has been enclosed with openings on all four sides.

1.5 The proposed metal gate fronts onto the public right of way 15/8/30 as well as a cycle track. The gates open inward into the field. The 2 no. gates together measure 4.8 metres in width and 2 metres in height. The decorative gates posts are slightly taller in height.

1.6 The site is within the general extent of the Green Belt. It is within Flood Zone 1. To the south east of the site is Hagg Wood - a Site of Importance for Nature Conservation (SINC). The application site falls within a Local Green Corridor. To the

south west, north west and north east are fields. To the north is Keepers Cottage, which is not part of the application site.

## **2.0 POLICY CONTEXT**

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYSP2 The York Green Belt
- CYGP1 Design
- CYGP14 Agricultural land
- CYGB1 Development within the Green Belt
- NE8 Green Corridors

Pre-Publication draft Local Plan (2017):

- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- SS2 The Role of York's Green Belt
- D2 Landscape and Setting
- GI1 Green Infrastructure
- GI2 Biodiversity and Access to Nature
- GI3 Green Infrastructure Network
- GB1 Development in the Green Belt
- ENV2 Managing Environmental Quality

2.2 Please see the Appraisal Section (4.0) for national and local policy context.

## **3.0 CONSULTATIONS**

### **INTERNAL CONSULTATIONS**

#### PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY)

3.1 No comments received

### **EXTERNAL CONSULTATIONS/REPRESENTATIONS**

#### KEXBY PARISH COUNCIL

3.2 No comments received

#### POLICE ARCHITECTURAL LIAISON OFFICER

3.3 No comments received

### **PUBLICITY AND NEIGHBOUR NOTIFICATION**

3.4 No representations were received within the consultation period.

## 4.0 APPRAISAL

### KEY ISSUES

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Impact to residential amenity

### PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.2 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) 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 unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning green belt.

### DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). 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.

4.4 Policy GB1 'Development in the Green Belt' of the DCLP sets out a number of criteria of considering new sites, whilst some of the specific criteria do not comply with the National Planning Policy Framework (NPPF) the general aim of the policy is considered to be in line with the NPPF.

4.5 Policy SP2 'The York Green Belt' states that the primary purpose of the green belt is to safeguard the setting and historic character of the city. Policy SP3 'Safeguarding the Historic Character and setting of York' states high priority will be given to the historic character and setting of York. The general aim of the policy - take account of the different roles and character of different areas, - is considered to be in line with the NPPF.

## EMERGING LOCAL PLAN

4.6 The public consultation on the Pre-Publication draft Local Plan ended on Monday 30 October 2017 and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is capable of being a material consideration in the determination of planning applications.

4.7 The Biodiversity Action Plan (2013) includes the application site as part of a Local Green Corridor 20 - Southern Heath. This is an extensive corridor that continues the Northern Heath corridor. It follows an indistinct belt taking in the sandy soils on the south eastern edge of the city and connects through to the Tilmire and the Naburn Blown Sands areas to the west. As for the northern heath, it is more restricted in its overall interest being primarily for agriculture, forestry and, in wildlife terms, for its heathland. The remaining heathland interest is limit largely to relict heath within this woodland cover. Sites of known interest include the adjacent Hagg Wood.

## GREEN BELT STATUS OF THE SITE

4.8 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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



4.9 The site is located within the general extent of the York Green Belt as described in the RSS. The DCLP (2005) and the emerging local plan designate the site as Green Belt.

4.10 The site was not identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

4.11 Additionally, when the site is assessed on its merits it is concluded that it serves at least one of Green Belt purposes, namely assisting in safeguarding the countryside from encroachment. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

4.12 To the south east of the site is Hagg Wood - a Site of Importance for Nature Conservation (SINC) within the larger Local Green Corridor. To the south west, north west and north east are fields. To the north is Keepers Cottage, which is not part of the application site. The current character of the area is open and agricultural in character.

4.13 NPPF paragraph 89 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions. These exceptions include buildings for agriculture and forestry. The field shelter and the storage shed could be reasonably considered to fall within the criteria. The proposed gates (which require planning permission because of its height in proximity to a highway) does not fall within any of the criteria set out in paras 89 and 90 and as such are inappropriate development. The applicant has stated that the shooting platform is required for the shooting of rabbits and deer. The applicant has verbally confirmed that the shooting of the deer and rabbits is a form of pest control, to prevent them from damaging the trees rather than a sport/leisure activity. The applicant has verbally stated that the tower is required as they do not own the surrounding fields and so from the tower they can shoot down rather than across.

4.14 The shooting of pests is not considered to be development. As such it falls to be considered whether the shooting platform is required for agriculture. There did appear to be some deer fencing within Hagg Wood although the applicant verbally advised that this fencing does not prevent deer from entering the field. It was noted that the other three site boundaries have tall mature relatively dense hedging with some standard agricultural post and wire fencing. There was no obvious deer fencing. The recently planted fruit trees did not have protective fencing and there are considered to be a number of fencing options that would prevent damage to the trees from deer.

4.15 It was noted the trees did have tree guards which would prevent rabbits from damaging the trees. As such there are a number of options that would have less impact on the openness of the greenbelt than the shooting platform. Further information and justification was sought from the applicant for the platform and the other pest control measures they had considered, however at the time of writing the report no further information was forthcoming. As such it is not considered that the shooting platform is reasonably required for agriculture and the management of the fruit trees when there are more typical solutions to preventing damage. It is not considered that the proposed platform would fall within the NPPF criteria of provision of appropriate facilities for outdoor sport, outdoor recreation, as the structure would further impact on the openness of the Green Belt Therefore the shooting platform and the gate are considered to be inappropriate development in the greenbelt.

4.16 It was noted at the site visit that some fruit trees had been planted (less than half the field), and whilst it is appreciated that it may be in the early stages of creating the orchard, there is some concern that the site has the appearance of an amenity/garden area rather than a traditional farmed orchard. Much of the field had been planted with other types of non-fruiting trees together with a number of benches; however there is still some scope for further fruit trees to be planted. The applicant verbally advised that they had other orchards which were further progressed than the proposed, however despite requests the applicant has not supplied information as to where these other orchards are located or the extent of their holding.

4.17 The fundamental purpose of Green Belt policy is keep land permanently open. The concept of 'openness' in this context means the state of being freed from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site. The proposed shooting tower and centrally located shed together with the proposed gate would create in an increase in the solid form and visual harm within the Green Belt, and would result in the encroachment of development into the Green Belt contrary to one of the purposes of including land in the Green Belt. This would result in harm to the openness and permanence of the greenbelt and is therefore considered to be inappropriate development in the Green Belt. The proposal gives rise to harm to the Green Belt by reason of inappropriateness which should not be approved except in very special circumstances. The NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the green belt. 'Very special circumstances' will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whether very special circumstances exist is assessed from paragraph 4.27 of this report.

## DESIGN AND LANDSCAPE CONSIDERATIONS

4.18 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.19 The advice in Chapter 7 is replicated in Draft Local Plan Policy GP1 (Design) and, therefore, this policy accords with the NPPF. Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

4.20 The Ecology Officer has verbally confirmed that the proposed development would be unlikely to affect the functioning or reasons for allocating the area as a Local Green Corridor or a SINC (Interest: remnant semi natural woodland). The visual (cumulative) impact of the development on the character and visual amenity of the area are considered below.

4.21 The siting of the field shelter close to the boundary hedge is considered to be a reasonable location. It is of a low height and of typical agricultural appearance and is not considered to result in visual harm.

4.22 The proposed gates and gate posts, by virtue of their domestic urban appearance, appear jarring and atypical in this rural context. It is considered to result in visual harm when viewed from the public right of way and a cycle path that run directly past the gates.

4.23 The siting of the shooting platform and the storage shed centrally in the field increases the prominence, particularly as they are lined up with the gated access. The storage shed by virtue of its domestic design and central location appears atypical and incongruous in this location. Whilst some deciduous trees have been planted which may in future provide an element of screening this is not considered sufficient to overcome the harm. When viewed from the public right of way and cycle path the shooting platform is sited behind the timber shed and they appear as one building, However the appearance of the structures are atypical and out of character with the rural context, particularly as when viewed from the public realm the tower and domestic shed are in the background with the metal urban gate in the foreground. During the winter months the structures and the gate would become more visible by virtue of leaf loss from the surrounding deciduous hedging. As such, the proposal would fail to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, contrary to advice in the NPPF.

#### IMPACT TO RESIDENTIAL AMENITY

4.24 The intensity of the use of the proposed platform is unknown. Further details were requested from the applicant; however at the time of writing no information was

forthcoming. Without information as to how often the shooting platform is used, the length of period the platform is in use, how many shots etc officers are unable to assess the potential impact/disturbance to the nearby dwellings.

4.25 The proposed field shelter is currently being used for pigs. The proposed building is 55 metres from the closest dwelling. The size of the shed limits the number of pigs that could be kept on site. Any further buildings required for livestock would require planning permission in this location. Given the limited number of pigs that can use the field shelter it is not considered that it would result in harm to the residential amenity of the nearby dwellings.

## ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

4.26 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh the potential harm to the Green Belt (and any other harm) so as to amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt.

4.27 The applicant has not put forward any considerations in favour of the development to outweigh the identified harm. Therefore, in light of the lack any benefits of the development identified by the applicant or by officers that would either individually or collectively clearly outweigh the harm, it is considered that the very special circumstances necessary to justify the proposal do not exist.

## 5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves at least one of the Green Belt purposes. As such it falls to be considered under paragraph 87 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness, and that the proposal would undermine one of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character, and (potentially) residential amenity identified in this report.

5.3 Insufficient information has been submitted with the application to properly assess whether the use of the shooting platform would be acceptable in terms of residential amenity.

