

COMMITTEE REPORT

Date: 7 January 2016 **Ward:** Rawcliffe and Clifton
Without
Team: Major and **Parish:** Rawcliffe Parish Council
Commercial Team

Reference: 15/01309/FULM
Application at: North Lodge Clifton Park Avenue York
For: Erection 3-storey building forming 14 flats following demolition of
existing buildings
By: Gem Holdings (York) Limited
Application Type: Major Full Application (13 weeks)
Target Date: 14 January 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application is to demolish the existing two storey building and replace with a three storey building creating 14 flats (12 x 2 bed flats and 2 x 1 bed flats).

1.2 The existing building is original to the old Clifton Hospital, and is thought to be Greystones - the clerks building, the building has recently been used as offices. The building is not listed. The site is not within a conservation area. The site is within Flood Zone 1. The path to the south of the building is adopted highway. The site is within the general extent of the greenbelt. The trees to the north east boundary have specific tree preservation orders, and all trees within the area are covered by a group tree preservation order.

1.3 There is a care home to the west of the site; to the south of the site is an office building which has recently gained planning permission for change of use to an outpatients hospital, they are separated by a public/adopted footpath. To the north and east of the site is Shipton Road.

1.4 A change of use of the offices to 11 no. flats (use class C3) under Class J Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 has recently been granted for this building (14/01983/ORC).

1.5 Revised plans have been submitted showing the balconies closest to the care home removed, a rearrangement of the parking places, and an outside cycle storage area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1 Design

CYGP3 Planning against crime

CYGP4A Sustainability

CYGP9 Landscaping

CYGP13 Planning Obligations

CGP15A Development and Flood Risk

CYNE1 Trees, woodlands, hedgerows

CYNE6 Species protected by law

CYNE7 Habitat protection and creation

CYGB1 Development within the Green Belt

CYGB6 Housing devt outside settlement limits

CYGB10 Major development sites in GB

CYT4 Cycle parking standards

CYH4A Housing Windfalls

CYE3B Existing and Proposed Employment Sites

CYL1C Provision of New Open Space in Development

CYED4 Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections, Access to the development is from an unadopted access road. Car parking and turning is in accordance with CYCs Appendix E standards. Access to the nearest bus stop is available via the public footpath.

3.2 Cycle parking is not fully detailed. It should be enclosed, secure, and accommodate 1 cycle per unit, to achieve our standards an open shelter does not meet our standards, however further cycle parking details may be conditioned

3.3 Due to the location, size of the properties proposed and limited off-street parking, the development has the potential to still attract multiple car ownership but without the off-street facilities to accommodate them. Agreement has been secured from the developer that they provide the following contributions/measures to incentivise sustainable travel thus reduce the potential impact on the highway;

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First occupiers to be offered the choice of either a free cycle (or vouchers up to the value of £160 per unit) or 6 month bus pass per unit.

Planning and Environmental Management

Conservation Officer

3.4 No comments received

City Archaeologist

3.5 Object, the proposal for demolition of North Lodge and construction of residential flats will have a significant and detrimental impact on an undesignated heritage asset.

3.6 Clifton Hospital has its origins in the 1845 Lunacy Act which required each of the three authorities in the York area to provide accommodation for pauper lunatics which had previously been housed in various madhouses and workhouses as well as at York Lunatic Asylum. The North and East Ridings formed a Joint Committee to develop a combined institution and a site was chosen off the Shipton Road, north of Clifton Ings and northwest of the city. George Gilbert Scott in partnership with William Bonython Moffatt provided the plan for the original building based upon the usual corridor plan of the time. The main gate was protected by a lodge cottage (North Lodge, subject of this application).

