

15/01623/FULM and 15/01624/LBC Conversion of Former Terry's Headquarters Building to form a Care Home.

Committee Update:-

Since the Committee report was prepared the proposal has been considered further and the following additional conditions are recommended in respect of the planning application:-

Use Classes Order/Age Limit:-

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

Reason: The nature of the development as a Care Home requires that other institutional uses may give rise to a greater level of harm to the character and appearance of the Listed Building and the lack of provision for on-site affordable housing and the level of contributions towards off-site open space and affordable housing provision does not comply with policies H2a, H3c, L1c and GP13 of the York Development Control Local Plan(2005 4th Set of Changes) and paragraphs 50 and 203 of the National Planning Policy Framework.

Landscaping:-

No internal conversion work shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees ,shrubs and hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. 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.

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

The following condition is requested in respect of both the Listed Building Consent and planning applications:-

Prior to the commencement of the internal conversion works full details of all new and replacement windows within the existing building and the proposed roof level extension including surrounds, materials, framing and glazing pattern shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the Care Home being first brought in to use.

Reason: - To safeguard the character and appearance of the Listed Building and to secure compliance with paragraphs 133 and 134 of the National Planning Policy Framework.

Since the report was compiled the following drawings have been amended and recommended condition 2 will need to be amended accordingly:-

A03 10 05A A 10 00 15 and A03 10 06A.

Highway Response:-

Since the Committee Report was prepared the following further consultation response has been received from Highway Network Management:-

“Officers have been negotiating with the applicants regarding the provision of a pedestrian crossing facility on Bishopthorpe Road. The applicant’s position is that such measures are not reasonable or justified and are unwilling to negotiate further.

Such a crossing facility is considered justified and necessary for the following reasons;

- The development provides negligible car parking to the site frontage with nearly all car parking being provided on the opposite site of Bishopthorpe Road

- Given the proposed use it is reasonable to assume that a large proportion of pedestrians crossing the road could be elderly either as family or residents and as such need a greater period of time to cross
- Speed surveys have indicated that 85th percentile wet weather speeds along this stretch of Bishopthorpe Road are in excess of the 30 mph limit (circa 38mph)
- The site is opposite the entrance to the Sustrans route 65 which could be used by both staff and visitors to the proposed development

Whilst it is accepted that historically the car park will have been used more intensively as will the HQ building, in planning terms the fall back position can only be considered as that having reasonable prospect of being brought back into use without the need for further planning consents.

By the applicants own admission following marketing of the property there is no interest in office uses on the site.

The applicants have made reference to the fact that a crossing should have been secured through the outline consent. A pedestrian crossing between the site entrance and the car park opposite was secured through the outline consent. The trigger for the provision of the facility was within 6 months of first occupation of one of 5 buildings which included the HQ building. The reason this trigger has not been met is due to the Terry's site being brought forward in a piecemeal fashion and as such the demand is being generated but the outline S106 triggers not being met.

Officers therefore consider that the provision of a pedestrian crossing is still necessary and reasonable and could be secured through either a Grampian condition or funding within a S106 Agreement.”

In response to the comments paragraph 32 of the National Planning Policy Framework sets a test of severe impact for any refusal of planning permission on transport grounds. Furthermore in order to justify the need for a Section 106 contribution towards a pedestrian crossing in terms of the statutory tests (CIL tests) it must be concluded that the proposed development would generate a directly related need for new

infrastructure. If this can be demonstrated then the suggested works must be shown to be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Having considered the issue in detail it is your officer's view that each of the required tests would not be capable of being satisfied in respect of the requested crossing.

Drainage Response:-

Since the Committee Report was prepared a detailed consultation response has been received from Strategic Flood Risk Management which raises no objection in principle to the proposal subject to the imposition of the following conditions:-

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.

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

Design considerations

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

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

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

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