5.4 It is not considered that there are countervailing benefits arising from the proposal that clearly outweigh the harm so as to amount to very special circumstances necessary to justify an exception to Green Belt policy.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The application site is within the general extent of the Green Belt as set out in Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. In accordance with paragraph 89 of the National Planning Policy Framework it is considered that the proposed development constitutes inappropriate development which, according to Section 9 of the Framework is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposal conflicts with the essential characteristics of Green Belts (their openness and their permanence) and the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, and is harmful to the openness of the Green Belt. The Local Planning Authority has carefully considered the justification put forward by the applicant in support of the proposals but has concluded that these considerations do not clearly outweigh the harm to the Green Belt and other harm (visual amenity and character, and potentially residential amenity) when substantial weight is given to the harm to the Green Belt. As such very special circumstances do not exist to justify the proposal. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and Policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

2 It is considered that the proposal would increase the dominance and presence of the built form on the land. This would have a negative impact on the visual amenity of the area as the site is readily visible from the public right of way and the cycle path. As such, the proposal would fail to take the opportunities available for improving the character and quality of an area and would not respect or enhance the local environment, contrary to the core planning principle of the National Planning Policy Framework of recognising the intrinsic character and beauty of the countryside and Policy GP1 of the City of York Draft Development Control Local Plan (Approved April 2005) which similarly expects proposals to respect or enhance the local environment.

3 Insufficient information has been submitted with the application to properly assess whether the use of the shooting platform would be acceptable in terms of residential amenity. In the absence of further information, the Local Planning Authority has been unable to properly assess whether the proposal would be in

compliance with Policies GP1 of the City of York Development Control Local Plan (2005), and national planning policy set out in the National Planning Policy Framework. It is not considered that these matters could reasonably be addressed through the imposition of planning conditions.

## **7.0 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

- Requesting further information

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

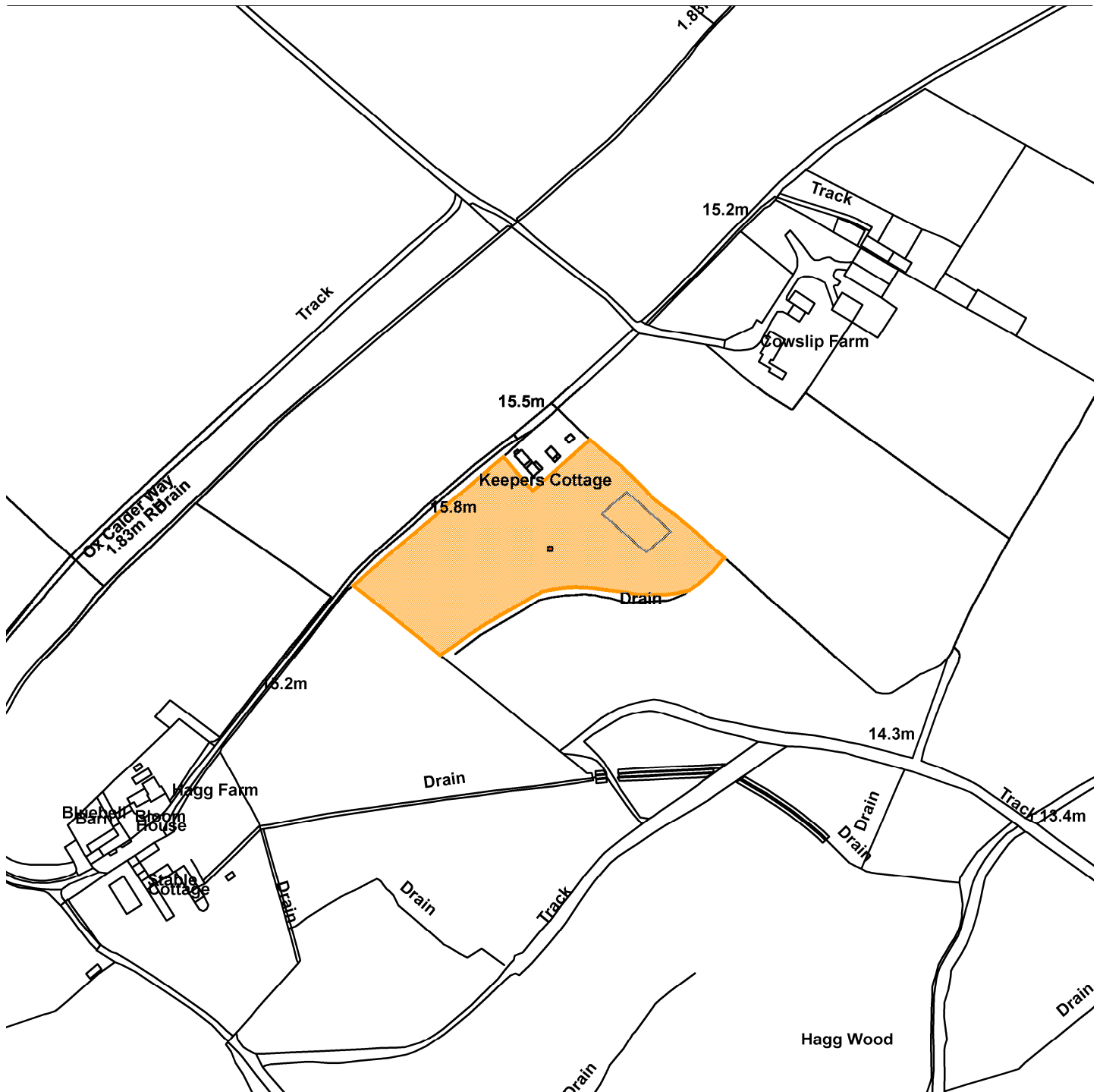
#### **Contact details:**

**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

17/00893/FUL

Land To The South Of Keepers Cottage, Intake Lane



Scale : 1:3236

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	08 November 2017
<b>SLA Number</b>	Not Set

This page is intentionally left blank



**COMMITTEE REPORT**

**Date:** 16<sup>th</sup> November 2017    **Ward:** Fulford And Heslington  
**Team:** Major and Commercial Team    **Parish:** Fulford Parish Council

**Reference:** 17/01969/FULM  
**Application at:** Site Of Former Fordlands House 1 Fordlands Road York  
**For:** Erection of 64 bedroom care home, car parking and landscaping following the demolition of existing care home  
**By:** Octopus Healthcare Developments Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 14 November 2017  
**Recommendation:** Approval subject to satisfactory resolution of landscape and highway issues.

**1.0 PROPOSAL**

1.0 The application site is situated on the eastern side of Fordlands Road, and south of Germany Lane. A public footpath runs along the frontage of the site. The boundary of Fulford Village Conservation Area, abuts the site to the immediate north and west, however the site is not within the Conservation Area. The surrounding context is predominantly residential, with larger detached and semi detached houses on Selby Road. The immediate vicinity around the site is one of smaller cottages to the west, and single, and one and a half storey Mews houses directly opposite the site. The majority of the site is within Flood Zone 2 with the south east of the site within Flood Zone 3, as noted on the Environment Agency's Flood Map for Planning. The site is currently occupied by a vacant care home.

1.1 The existing building on the site is understood to have been constructed in the 1970's and used as a care home for the elderly with provision for 31 residents. The Council resolved to close the building in 2012, and it is now vacant except for on - site security staff. Permission is now sought for the erection of a replacement residential care home, (use class C2), comprising 64 bedrooms with en-suite bathrooms for the elderly with associated amenity facilities, car parking and external landscaping, including private residents' gardens.

1.2 The proposed building is two and three storey, with a steeply pitched roof to all frontages, with a flat roof behind the pitched areas. It will be constructed predominantly from brick with some areas of timber cladding under a slate effect roof. Windows and exposed purlins will be timber construction. The building has been visually subdivided, and whilst the highest ridge is approximately 11.5m above finished floor levels, it is noted that finished floor levels will be raised to take account of flood mitigation. Eaves heights vary to enhance the articulation of the building.

1.3 There are balconies to some bedrooms and communal café areas. This includes the elevation that faces towards the existing dwellings on Germany Lane. Landscaped grounds, including seating areas and pathways, are provided to the south of the building.

1.4 The access into the site will be located at the north western corner of the site, with egress towards at the eastern end of the site frontage. 18 parking spaces will be provided along the frontage of the site, with a further two spaces to the front of the service yard along the eastern boundary. Cycle storage will be provided to the frontage, and in the basement.

## **2.0 POLICY CONTEXT**

**National Planning Policy Framework (NPPF)** March 2012. See section 4 for more detail.

### **Development Control Local Plan (DCLP) 2005**

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

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

2.3 DCLP policies relevant to the development are:-

- Policy GP1 'Design'
- Policy GP4a 'Sustainability'
- Policy GP9 Landscaping
- Policy GP15a Development and Flood Risk
- Policy NE1 Trees Woodlands and hedges
- Policy NE6 Species protected by law
- Policy HE 3 Conservation Areas
- Policy HE4 Listed Buildings
- Policy HE10 Archaeology
- Policy HE11 Trees and Landscape
- Policy H17 Residential institutions

### **Emerging Local Plan**

2.4 Consultation on a new pre-publication draft local plan and revised evidence base has recently been completed. (30th October 2017).

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

2.6 The evidence base includes:

- Strategic Housing Land Availability Assessment (SHLAA) (2017)
- Strategic Housing Land Availability Assessment (SHLAA) Annexes(2017) (18.67 MB - PDF)
- Heritage Impact Assessment (2017) (2.36 MB - PDF)
- Heritage Impact Assessment Annexes (2017) (5.61 MB - PDF)
- The City of York Council Strategic Flood Risk Assessment 2013 is also of relevance to this application. It requires a sequential risk based approach to determining the suitability of land for development in flood risk areas in line with NPPF requirements.