The loss of this significant and prominent building of the 19th century mental hospital is to be regretted. If the application is approved, the building will require full recording prior to demolition. A condition requiring a full Historic England Level 3 Record will be necessary

Landscape Architect

3.7 It is impossible to perpetuate the line of large-species, mature trees along Shipton Road, and avoid potential conflict with future occupants, in order to retain the setting of the approach to the city along Shipton Road, and to retain the historic parkland setting of Clifton Park. These trees, plus the existing North Lodge building, and e.g. the orchard further south, and the ornamental trees that adorn Clifton Park Avenue are valuable elements that inform the local landscape character and also make reference to the history of the former Clifton hospital site, the setting of which can still be read today. Despite not being listed or in a conservation area, North Lodge is of distinctive architectural and historic value. The potential loss of trees combined with the loss of North Lodge would be detrimental to the quality of the local landscape character and the legible heritage assets of the city.

3.8 In accordance with the City of York Heritage Topic Paper, two of the six key characteristics of the city are of notable relevance to this site - 'Architectural character' and 'Landscape & Setting'.

3.9 The young Oak T2 has good future potential and could become a sizeable tree, thereby perpetuating the valuable line of trees that are characteristic of Shipton Road. The proposed building not only brings the building line closer to Shipton Road on this corner, it also brings the building right up to the canopy of Oak T2, thus preventing its development into a valuable specimen. Request that the building line of the southeast arm should be drawn back from Shipton Road to allow the development of the Oak (T2) and to reduce the likelihood of conflict with future residents. One or two large-species trees or tall trees could be planted on the Shipton Road frontage to make use of the space created by the building as compensation, however, as it is residential that is proposed, rather than office space, there is likely again to be a future conflict with tree cover along Shipton Road.

Ecology Officer

3.10 A preliminary bat survey was undertaken in April 2015 and found the building to have moderate-high bat roost potential. Subsequent emergence surveys undertaken in May and June 2015 revealed two common pipistrelle roosts of solitary bats. As the entire building is to be demolished it is not possible to retain the roost and a European Protected Species Licence from Natural England will be required.

3.11 No roosts were identified within any of the mature trees along the roadside and access from within Clifton Park but regular foraging was recorded here. The boundary trees and hedgerow are to be retained as part of the proposals. However an ash tree at the northern end of the site (T6 in the Tree Statement) has been recommended for removal.

3.12 Seek conditions for the protection of bats during demolition, and the provision of bat and bird mitigation. Request informative advise the developer of Section 1 of the Wildlife and Countryside Act 1981

Flood Risk Management Team

3.13 No objections, details of the drainage scheme can be sought via condition

Public Protection

3.14 In terms of noise from the A19 no noise assessment has been submitted with the application.

Ideally a noise report should have been submitted to demonstrate that the internal noise levels in the proposed properties could achieve the levels detailed with the World Health Organisation Guidelines details of the building envelope can be sought via condition.

3.15 In terms of noise from the construction and demolition phases of the development request a Construction and Environmental Management Plan together with the hours of construction and demolition being controlled.

3.16 The submitted Phase 1 site assessment identifies that the sites former use as part of a hospital may have given rise to contamination. It is recommended that further site investigation is carried out to determine whether land contamination is present. If contamination is found, appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use. This can be sought via condition

3.17 For flats (< 50 units) request that at least one parking bay must be marked out for use by electric vehicles only, together with charging infrastructure and cabling

Public Realm

3.18 As there is no on site open space provided with this development off site payments are sought for Play - to be used at Rawcliffe Parish Council play area on Rawcliffe Lane Amenity Open Space - to be used at Rawcliffe Country Park Sports pitches - to be used at Rawcliffe Parish Council sports area on Rawcliffe Lane. Neither Rawcliffe Lane or Rawcliffe Country Park have received 5 obligations since 06 April 2010

School Services

3.19 An S106 education contribution is not required as there are spaces available in local schools.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Rawcliffe Parish Council

3.20 Object, there being a general presumption in favour of retaining and preserving buildings which make a positive contribution to the character and appearance of the area; the PC considers that demolition of the existing historic building would have a detrimental impact on the amenity of the surrounding area.

3.21 The PC has no objection to the initial proposal for 11 flats/apartments on this site but considers that the existing building should be preserved and alterations to accommodate the proposed flats/apartments within this building.