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

Policy D1 Placemaking  
Policy D2 Landscape and setting  
Policy D4 Conservation Area  
Policy D5 Listed Buildings  
Policy G12 Biodiversity  
Policy G14 Trees and Hedgerows.  
Policy CC2 Sustainable Design and Construction  
Policy ENV 4 Flood Risk  
Policy ENV 5 Sustainable Drainage  
Policy H9 'Older persons' specialist housing'  
Policy H1 'Housing allocations'

### **3.0 CONSULTATIONS**

#### 3.1 INTERNAL

#### 3.2 Highway Network Management

3.3 No objection to the proposed development, (subject to final confirmation). The

egress is located close to the existing site access to the north west of the site, with suitable visibility provided for public footpath users. Works to the egress will include tying into the adjacent public footpaths and the relocation of a lighting column. A marginal increase in traffic is expected to be generated by the development from that of its previous care home use; however do not envisage this to be detrimental to the highway network.

3.4 To improve accessibility by foot to the local facilities on Main Street, Fulford, a pedestrian crossing is to be provided on the desire line to the opposite footpath. The site is in a sustainable location with frequent bus service to the city centre/ Designer Outlet Park and Ride, available at bus stop on the A19 close to the site. The applicant has agreed to fund 106 contributions of £15k to provide a BLISS real-time display screen at the local inbound bus stop on Main Street, Fulford in order to make the use of public transport more attractive. Cyclists are well catered for with good local on and off road cycle links to the site giving access to a large residential catchment attract staff and potential occupants/ visitors from. Cycle parking for staff and visitors is to be provided with details of good quality cycle parking to be secured by condition.

3.5 Car parking is in accordance with CYC Maximum standards and supported by a transport statement outlining the applicants experience at other sites including low car usage by staff. Improved sustainable transport measures, good sustainable transport links and a commitment to travel planning will ensure that the development is unlikely to have an adverse impact on the locality in terms of parking.

### Flood Risk Management

3.6 Having assessed the submitted details the Flood Risk Management Team (FRMT) has no objections to the development in principle but if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and public sewer network:

### Public Protection

3.7 The proposals would appear satisfactory given extant permissions, however the surroundings of the home have altered slightly due to the granting of permission for the Germany Beck housing development further along Germany Lane and the creation of an access road near to the proposed care home. Therefore recommend a condition regarding noise insulation. Only other noise concern relates to the potential impact of the demolition and construction phases of the development on nearby residential properties and also noise from any plant or equipment to be installed on site. Request appropriate conditions in relation to construction noise, and odour.

3.8 In relation to contamination the Phase 1 report shows that the current care home and garages were constructed in the 1980s and that the site was largely

undeveloped prior to this. The report identifies a number of potential pollutant linkages and recommends that an intrusive site investigation is carried out, to find out whether land contamination is present. The Phase 2 report presents the findings of the intrusive site investigation. The reports are acceptable. A further condition in relation to electric charging is recommended to promote sustainable transport.

### Planning and Environmental Management (Conservation)

3.9 Summary: The proposed new building is designed in a manner sympathetic to the existing buildings in the adjacent part of the Conservation Area (CA), including brick elevations, slate roofs and wooden windows and doors. However having applied step 2, of the assessment in relation to the setting of Fulford Village Conservation Area, the scale of the proposals could have a detrimental impact on the identified setting and consequently will have a negative impact on the CA's significance.

3.10 The views across the Pinfold will be dominated by the new building and its open nature reduced. The positive buildings on Main Street will no longer establish the scale of the village due to the dominance of the proposal; and as you cross stone bridge, the proposal will be much more apparent.

### Planning and Environmental Management (Landscape)

3.11 Ideally the building would be set further away from the eastern boundary, and larger tree species employed to create a more generous setting to the development given the scale of the building and its location immediately adjacent to the Germany beck nature park. The best of the trees along the southern boundary are being retained. A Birch tree and Norway Maple are also worthy of retention and protection however these are proposed for removal. They currently add to the mature tree cover in the area that contributes to the amenity of the surrounding streets and the edge of Fulford village.

3.12 In the long term the loss of the two trees would be mitigated by the proposed tree planting along Germany Lane and along the eastern boundary, provided that the growing conditions are adequate to encourage vigorous growth and can sustain the trees into maturity. Not confident that the proposed tree planting along Germany Lane can be successfully achieved, therefore the removal of Birch T1 is not currently sufficiently mitigated, and the tree should be retained.

3.13 The removal of T9 along with other vegetation along the eastern boundary may not be suitable for ecological reasons. In terms of landscape character and visual amenity, the removal of T9 would result in a significant loss to the local amenity. In the long run, this would be mitigated with the proposed tree planting, provided that the site plan is revised to pull the kerb line away from the proposed trees at the site exit to give them sufficient space for growth. Thus although the proposed planting plan is acceptable, removal of T1 and T9 is not, unless sufficient details

and revisions are made to respond to the comments made above, as discussed with the applicant.

3.14 The removal of T1 Birch and T9 Maple would be contrary to draft local plan policy NE1 (fourth set of changes), and corresponding emerging local plan policy. The loss of trees would also be contrary to BS 5837. Revisions have not been, and at this stage insufficient information has been submitted to demonstrate that suitable mitigation would be feasible and/or successful.

3.15 If approved recommend a tree protection condition together with landscape management.

### Planning and Environmental Management (Archaeology)

3.16 This site lies outside the designated Areas of Archaeological Importance. It lies within an area where undesignated heritage assets of local and regional significance are recorded on the City of York Historic Environment Record.

3.17 There have been extensive archaeological excavations carried out in advance of the approved housing development at Germany Beck. These excavations have produced evidence of an organised rural landscape dating from the late prehistoric period through the Romano-British period. It has also been argued that the Battle of Fulford might have been fought in the area adjacent to Germany Beck between the River Ouse and Heslington Tillmire.

3.18 In the light of this archaeological background, the applicant prepared an archaeological desk-based assessment and was subsequently requested by City of York Council to carry out an archaeological evaluation of the site. This has taken place and the applicant has submitted a report on the evaluation (Report On An Archaeological Evaluation Osa Report No.: Osa17ev33 October 2017).

3.19 Two trenches were excavated. These were located within the footprint of a proposed new care home, in an area currently used as a car park. The report states that:

"The southernmost trench (Trench2) revealed 20th century made ground down to a depth of 1m below the existing ground surface. The made ground was similar to material revealed in evaluation trenches excavated immediately to the east of the site in 1996. During that evaluation the made ground was interpreted as forming backfill of a rubbish tip, in use until c. 1950. Trench 2 appears to demonstrate that the rubbish tip extends into this part of the former care home site.

3.20 The northern trench (Trench 1) revealed natural clay immediately below the make-up deposits for the current car park, presumed to have been deposited in the 1980s when the care home was constructed. There was no evidence for surviving subsoil deposits indicating that the surface of the natural was probably truncated

during the car park construction. No archaeological features were present within the limits of the trench. However, the survival of the natural in this trench suggests that truncated, originally deep, archaeological features may still be present on the site."

3.21 Representations about the archaeological potential of this area have been made by Fulford Parish Council. I consider that the report on the archaeological evaluation provides sufficient evidence to allow an informed decision to be made on the impact this development will have on archaeological deposits.

3.22 The archaeological evaluation has demonstrated that there are modern land-fill types deposits present on part of the site and that deposits have been truncated so that no archaeological features survive above the level of natural deposits. The potential for survival of archaeological deposits is therefore low. However, it is possible that features may survive where they have been cut deeply into the natural deposits. The evaluation has not produced any evidence that suggests the Battle of Fulford was fought in this location. The probability that there are well-preserved archaeological features on this site is, therefore, low. However, there may be features preserved where they have been cut deeply into the underlying natural deposits. I recommend that an archaeological watching brief is maintained during the excavation of foundations, service trenches, etc so that any archaeological features that might be on the site can be recorded.

3.23 Please attach a condition requiring a watching brief on any consent that is granted.

#### Planning and Environmental Management (Ecology)

3.24 The former Fordland Care Home is known to support roosting bats. Recent surveys have been undertaken by Wold Ecology Ltd in May and June 2017, adding to existing information on the site by QUANTS environment al Ltd (August 2016) and Access Ecology (June - July 2012). The 2012 surveys found a common pipistrelle maternity roost of 26 bats using the lift tower, a smaller roost on the east gable of the building and a further one within the courtyard. A single brown long-eared bat was also recorded returning to an unconfirmed roost point in an oak tree on the southern boundary (ref: T12 - to be retained). The 2016 survey recorded 2-4 common pipistrelle roosting in the lift tower (NB survey had restricted access).

3.25 The 2017 surveys recorded single common and soprano pipistrelle bats roosting in three locations, using external features (lifted tiles and lead flashing) of the lift tower. Although the bat survey report provides justification as to why they consider a maternity roost is no longer present, the impact assessment takes account of the potential presence of one and concludes that it would result in a medium impact at a local level.

3.26 The mitigation proposed (e.g. timing of works and type of bat boxes) is sufficient to accommodate a maternity roost and I support this precautionary

approach as common pipistrelle in particular are known to move roosting sites within a season and between years depending on a number of factors including climatic conditions.

3.27 The current proposal (Landscape Masterplan DWG No. 50074-DR-LAN-101) shows the removal of circa 44m of vegetation on the eastern boundary, to be replaced by one oak and five field maple trees with a native hedgerow (assumed hawthorn). The mature trees and vegetation on the southern and western boundaries is to be largely retained but three silver birch trees, a crab apple and three rowan within the grounds are to be removed. None of the trees to be removed are considered to have potential to support roosting bats. The landscape proposal does not tie in with the agreed mitigation for the adjacent Germany Beck development and the loss of the eastern boundary is of particular concern due to the temporal loss of foraging habitat for bats.

3.28 Germany Beck Bat Mitigation Addendum by QUANTS environmental Ltd dated January 2017 Section 3 Current Baseline Conditions, page 8 paragraph 3.1.4 states: Trees and Shrubs around Fordlands Care Home - The vegetation within the grounds of the care home and on the southern and eastern site boundaries of the care home provide bat habitats of moderate value as foraging habitat. This vegetation however, is likely to be critical for the maintenance of the known common pipistrelle maternity bat roost in Fordlands Care Home.

3.29 Although it is acknowledged that from a landscape perspective the large Leylandii are out of keeping with Germany Lane and in the long-term a mature native species hedgerow and trees would have a greater wildlife benefit, this is a large amount of vegetation to lose at once and the new hedgerow and trees will take sometime to establish. The Bat Survey submitted with the application recommends vegetation along south and eastern boundary is at least 2m wide. A phased approach to removing and replacing this hedgerow and using larger specimens would be supported and should be secured through an appropriate landscape planning condition. The impact on the eastern boundary would be further reduced by the retention of the two Norway maple currently marked for removal.

3.30 The introduction of additional artificial light might mean bats are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. A sensitive external lighting scheme, which avoids shining light directly onto adjacent habitat, and minimise light spill should be secured through planning condition. If this application is approved conditions in respect of tree protection and planting should be imposed.

#### Adult Social Care

3.31 Using national benchmarks, York is currently short of 657 residential and nursing care beds and, because of the anticipated 50% increase in the 75+ population in the city and the expected closure of care homes which are no longer fit



for purpose, we anticipate that, should no new care homes be built, that shortfall will have risen to 962 by 2020 and 1,644 by 2030. Even if all current planning application for C2 developments are approved, York will still have a SHORTFALL in care bed provision of 672 in 2020, rising to 1354 in 2030. The shortage of good quality care accommodation in the city, if not addressed, would have a profound and negative impact on the care and health “system” in York, leading to potential delays in people leaving hospital beds, people continuing to live in inadequate accommodation and diminished support for informal carers. The lack of appropriate accommodation in old age also has a serious and detrimental effect on the health and wellbeing of each individual concerned.

3.32 The Council is clear that there is a shortage of good quality residential and nursing care accommodation, particularly those providing dementia cares, in the Fulford area as well as in most other areas in the City. Because of the desperate need for this provision across the city it is appropriate that the sequential test looks only at this area. The same test applied in nearly all other areas would identify a similar shortfall.

3.33 With regard to current local C2 residential care classification provision in the Fulford area, there is only two residential and nursing care homes: Connaught Court and Fulford Nursing. In total they provide 110 care beds. The Parish Council have mentioned other buildings but they are mistaken in their classification; both are C3 (dwellings): Delwood which is a local authority owned sheltered housing scheme and Glen Close which is a local authority owned general needs housing scheme.

3.34 An analysis of provision distribution by population also shows that there is a shortfall in the Fulford area and, if the area is expanded to take in other, close by, wards, the provision is even more acute. Fulford & Heslington ward has only 33 care beds per 1000 population over 75. Neighbouring Fishergate ward has only 10 beds per 1000 over 75s and Guildhall ward only 2 beds per 1000 over 75s. Taking the central, south and east areas as a whole, in which Fulford sits, the provision is just 12 beds per 1000 over 75s. This area has a high incidence of population which is over 75 years of age. Our optimum provision is 110 beds per 1000 people over 75.

3.35 The Fordlands Road Older Persons Home which operated on the site until 2012 provided residential care only to 31 care beds; the Council cannot directly provide nursing care. It was closed because it was no longer fit for purpose: it is too small to operated efficiently and provide the appropriate range of care and services; the care bedrooms, corridors and lounge areas were too small to provide appropriate care and there was only one en-suite bathroom with all other residents having to share toilet and bathroom facilities. The Council had originally planned to fund and build a new (modern and bigger) care home on the site but the cost of flood alleviation meant that this could not be afforded by the authority and, instead, our plans were changed in 2014 and it was proposed that a new council funded care home be built on the site of the Burnholme school, which closed that year. In 2015 it

was agreed that this new home would be privately funded with the council buying back beds from an independent care home provider.

## EXTERNAL

### Fulford Parish Council

3.36 The site is clearly not large enough to accommodate such a large facility and the damage to the environment and local heritage will be considerable. Whilst there would be some economic and social benefits, the Parish Council considers that these are not sufficient to outweigh the many negative impacts. Main points raised;

Harm to setting of conservation area - scale, height and mass of building fails to respect scale and character of the small dwelling within immediate vicinity, such buildings establish the scale of the village.

- Protected species-bats- submitted bat survey takes no account of mitigation proposed by Persimmon to offset loss of habitat to south of care home.
- Loss of trees and hedges especially T1, T9, H5-H6. Hedgerow Regulations 1997 provide for the conservation of important hedgerows and their constituent trees and the presence of protected species.
- Flood Risk -Environment Agency Guidance recommends sequential test applied over geographical area unless justified by functional requirements. Only small area identified. Fulford already benefits from four care homes, and when it was decided to close Fordlands it was stated that it was not suitable because of combination of increased flood risk, trees and bats, and Burnholme was identified. Nearby sites in Draft Plan have been overlooked.
- Impact of spine road- conflict in advice between the Design and Access Statement and the MET flood Risk Assessment.
- Archaeology- The Heritage Statement fails to mention recent research and archaeological investigations carried. The potential destruction of archaeological remains is a further drawback.
- Highway/ Parking - Recommend that the maximum parking standards are applied due to chronic shortage in the area.
- Footpaths. Existing footpath along Germany Lane is too narrow. Path opposite has vehicular and garage entrances and is unsuitable. Germany Lane is on a route to schools. This is an existing problem, but improvements would be beneficial.
- Neighbour amenity - ~overbearing impact, including large glazed areas. Overlooking
- Noise/ vibration especially from piling.

### Yorkshire Water

3.37 A condition is recommended in relation to surface and foul drainage.

### Environment Agency

3.38 No objections to the proposed development, but consider that it will only meet the requirements of the National Planning Policy Framework if the following measures, as detailed in the Flood Risk Assessment by Met Engineers, dated July 2017, Ref: 12244-5001, Revision 04, submitted with this application are implemented and secured by way of a planning condition on any planning permission granted:

### Foss Internal Drainage Board

3.39 The Board does have assets adjacent to the site in the form of Germany Beck; this watercourse is known to be subject to high flows during storm events. The Board wishes to state that where possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. Recommend condition that no development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works

### Neighbour notification and publicity

3.40 A pre-application event was carried out with Fulford Parish Council on June 6th 2017. This was followed by a Public Engagement Event at the site on June 13th 2017. The application was advertised by site notice, and direct consultation with immediate neighbours.

3.41 3 letters of objection have been received, and include the following points;

- Use of the name Fulford Mews Care home would result in people parking in the adjacent mews house.
- Inadequate parking will result in parking on the street.
- Landscape buffer inadequate. Points to over development.
- Harm to heritage asset
- Highway safety and parking
- Concern regarding the limited area for the sequential test.
- Crime and disorder
- Bats - concern that insufficient bat surveys carried out
- Noise assessment
- Neighbour amenity.

## **4.0 APPRAISAL**

## 4.1 MAIN ISSUES

- Policy background
- Principle of the development
- Flood Risk
- Heritage Considerations
- Design and character
- Amenity considerations
- Highways issues
- Designing out crime
- Sustainable design and construction
- Other materials considerations

## POLICY BACKGROUND

### National Planning Policy Framework

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

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

4.3 Paragraph 50 refers to the delivery of a wide choice of high quality homes, and planning for a mix of housing based on current and future demographic trends,

market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes).

4.4 Paragraph 60 states that planning policies and decisions should not impose architectural styles or particular tastes... however, it is proper to seek to promote or reinforce local distinctiveness. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

4.5 Paragraph 65 states that Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits)

4.6 Section 10 of the NPPF relates to meeting the challenge of Climate change, flooding and coastal change. The section provides guidance on planning new developments in locations and ways that reduce green house gas emissions, and increase the use and supply of renewable and low carbon energy.

4.7 Paragraph 100 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk of flooding, but where development is necessary, making it safe without increasing flood risk elsewhere.

4.8 Paragraphs 101 and 102 refer to the application of the sequential test to steer development away from areas at risk of flooding if there are reasonably available sites appropriate for the proposed use.

4.9 Paragraph 102 Advises that, if following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with lower probability of flooding; the Exception Test can be applied.

4.10 Paragraph 103 advises that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment.

4.11 Section 11 of the NPPF seeks to ensure that the planning system contributes to and enhances the natural and local environment.

4.12 Section 12 relates to conserving and enhancing the historic environment. This includes impact of development on designated heritage assets, and includes setting of conservation areas. It also relates to sites which have the potential to include heritage assets with archaeological interest.

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

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

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

## PRINCIPLE OF DEVELOPMENT

4.16 The site is not allocated in the emerging plan for development, and is currently occupied by a care home, which is now vacant. The NPPG and evidence in the Strategic Housing Land Availability Assessment detail the need for elderly persons' accommodation. The number of people aged 65 and over has increased by more than other age categories in the city and reflects national trends in line with increasing life expectancy.

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

4.18 This position is backed up by information from the Council's Adult Social Care team who state that York has a significant under-supply of good quality residential

and nursing care accommodation which will continue to rise if no new care homes are built. An analysis of provision distribution by population also shows that there is a shortfall in the Fulford area and, if the area is expanded to take in other, close by, wards, the provision is even more acute. Fulford & Heslington ward has only 33 care beds per 1000 population over 75. Neighbouring Fishergate ward has only 10 beds per 1000 over 75s and Guildhall ward only 2 beds per 1000 over 75s. Taking the central, south and east areas as a whole, in which Fulford sits, the provision is just 12 beds per 1000 over 75s. This area has a high incidence of population which is over 75 years of age. Optimum provision is 110 beds per 1000 people over 75.