Clifton (Without) Parish Council

3.22 Object, the PC consider that the parking provision is inadequate for the size of the development - 18 spaces for 14 flats, inc visitor spaces. The PC oppose the demolition of the existing building, which has historical significance to the area. Request if the building can not be re-developed

Police Architectural Liaison Officer

3.23 Within the period between 1 September 2014 and 31 August 2015 there were 68 crimes and 28 anti-social behaviour incidents which is considered to be high. Suggest a number of Crime Prevention Through Environmental Design principles, intended to ensure that should this site be developed as proposed, reducing the opportunities for crime and anti-social behaviour to occur. They accord with the core principles and design objectives set out in the National Planning Policy Framework.

Yorkshire Water

3.24 No comments received

Neighbour Notification And Publicity

3.25 Three letters of objection on the following grounds:

- The proposed new development exceeds the footprint and general massing of the small, existing building;
- Loss of premier employment facilities.
- The loss of a prominent historic lodge building (of locally listable quality as a prominent surviving building of the mental hospital).
- The very poor design of the new building which bears no relation to its setting.
- The precedent that will be set for the further, speculative loss or change of use of other office buildings on the site to housing purposes.
- If the continued use of the North Lodge building for office purposes is considered no longer feasible (and considered no compelling evidence has been provided), then would support its reversion to its historic residential use.
- The existing building has a very attractive appearance, with its weathered stone. The eye is led upwards past strongly delineated windows towards the top of the building, which is characterised by an interesting interplay of roofs and bold, prominent chimneys. These features will be lost if the building is demolished, and are not replicated in the proposed replacement flats.
- North Lodge originally marked the entrance to a large mental hospital which operated on the Clifton Park site for about 150 years. It is one of only a handful of buildings from the hospital which are still standing and is a worthy

reminder of the history of this part of York, and a positive contribution to York's heritage.

- The proposal does use brownfield land and create housing however request that the existing building is redeveloped opposed to the demolition.
- The proposed development lacks the character of the period building it replaces.

3.26 One letter of comments from the neighbouring nursing home. Request that the construction team is made aware that nursing home residents require a degree of sensitivity when the construction works are planned. Request a programme of works and access plan. Request that building works are within reasonable hours to protect the residents. Request prior notice of the demolition times so they can advise and prepare the residents. If there is to be an increase in dust require notice as some residents have lung conditions and they can ensure the windows are closed. Also request details of the route the contractors intend to use as the residents use the immediate areas for recreation and walks.

Ward Councillor – Councillor Sam Lisle

3.27 Object to the proposal on the same grounds as the parish council's. The existing building is a historic building, and the loss of the building would have a detrimental impact on the amenity of the area.

4.0 APPRAISAL

RELEVANT SITE HISTORY

- 14/01983/ORC - Proposed change of use of from offices to 11no. flats (use class C3) under Class J Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 1995 - No objections
- 10/02160/FUL - Two storey front extension new rooflights and solar panels, removal of chimney and replacement windows (resubmission) - Approved
- 10/00412/FUL - Two storey flat roofed front extension - Refused, for the following reason:

It is considered that the proposed development would, by virtue of the design, harm the appearance of the building and character of the area. The proposed extension takes no account of the design of the host building or surrounding area and would appear incongruous within its surroundings.

- 01/00027/FUL - Erection of pitched roof two storey, single storey and first floor extension to rear at North Lodge and Greystones - Approved

- 3/104/276C/FA (1996) - Change of use of alterations and extensions to former lodge house to form restaurant and public house (use class A3) - Refused

KEY ISSUES

- Planning policy
- Green belt
- Loss of office space
- Design and Appearance
- Residential Amenity
- Ecology
- Drainage

ASSESSMENT

PLANNING POLICY

4.1 The saved policies of the Yorkshire and Humber Regional Spatial Strategy (May 2008) set out the general extent of the City of York Green Belt. Whilst the Regional Spatial Strategy for Yorkshire and Humber (the RSS) has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. These policies comprise the development plan for York.

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.