4.19 Policy H17 of the DCLP seeks to ensure that there isn't a concentration of residential institutions that would have an adverse impact on residential amenity. It is not considered that the development will result in an unacceptable concentration. Fulford Parish Council has referred to four homes in Fulford, however it is understood there are only two residential and nursing care homes: Connaught Court and Fulford Nursing. Given the brownfield nature of the site, and the sustainable location, the proposal is considered acceptable in principle subject to other material planning considerations.

## FLOOD RISK

4.20 The site is located predominantly within Flood Zone 2 with part of the site within Flood Zone 3. As set out in the Technical Guidance to the National Planning Policy Framework, inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. For these purposes areas at risk of flooding" means land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency.

4.21 A sequential test should be used to steer development to Flood Zone 1. Where there are no reasonably available sites in Flood Zone 1, local planning authorities allocating land in local plans or determining planning applications for development at any particular location should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required. Update in relation to sites.

4.22 The majority of the building will be in that part of the site that lies within Flood Zone 2, with a small part within Flood zone 3. The proposed care home is identified as 'more vulnerable'. The use is the same vulnerability as the existing building. The Environment Agency Guidance on applying the sequential test will usually be applied over the whole Local Authority area, unless there are functional or relevant objectives in the Local Plan. The consultation response from Adult Social Care

states that there is a significant need for increased elderly persons' accommodation across the city. In the Fulford and Heslington Ward there are only 33 care beds per 1000 population over 75. Neighbouring Fishergate ward has only 10 beds per 1000 over 75s and Guildhall ward only 2 beds per 1000 over 75s. The optimum provision is 110 beds per 1000 people over 75. It is considered that this identified need, together with the closing of the existing care home in 2012, demonstrates the functional reasons for applying the sequential test over a more limited search area.

4.23 In the light of the comments made by Fulford Parish Council, together with more specific comments being made by Adult Social Care, the area of search for the sequential test has been enlarged to include that part of Heslington, Fishergate, Guildhall and Fulford that lie to the north of the ring road. The amended Sequential Test has been assessed, and also discussed with Forward Planning Officers who have confirmed that in their opinion there are no sites available in areas of lower risk of flooding that are available. The Test is therefore been considered to have been passed.

4. 24 In relation to the 'Exception Test', this is only required in relation to those sites that fall within Flood Zone 3. The test requires that proposed development must provide wider benefits to the community that outweigh flood risk, and second it must be safe for its lifetime without increasing flood risk elsewhere. Turning to the first step, the benefits of new care for the elderly will provide significant benefits. Many care homes across the city have been closed because they are not 'fit for purpose'. The proposed accommodation will be registered with the Care Quality Commission. It will provide en-suite rooms and communal facilities, hairdressers and activity rooms for residents. Furthermore it is a sustainable location which will provide ready access for residents, visitors and employees. The building will also be constructed to meet Building Regulation part L which deals with energy efficiency, and will be able to meet the requirements of BREEAM Very Good. The care home will employ 64 staff (full and part time) who are able to access the site in a sustainable manner. Accordingly, it is considered that the sustainability benefits outweigh the flood risk of the development

4.25 In relation to the second test, as set out in the National Planning Policy Framework, the application is accompanied by a site-specific flood risk assessment. This demonstrates that the finished floor level will be set at 10.66m AOD, which is 600mm above the 1 in 100 year climate change level. The finished floor level of the existing building is 9.8m AOD. In addition, the footprint of the proposed building (1,149m<sup>2</sup>) is smaller than the footprint of the existing building (1,224m<sup>2</sup>). There will be an increase in flood storage from 1,929m<sup>2</sup> to 2,189m<sup>2</sup>. The Lead Flood Manager has advised that the proposed external levels will provide an additional flood storage volume of 216m<sup>3</sup> and therefore making it safe without increasing flood risk elsewhere.

4.26 Given that this is accommodation that will have resident staff who will manage the building, together with easy access to parts of the building at a higher level, it is



considered that safe access and egress can be provided in the event of a flood warning. It is recommended however that if permission is granted, it is subject to a condition requiring the submission of an evacuation plan.

4.27 Fulford Parish Council has stated that there are a number of other care homes/sheltered accommodation in Fulford. Nevertheless the existing older persons' home closed in 2012 with the loss of 31 beds. It is understood that there are only two residential and nursing care homes in Fulford: Connaught Court and Fulford Nursing. In total they provide 110 care beds. The Parish Council have mentioned other buildings however they are both are C3 (dwellings): Delwood which is a local authority owned sheltered housing scheme and Glen Close which is a local authority owned general needs housing scheme.

## HERITAGE ASSESSMENT AND DESIGN

4.28 This site adjoins the boundary of the Fulford Village Conservation Area but is not within it. In terms of the historic environment, the principal issue is whether or not this proposal will harm any elements which contribute to the significance of the adjacent Conservation Area and, if it would, whether or not there are any public benefits. Regard is to be had to the advice in the NPPF, particularly Paragraph 132 which states that 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. The more important the asset, the greater the weight should be and makes it clear that significance can be harmed or lost through development within its setting.

4.29 The first consideration in this assessment is how much contribution this site currently makes to the significance of the adjoining Conservation Area and would the development harm that significance.

4.30 The application site is located to the east of the site of the former village pinfold, which forms a small piece of open ground between the care home and Main Street. The current care home buildings are visible, to some extent, from Main Street as the backdrop to the former village pinfold, although they are not particularly prominent being largely shielded from view by the hedged boundary and trees that form the western and south western boundary of the care home. So, whilst they cause some harm at present to this aspect of the Conservation Area, it is minimal.

4.31 The loss of these buildings, therefore, will not harm the setting of the Conservation Area and, indeed, presents an opportunity to enhance the southern approach to the village. There have been no objections to the principle of this site being redeveloped.

4.32 Fulford Parish Council considers that the proposed building fails to reflect the grain or character of its surroundings and will appear monolithic and overbearing

even when the replacement landscaping eventually matures. It considers the balconies proposed are alien features within the conservation area that further detract from the street scene and setting of the Conservation Area.

4.33 However, the City Council's Conservation Architect considers that the proposed new building is designed in a manner that is sympathetic to the existing buildings in the adjacent part of the Conservation Area, including brick. In terms of its design, the development uses external materials similar to those found in the locality (although the Conservation Area actually exhibits a wide variety of different materials). Grey roof tiles, exposed purlins and larger overhangs are proposed in order to reflect the existing buildings in the surrounding area. Whilst most contemporary care home developments typically are characterised by buildings with large massing, the mix of multi red facing brick and timber cladding, and varying eaves and ridge heights have sought to break down the overall massing of the building to fit in with, and be sympathetic to, the surrounding streetscape.

4.34 The proposed building has been set back into the site to provide an increased separation from the nearby dwellings when compared to the existing building, and the development has provided extensive landscaped gardens to the south. The west elevation (which is the one which faces onto the site of the former pinfold) has been designed to reflect the cottages to the front, by virtue of the overhanging eaves, exposed timber purlins and domestic scale windows. In terms of materials, design concept, and architectural language, the building is not dissimilar from that found within parts of Fulford. In addition the design has clearly sought to break up the bulk of the buildings, visually, to more closely reflect the grain found within the Conservation Area. Balconies are not a feature typically found in the Conservation Area. However, they are a small element of the overall scheme and, it should be noted that this is not a development within the Conservation Area itself.

4.35 However, as reported in Section 3, the Council's Conservation Architect shares Parish Council's concerns about the scale of the building that is being proposed. 4.36 Officers have expressed concern throughout the application process regarding the scale of the proposed building not least because of the site's juxtaposition with buildings far smaller in scale. In response, soon after the application was validated, revised plans were submitted reducing the height of several parts of the proposed building. The applicant also submitted information demonstrating that buildings of a similar height to the proposed care home can be found in some parts of the village. These include the Bay Horse public house, Ebor House Flats, and the York Pavilion Hotel. However, in the context of Fulford, this is a taller building than generally found away from Main Street, and with a considerably greater mass. Consequently, it is necessary to consider how much this would harm the setting of the adjacent Conservation Area.

4.36 In terms of the approach to Fulford from the south, as has been stated above, this site is not particularly prominent in either view towards or from the Conservation Area. By its size and mass, this development will in all probability be more

noticeable and of a scale considerably larger than the buildings in its immediate vicinity. However, this part of Fulford has seen some marked changes since the Conservation Area was designated in 1998 (or even when it extended in 2008 to include the land to the west of the application site). The new road junction which is being developed to access the new housing at Germany Beck will have a marked impact upon the approach to, and significantly alter the setting of this part of the Conservation Area. Whilst the road configuration from the south might well once have helped "introduce the small scale of the village" as the Conservation Area Appraisal stated, this is clearly no longer the case. The new care home, therefore, will not be viewed as it would have done in 2008 as a large building on the edge of a village but rather, as a large building set against a large modern road junction leading to an extensive new residential development. Paragraph 131 of the NPPF states that Local Planning Authorities should take account of the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and the desirability of new development making a positive contribution to local character and distinctiveness. It is considered that in terms of the details of the development, the building better reflects the character of the immediate area and in particular the cottages to the frontage, than the existing building. It is further considered that the set back of the building is a positive contribution to the area.

4.37 It is considered that the development is likely to impact upon views across the former pinfold. However, the road to the Germany Beck development has also notably changed the setting of this former pinfold which now has this main access road in close proximity to it.

4.38 So whilst the scale and massing of the building would cause some harm to the setting of the Conservation Area, because of the degree of change that has already taken and is taking place in and around this area, it is considered that this would constitute very limited harm to the overall significance of this part of the Conservation Area. However, small though that harm may be, nonetheless, it will result in some adverse impact to a designated heritage asset. NPPF Paragraph 134 states that 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.

4.39 Undoubtedly, in terms of the detailing and quality of materials, the new building is a considerable improvement on a building which detracts from the character of this part of the Conservation Area. It is also considered that by setting it back from the frontage with Germany Lane better, it provides a more attractive approach to the public footpath that leads to the open countryside. The harm identified is considered to be at the lower level of less than substantial. As such the development accords with the second and third bullet points of paragraph 131 of the NPPF, and paragraph 60 in relation to local distinctiveness.

4.40 The development will provide accommodation for 64 residents and, therefore, contribute towards helping to meet an identified need for elderly accommodation in the City. The development will also create jobs during construction, together with a significant number of jobs once the care home is in operation. On balance, therefore, it is considered that the less than substantial, limited harm to the setting of this part of the Conservation Area by virtue of the scale of the building would be outweighed by the public benefits of the contribution the development will provide in meeting the significant under-supply of good quality residential and nursing care accommodation, together with the employment opportunities that will arise from the development. As such the development accords with the requirements of paragraph 134 of the NPPF. In relation to policy GP1: Design of the City of York Development Control Local Plan, it is considered that overall it accords with Policy GP1 a) in terms of the materials, however it breaches Policy GP1 (b) in relation to the scale and mass in relation to surrounding buildings. There is also some lack of conformity with GP 1: e) which seeks to retain/enhance the rural character and setting of villages.

## ARCHAEOLOGY

4.41 The site lies outside the Area of Archaeological Importance but in an area where significant undesignated heritage assets are located and recorded on the City of York HER. There have been extensive archaeological excavations carried out in advance of the approved housing development at Germany Beck. These excavations have produced evidence of an organised rural landscape dating from the late prehistoric period through the Romano-British period. It has also been argued that the Battle of Fulford might have been fought in the area adjacent to Germany Beck between the River Ouse and Heslington Tilmire.

4.42 In accordance with paragraph 128 of the NPPF, a desk-based assessment and a report on archaeological evaluation of the site were requested to enable an assessment of the impact the Fordlands House care home on any archaeological deposits as well as to see if the 20th century landfill site extends into the site.

4.43 In the light of this archaeological background, the applicant prepared an archaeological desk-based assessment and was subsequently requested by City of York Council to carry out an archaeological evaluation of the site. This has taken place and the applicant has submitted a report on the evaluation ("Report On An Archaeological Evaluation Osa Report No.: Osa17ev33 October 2017"). The archaeological evaluation has demonstrated that there are modern land-fill type deposits present on part of the site and that deposits have been truncated so that no archaeological features survive above the level of natural deposits. The potential for survival of archaeological deposits is therefore low. However, it is possible that features may survive where they have been cut deeply into the natural deposits. The evaluation has not produced any evidence that suggests the Battle of Fulford was fought in this location. 4.45 It is recommended however that an archaeological

watching brief is maintained during the excavation of foundations, service trenches, etc so that any archaeological features that might be on the site can be recorded.

## NEIGHBOUR IMPACT

4.44 In relation to the impact of the development on the existing amenities of neighbouring occupiers, one of the core plan planning principles requires that planning should seek a good standard of amenity for all existing and future occupants of land and buildings. In this case, the proposed building is of a significant mass and scale. This is of particular relevance in relation to the site context where those houses on Germany Lane are predominantly single storey, with one dwelling at one and a half storey in height. The cottages to the west are two storey.

4.45 In relation to the cottages that lie between Selby Road and Fordlands Road , the proposed building will be just under 30m from the rear of those properties. The scale of the proposal is significantly greater, and will include more fenestration at a higher level. However it is considered that given the distance involved, together with the existing position of the cottages in close proximity to a public road, it is not considered that the development will have a significant adverse impact on their existing amenities in terms of overlooking or overbearing impact. In addition it is not considered that their outlook will be unduly compromised because of the angle of the cottages in relation to the proposed building.

4.46 It is considered that the separation with 143 Main Street is also acceptable. Numbers 1 and 3 Fulford Mews have already experienced the location of the existing care home looking towards their properties. The proposed building will be significantly taller, with many more windows directed towards their properties. This includes balconies opposite no 3 Fulford Mews. Nevertheless, the proposed building will be sited 22m from the front of those properties, compared to the existing building at 13-14m. It is considered that the development will not have a significant adverse impact on the outlook of no.1 Fulford Mews, because of its offset location. 1 Fulford Mews has an outlook that extends beyond the building. In relation to no. 3 Fulford Mews, there will be some impact on their amenities, by virtue of the increase in scale of the building, increase in fenestration, and location of balconies. Nevertheless, it is again considered that the increase in scale and fenestration is offset by the much greater separation between the two buildings.

4.47 It is considered that the most impact will be on no. 7 Fulford Mews. This is because this property does not currently look towards the existing care home building, but across the parking and access to the side. As such there will be some impact by virtue of the siting of the building, and the level of fenestration including the provision of balconies. However given the use of the building for 'care' this is unlikely to be a frequent use. Further, the end of the mews cottage will still retain its outlook past the proposed building. In addition the proposed planting adjacent to the kerb will provide a softening of the impact of the development. It is also

considered that in terms of distances between the dwelling and the care home, this is a relationship that is typical of many streets and lanes within, or on the edge of urban areas. It does not relate to a more private rear aspect.

4.48 Given the increase in the size of the care home, there is likely to be an increase in deliveries and general comings and goings. Nevertheless, it is not considered that this will have a significant adverse impact on the existing amenities of neighbouring occupiers, and the proposal is not considered to be incompatible in relation to its proximity to residential properties. Fulford Parish Council has raised concern regarding the piling that will be required for foundations. The Council's Public Protection Officer has recommended a condition in relation to a Construction Environmental Management Plan which will address such concerns.

4.49 Accordingly, it is considered that there will be some adverse impact on the existing amenities of neighbouring occupiers in relation to the impact of the larger building, level of fenestration and balconies. However given the relationship of the site with neighbouring occupiers, and the increased set back it is not considered that such harm will be so significant as to warrant refusal on that basis. As such it will not breach the core planning principle in the NPPF that relates to amenity nor Policy GP1 (i).

## LANDSCAPE AND TREE ASSESSMENT

4.50 The existing site is surrounded by mature trees and hedges. Indeed this is something that is particularly characteristic of this part of Fulford. The application is accompanied by an arboricultural impact assessment and method statement. A total of 14 trees are proposed for removal. The report states that the majority of trees to be removed are category C which are deemed to be of low quality and capable of being replaced by replacement planting without detriment to the arboricultural value of the site. Two category B trees are proposed to be removed to accommodate the development. The trees will be replaced with semi mature specimens in similar locations. One tree group and two hedgerows require remedial work. The landscape (mitigation) proposals show the introduction of 37 new trees within the site (10 advanced nursery stock and 18 extra heavy and heavy standards) to both mitigate the loss of existing trees and to improve the overall amenity of the development site. Of these trees proposed there is 1 new specimen tree and a proposed avenue of trees along the frontage of Germany Lane to enhance the current situation post development. There are also new hedges proposed which the report states would further mitigate the loss of hedges H5, H6 and H24; together with new planting along the northern boundary. The proposed hedge planting consists of large feathered hedging creating a mature hedge upon planting.

4.51 The Council's Landscape Architect has advised that ideally the building would be set further away from the eastern boundary, and larger tree species employed to create a more generous setting to the development given the scale of the building and its location immediately adjacent to the Germany beck nature park.

4.52 It is considered that whilst the retention of the Birch and Maple are desirable as suggested by the Landscape Architect, , in the long term the loss of the two trees would be mitigated by the proposed tree planting along Germany Lane and along the eastern boundary. It is essential however that the likely longevity of such planting is established. This is in particular because of the limited space available between the proposed parking and Germany Lane. In the current absence of such information there is no certainty that the planting along Germany Lane can be successfully achieved, therefore the removal of Birch T1 is not currently sufficiently mitigated.

4.53 In relation to landscape character and amenity, the removal of Birch T9 and other vegetation along the eastern boundary would result in a significant loss to the local amenity. In the long run, this would be mitigated with the proposed tree planting, provided that the site plan is revised to pull the kerb line away from the proposed trees at the site exit to give them sufficient space for growth.

4.54 As such, it is likely that the proposed planting as shown on the landscape masterplan will be acceptable in retaining the character of the area, and softening the impact of the proposed building. Details of the construction methodology in relation to the planting of trees in such close proximity to parking spaces are being prepared and Members will be updated on this matter at Committee. If such information is not sufficient to demonstrate that all the landscape will be retained in the long term, the loss of trees T1 and T9 (Birch and Maple) are contrary to policies NE1 of the Draft Local Plan, and to that part of one of the core planning policies of the NPPF that requires planning to contribute to conserving and enhancing the natural environment.

## ECOLOGY

4.55 Section 11 of the NPPF relates to conserving and enhancing the natural environment. Policy NE6 of the Development Control Local Plan seeks to ensure that planning permission will only be granted for development that would not cause demonstrable harm to protected species. It further states that the translocation of species will be an approach of last resort. The former Fordlands Care Home is known to support roosting bats. Recent surveys have been undertaken by Wold Ecology Ltd in May and June 2017, adding to existing information on the site by QUANTS environment al Ltd (August 2016) and Access Ecology (June - July 2012).

4.56 The 2012 surveys found a common pipistrelle maternity roost of 26 bats using the lift tower, a smaller roost on the east gable of the building and a further one within the courtyard. A single brown long-eared bat was also recorded returning to an unconfirmed roost point in an oak tree on the southern boundary (ref: T12 - to be retained). The 2016 survey recorded 2-4 common pipistrelle roosting in the lift tower (NB survey had restricted access). The 2017 surveys recorded single common and soprano pipistrelle bats roosting in three locations, using external features (lifted

tiles and lead flashing) of the lift tower. Although the bat survey report provides justification as to why they consider a maternity roost is no longer present, the impact assessment takes account of the potential presence of one and concludes that it would result in a medium impact at a local level.