4.3 The NPPF sets out the presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

4.4 The site is within the City of York Green Belt as defined on the City of York Development Control Local Plan (DCLP) Proposals Map. The DCLP was approved for development control purposes in 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

GREEN BELT

4.5 The application site is within a "major developed site in the Green Belt" identified within Policy GB10 the Development Control Local Plan (2005). This policy states that the preferred use of the site is for commercial and residential. The proposed development is within the developed site envelope shown in the proposal maps. NPPF does not make reference to major developed sites, it is considered that the major developed site envelope can be given only very limited weight when considering this application. The site is identified as green belt in the halted Local Plan.

4.6 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of the greenbelt 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

4.7 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 including: limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The proposed development is considered to fall within this exception.

4.8 The footprint of the proposed building is similar in scale to the existing. The proposed building would be of a similar height to the existing building, the massing would be slightly greater by virtue of the reduced roof variations. The access to the site would be from the existing road layout. The proposed building is within the existing built area and is not considered to impact further on the openness of the greenbelt and is considered to be in accordance with the 5 purposes of the green belt.

LOSS OF OFFICE SPACE

4.9 Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted (paragraph 14).

Current Government policy is to assist the economy, sustainable development proposals should be allowed unless they would compromise the key sustainable development principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure developments that improve the economic, social and environmental conditions of the area (paragraph 187). Planning should encourage and not impede sustainable growth therefore significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).

4.10 Policies E3b of the Draft 2005 Local Plan seeks to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF.

4.11 The applicant argues that the current building provides poor quality office space and is under occupied. Current CYC information rates these offices as grade B. The applicant has not supplied any information as to the marketing of the offices. Neither has information been submitted as to why the current office stock could not be renovated to provide a better quality of office space. From the site visits it appears that much of the building was occupied. The agent states that as prior notification for the change of use of the building to 11 flats (14/01983/ORC) has been granted then the loss of the office space has been accepted. The Prior Notification process does not allow the loss of office space to be considered in the assessment process.

4.12 The proposal would result in the loss of the building being available for business use and would therefore negatively impact on the City's employment land requirements. The unit is a reasonable size and provides small scale office space. The applicant has not demonstrated that there is no longer a qualitative or quantitative need for this unit. There is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. On balance it is considered that as prior approval for the change of use of the existing building to residential has been granted it is not considered that the application could be refused on the loss of office space.

DESIGN AND APPEARANCE

4.13 The pertinent NPPF core principles include: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas; 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; conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations; 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 sustainable;

4.14 The existing building is considered to be non-designated heritage asset. The NPPG defines that non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions. Ideally, in the case of buildings, their significance should be judged against published criteria. The Historic England Conservation Principles - Policies and Guidance for the sustainable management of the historic environment (2008) are considered to be a reasonable guide for assessing the significance.

4.15 The existing building dates from original Clifton Hospital development and is considered to be the Greystones/Clerks building. It stands at the old vehicle /pedestrian entrance to the hospital, there is still evidence of the tree lined driveway. The original building is attractive with characterful design features (over sized chimneys with quoin detailing, gothic arched doorways, bay windows, stone mullions and surrounds, raised coped gables edges , stonework , etc) which are unusual in the York area but are of a consistent style with the main original hospital building(attributed to J.B & W Atkinson) , and the few that have remained. There have been some recent extensions and alterations to the building which are not considered to be sensitive to the style of the original building. The building is not listed, however it has a very positive impact on the character and visual amenity of the area as well as being of local historical value in its relationship to the original use of the site (many of the original hospital buildings have been demolished).

4.16 The NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (135 and 136).

The NPPF (131) states that LPAs should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

4.17 With regards to design the NPPF states that Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. It then goes on to state 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 it functions.

4.18 The proposed building is not considered to result in harm to the streetscene when viewed from the Shipton Road, if the hedge and trees are retained along the eastern boundary creating an element of screening. The building would be similar in design quality to the recent business units and adjacent care home and on its own merits it is considered to be acceptable. However the existing building is considered to have a positive impact to the area and is highly visible from the public realm and unfortunately the replacement building is of poorer architectural quality and makes a much poorer contribution to the area in terms of visual amenity, character, loss of architectural variation, and distinctiveness.