4.57 The mitigation proposed (e.g. timing of works and type of bat boxes) is sufficient to accommodate a maternity roost and this precautionary approach is considered appropriate. This is because common pipistrelle in particular is known to move roosting sites within a season and between years depending on a number of factors including climatic conditions.

4.58 The current proposal (Landscape Masterplan drawing) shows the removal of circa 44m of vegetation on the eastern boundary, to be replaced by one oak and five field maple trees together with a native hedgerow (assumed hawthorn). The mature trees and vegetation on the southern and western boundaries is to be largely retained but three silver birch trees, a crab apple and three rowan within the grounds are to be removed. None of the trees to be removed are considered to have potential to support roosting bats.

4.59 The current landscape proposal does not tie in with the agreed mitigation for the adjacent Germany Beck development and the loss of the eastern boundary is of particular concern due to the temporal loss of foraging habitat for bats. This is a matter that has also been raised by Fulford Parish Council. The Germany Beck Bat Mitigation Addendum by QUANTS environmental Ltd dated January 2017 states: Trees and Shrubs around Fordlands Care Home - The vegetation within the grounds of the care home and on the southern and eastern site boundaries of the care home provide bat habitats of moderate value as foraging habitat. This vegetation however, is likely to be critical for the maintenance of the known common pipistrelle maternity bat roost in Fordlands Care Home.

4.60 It is acknowledged that from a landscape perspective the large Leylandii are out of keeping with Germany Lane and in the long-term a mature native species hedgerow and trees would have a greater wildlife benefit. This is a large amount of vegetation to lose at once and the new hedgerow and trees will take some time to establish. The Bat Survey submitted with the application recommends vegetation along south and eastern boundary is at least 2m wide. A phased approach to removing and replacing this hedgerow and using larger specimens would be supported and should be secured through an appropriate landscape planning condition. The impact on the eastern boundary would be further reduced by the retention of the two Norway maple currently marked for removal.

4.61 The introduction of additional artificial light might mean bats are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. A sensitive external lighting scheme, which avoids shining light directly onto adjacent habitat, and minimise light spill can be secured through planning condition. Final confirmations in relation to the landscape



proposals are awaited. However it is considered that subject to a phasing plan for the replacement of those trees identified for removal, together with confirmation that the trees and hedging will be viable in the long term, the replacement planting will be sufficient to provide foraging for bats.

## HIGHWAY CONSIDERATIONS

4.62 Section 4 of the NPPF relates to promoting sustainable transport. It states that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. There is pedestrian access from the site into Fulford which has a number of facilities convenience store and pharmacies are accessible on foot. Existing cycle routes in the vicinity of the site make cycling acceptable. There is also a very regular bus service in close proximity to the site. The Travel Plan states that bus stops are located on the A19 and on Fordlands at a distance of 90-240m from the site. These bus stops are served by high frequency routes to and from the city centre and the Park & Ride at York Designer Outlet, with approximately 15 buses per hour serving the four stops closest to the site. The statement advises that there is a potential for linked trips by rail and bus, or utilising the park and ride.

4.63 The site is well served by local facilities which the travel statement advises is within the preferred maximum walking distance of 1.2km from the site along the A19. These include a convenience store, pharmacies, hairdressers, pub restaurants, food takeaways, library, doctor etc. Whilst residents themselves will not necessarily be able to access such facilities on foot, the sustainability of the location in terms of staff and visitors is also important.

4.64 The transport assessment has based the parking requirement on sheltered housing requirements. This seeks a maximum of 1 space per 4 units and 2 spaces if a resident warden is present plus one space per non residential staff is required. However given the use of the building as a 'care home' and not sheltered housing, it is not considered that residents will cycle or drive. Parking will therefore be for staff and visitors; 21 car parking spaces are therefore proposed, including one disabled space and one delivery bay. The majority of parking spaces will be located in the car park to the north of the care home, while two staff only parking spaces will be located to the south of the delivery bay. This will ensure that one space will be available for every two staff members on site at any given time. Showers and lockers are to be provided for staff in order to facilitate and encourage cycling to work. 10 secure cycle parking spaces will be provided in a covered storage area at the front of the building. Secure spaces will also be provided within the basement of the building.

4.65 Fulford Parish Council has expressed concern regarding the number of parking spaces proposed. Network Management (Highways) have confirmed that they have no objection to the development from a highway point of view. They confirm that cycle parking for staff and visitors is to be provided, and furthermore that car parking

is in accordance with CYC maximum standards and supported by a transport statement. It is relevant that the site is situated in an area that is served by a frequent bus service, and cycling is prevalent.

4.66 Fulford Parish Council has also raised concern regarding the exit of the car park in relation to visibility with Germany Lane. Highway officers have taken account of this aspect, even though the access serves the existing care home. This is in particular because the access adjoins a public right of way that will be used by both cyclists and those walking. However Highway officers are satisfied that visibility will be improved when the Leylandii which over hangs the footpath is replaced by a tree with a higher crown, together with a hedge.

4.67 It is considered that the proposed development accords with Section 32 of the NPPF.

## DESIGNING OUT CRIME

4.68 The submitted Design and Access Statement advises that the care home has been designed carefully so that it takes due account of recognising good practice in its overall design and relationship to the context; this is in accordance with the Planning Practice Guidance. Access to the care home for residents and visitors is restricted to the main entrance. Staff will have a secure separate entrance to the building. Communal garden and external space is surrounded by existing timber boundary fences which provide an enclosed secure space for residents. The façade treatment, with large openings at all levels, provides a high degree of surveillance over external areas whilst protecting resident privacy. The home is to be continuously staffed, and therefore the risk of crime and vandalism will be greatly reduced.

## SUTAINABILITY

4.69 In terms of sustainability of the build, the submitted information states that the development will be fully compliant adhering to current Building Regulations, specifically Part L with reference to building energy usage and efficiency and will be able to meet requirements of BREEAM Very Good. Photovoltaic cells are to be provided on the flat area of the roof and will not be seen from ground level because they are screened by the pitched roof.

## OTHER MATERIAL CONSIDERATIONS

4.70 As detailed in section 3.0 of this report, a letter of objection has been received that raises a number of issues that have been addressed through this report. For information, the letter includes reference to an appeal dismissed by the Planning Inspectorate in relation to a care home elsewhere in the country. Whilst many of the issues are comparable with this application, it is considered that the relationship with neighbouring occupiers, level of parking and neighbour impact have to be

considered on a site by site basis. In that scheme, particular reference was made to the level of parking proposed, and the Inspector concluded that it was inadequate given the size of the care home. However in this instance, the frequency of the bus service is an important consideration and this appears to differ from the site subject to the appeal which had a less frequent service. Noise impact has been considered and taken into account, and officers consider that the proposed use is not incompatible with the nearby residential properties. It is also noted that a specific need for elderly persons care, including figures, has been provided by Adult Social Care in relation to the current application. This differs from the referenced appeal where the Inspector stated that a generalised assertion of need would not justify the harm identified.

## **5.0 CONCLUSION**

5.1 When considering the planning balance, as some harm is identified to the setting of the adjacent Conservation Area, the more restrictive policies in the NPPF relating to conservation of heritage assets apply, rather than the “tilted balance” in favour of sustainable development in paragraph 14 of the NPPF. In the planning balance, the application site is a brown field site in a sustainable location that is currently occupied by a vacant care home. It has been demonstrated that York has an under-supply of good quality residential and nursing care accommodation. Whilst the need is city wide, Fulford & Heslington ward has only 33 care beds per 1000 population over 75. Optimum provision is 110 beds per 1000 people over 75.

5.2 The scale of the building is significantly greater than those buildings that lie adjacent to the site, and harm has been identified in relation to the setting of Fulford Village Conservation Area. However it is considered that the harm is at the lower level of less than substantial. The existing building is less dominant in the street scene, however its design and materials fails to reflect local distinctiveness. The site is in a location of significant change with the formation of a new road, and a significant housing development in close proximity. In relation to the proposed building, it is considered that the design approach in relation to the materials, articulation, and reflection of local distinctiveness will result in some enhancement of the area.

5.3 It is considered that there will be some impact on the existing amenities of neighbouring occupiers by virtue of the scale and mass of the building, and additional fenestration and balconies. However the building is situated in a location on a public road, rather than in close proximity to private amenity areas. The building will also be set further back from the frontage with Germany Lane than the existing building. Taking this into account, it is considered that the separation distances are acceptable.

5.4 The site is located predominantly within flood zone 2, with part of the site within flood zone 3. Officers have identified a smaller area of search due to the functional need for care accommodation identified in Fulford and Heslington. It has been

determined that the sequential test and exception test have been passed, and the building will have greater flood resilience than the existing building.

5.5 Subject to final confirmation from consultees, concerning access parking and landscaping, it is considered that these aspects of the development are acceptable. The Council's ecologist is also satisfied that the mitigation in respect of bats is acceptable.

5.6 Officers have given great weight in the planning balance to the impact of the development on the setting of the adjacent Fulford Village Conservation Area. It is considered however that given the low level of less than substantial harm, the public benefits of the delivery of elderly persons accommodation together with the jobs to be provided in this sustainable location, outweigh the level of harm identified. It is not considered that any other material considerations have been raised that would outweigh the benefits of the development.

5.7 Accordingly, the recommendation is one of approval subject to confirmation that the landscaping along Germany Lane will be viable over the long term.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:**

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 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 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. For the avoidance of doubt, 'older people' is defined as over 55.

Reason: In order to allow a 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.

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

(To be updated at Committee)

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

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

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

Reason: So as to achieve a visually cohesive appearance and to make a positive contribution to local character and distinctiveness.

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

- Verge and eaves details
- rainwater goods
- window details including depth of reveal, materials and method of opening, reveals, and a profile of any glazing bars.
- balcony details

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

6 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Met Engineers, dated July 2017, Ref: 12244-5001, Revision 04 and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage as detailed within the FRA and in accordance with drawings numbered, 12244-5001-04, 12244-5001-06 REVA, 12244-5001-10 REVA & 12244-5001-09 REVA.

2. Finished floor levels are set no lower than 10.66m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing,

by the local planning authority.

Reasons: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, and to reduce the risk of flooding to the proposed development and future occupants.

7 Prior to the building hereby approved being first brought into use, an evacuation plan to demonstrate safe access / egress in the event of flood risk to the building or grounds, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the building shall be operated in accordance with the approved plan.

Reason: To ensure that the development is safe for its lifetime.

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

Reason: In the interest of satisfactory and sustainable drainage.

9 No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to :-

- a) evidence to demonstrate that surface water disposal via infiltration are not reasonably practical by way of infiltration test carried out to BRE Digest 365 and witnessed by the City of York Council's FRMT;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority.

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.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

10 Construction in the relevant part (s) of the site shall not commence until evidence has been submitted to and approved by the Local Planning Authority that diversion of the 375mm sewer that is laid within the site boundary has been agreed with the relevant statutory undertaker and that the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all

times.

11 Demolition and building works to the former care home (including roof stripping and works to the lift tower), or activity likely to cause harm to bats shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/ development 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 protect a European Protected Species from harm.

12 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in Section 7.0 Recommended Method Statement, of the Bat Survey dated June 2017 by Wold Ecology Ltd in all respects, and any variation thereto shall be agreed in writing by the local planning authority before such change is made. This includes the installation of at least 2 x Schwelger 1FQ bat boxes and 3 x Schwelger 2FR bat tubes on the new building.

Reason: To maintain the favourable conservation status of a European Protected Species.

13 Notwithstanding the submitted details, and prior to the building hereby approved being first brought into use, a "lighting design strategy for biodiversity" for external lighting across the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used to access key areas of their territory, for example, for foraging; and
- b) 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 the above species using their territory or having access to their breeding sites and resting places. 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 maintain the favourable conservation status of a European Protected Species.

14 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

15 The removal of any trees on site (shown on the landscape masterplan for removal) and the planting of all new and replacement planting shall be carried out in strict accordance (unless a longer period has first been agreed in writing by the Local Planning Authority) with a detailed phasing plan that has first been submitted to, and approved in writing, by the Local Planning Authority. Any trees or plants which within a period of 10 years from the completion of the 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 alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

16 The development shall be carried out in accordance with three three stage archaeological watching brief detailed below. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

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

B) The archaeological watching brief on site and post investigation assessment shall be completed in accordance with the programme set out in the WSI 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 will not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of  
Application Reference Number: 17/01969/FULM Item No: 4d



York Historic Environment Record to allow public dissemination of results within six months of completion of the watching brief on site or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 12 of National Planning Policy Framework.

17 Prior to the commencement of construction, a detailed specification of the proposed gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.

(ii) Prior to first occupation or use, a gas verification report that demonstrates the effectiveness of the gas protection 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 are minimised in accordance with paragraphs 109, 120 and 121 of the National Planning Policy Framework.

18 The development hereby permitted shall not be brought into use until highway works (which by definition shall include works associated with any Traffic Regulation Order required as a result of the development.) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:

- Formation of access/egress including tie-in to PROW, relocation of lighting column, provision of tactile pedestrian crossing, installation of Bliss display screen to inbound bus stop on A19.

Reason: In the interests of highway safety.

19 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenities of future occupiers.

20 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. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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). For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). 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)

Reason: In the interests of protecting the amenities of nearby residents.

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring occupiers who are situated in close proximity to the site.

22 One (1) electric vehicle recharge point, serving one dedicated car parking bay, should be installed prior to first occupation of the site. The bays should be marked out for the exclusive use of electric vehicles. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. Also, to prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development in agreement with the Local Planning Authority.

Prior to first occupation of the site, the applicant will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years.

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

23 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local

Planning Authority.

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

24 Within 6 months of occupation a travel plan shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be based on the submitted Framework Travel Plan; developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel.

25 Prior to the development commencing 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.

26 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

27 No part of the site shall come into 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.

28 The development shall not be first brought into use until all existing pedestrian crossings, not shown as being retained on the approved plans, have been removed by reinstating the kerbing/hard margin; to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

29 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- a dilapidation survey jointly undertaken with the local highway authority
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site
- how pedestrians are to be safely routed past the site
- how access to the PROW is to be maintained
- details of any implications to the highway of demolition and waste removal vehicle operation
- where contractors will park to avoid affecting the highway
- how large vehicles will service the site
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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.

## **7.0 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 (paragraphs 186 and 187) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

#### **2. Informative: Nesting Birds**

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

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

3. The Flood Risk Assessment (prepared by MET Engineers - Report 12244-5001 revision 04 dated July 2017) requires clarification with regard to surface water drainage but the matter can be dealt with via condition. In summary, the report states that sub-soil conditions do not support the use of soakaways but percolation tests should be undertaken to demonstrate the suitability or otherwise of the ground. Yorkshire Water Services agrees that, although a watercourse exists near to the site it cannot be accessed due to a neighbouring development. The report then suggests that surface water will discharge to public sewer via storage with a restricted discharge of 20 litres/second. However, proof of existing connectivity to the public sewer is required to calculate a minimum 30% reduction in discharge rate.

4. YWS has advised that on the Statutory Sewer Map, there is a 375mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme and Yorkshire Water has no objection in principle to the proposed sewer diversion (subject to the requirements of Section 185 Water Industry Act 1991) shown on submitted drawing G4061 (90) 01 (revision J) dated 28/06/2017 prepared by WR Dunn.

5. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below).

Works in the highway - Section 278 and Section 62.

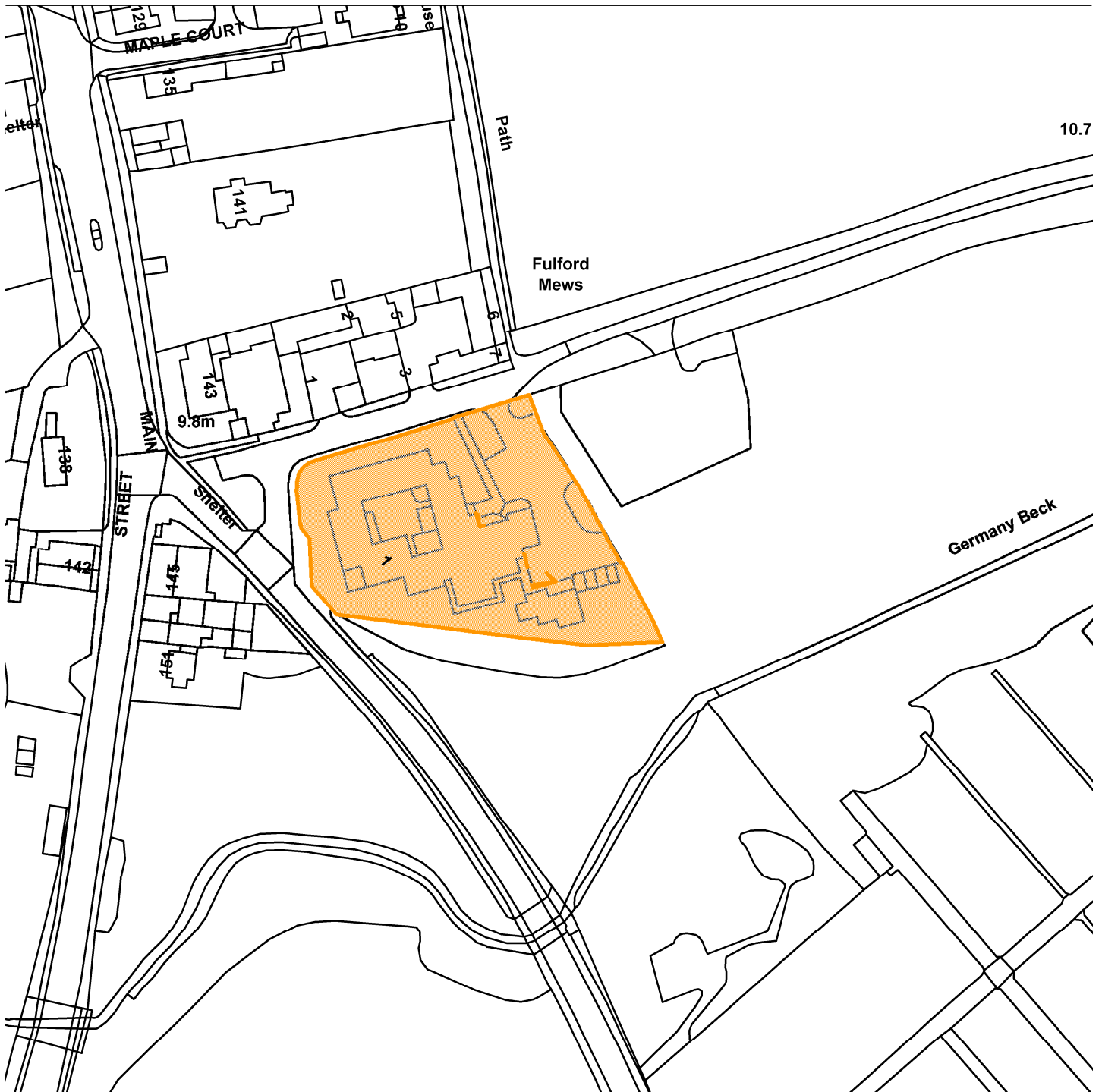
**Contact details:**

**Author:** Rachel Smith Development Management Officer

**Tel No:** 01904 553343

# 17/01969/FULM

Site Of Former Fordlands House, 1 Fordlands Road



Scale : 1:1421

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	08 November 2017
<b>SLA Number</b>	Not Set

This page is intentionally left blank