PROVISION OF HOUSING

4.19 The National Planning Policy Framework requires local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. The loss of the building (and asset) should be balanced against the benefits of the proposed scheme. There is a need for housing and this proposal would supply 14 units. The fall back position is the use of the existing building as 11 flats (the use, not the start of development, would have to commence before 30 May 2016), which is a viable use consistent with its conservation.

4.20 It should be noted that an application could be made for prior notification of demolition of the building and this can only be assessed on health and safety issues. On balance it is not considered that the gain of 14 flats (net gain of 3 flats - 14/01983/ORC) outweigh the loss of this building/non designated heritage asset. In addition the design of the proposed building is of a lesser character, quality, and distinctiveness than the existing and as such fails to take opportunities for improving the character and quality of an area and the way it functions, and it does not seek positive improvements in the quality of the built, natural, and historic environment and therefore does not comply with the NPPF.

TREES AND LANDSCAPING

4.21 Policy NE1 'Trees, Woodlands and Hedgerows' of the Local Plan seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss.

4.22 The mature trees to the eastern boundary with Shipton Road are a key positive characteristic of the area. The plans show the proposed building located close to the Young Oak Tree (T2) and 10 metre high Ash tree (T1) to the eastern boundary. The proposed development would prevent the Oak tree from reaching its potential by virtue of its proximity, and for this reason it is likely that there would be future pressure to fell this tree. It is considered that a replacement tree could be planted in further north west along the boundary to mitigate the loss and this could be sought via condition.

4.23 With regards to tree T1 the proposed car park follows a similar line to the existing. If the development was considered acceptable the construction of the parking area could be conditioned to take into account the root protection zone.

4.24 The trees are protected by a Tree Preservation order however if planning permission was granted it is considered prudent to condition the retention of the hedge along the shared boundary with Shipton Road, to provide an element of screening. In addition the hedge makes a positive contribution to Shipton Road and is a significant part of the character of the area (matures trees, soft landscaping and open areas). The outside area would be split into garden areas for the ground floor flats. It is considered prudent to also condition the minimum height of the hedge.

IMPACT ON RESIDENTIAL AMENITY

4.25 There is a nursing home to the west of the application site. The proximity of the proposal and the associated construction works will result disturbance to the residents of the occupants. If planning permission is granted it is considered prudent that the hours of demolition and construction are conditioned. Whilst we can not condition that the developer advise the neighbouring care home of timing of works (does not fulfil the tests set out in the NPPG) it is considered that it could be sought via informative.

4.26 The balconies closest to the nursing home have been removed in revised plans and elevations. The proposed building is not considered to result in overlooking or a loss of privacy to the occupants of the nursing home. The proposed flats are not considered to result in an undue increase in noise disturbance to the area.

4.27 The dwellings to the east are set at such a significant distance that it is not considered there would be any loss of residential amenity.

The other buildings in close proximity are of a business use and it is not considered that the proposed building would unduly impact on the running of the current businesses.

4.28 Public Protection seek that the envelope of the building is constructed to a standard to provide noise mitigation from Shipton Road, this is considered reasonable and compliant with the NPPF in providing good quality housing stock.

4.29 Public protection have also requested a vehicle re-charging socket, this is considered to comply with the aims of the NPPF and is consistently conditioned on other residential developments.

HIGHWAYS

4.30 The reduction in the height of the fence to the southern boundary with the enclosed public footway reduces some of the concerns regarding potential anti-social behaviour and potential maintenance issue regarding the enclosure of footway.

4.31 Some cycle storage has been proposed however it is not considered to be sufficient. 14 secure cycle spaces are required; it is considered that this can be sought via condition.

4.32 The vehicle access would be gated, the applicants have been advised to move the bin storage area closer to the gates however they have declined to move the area. They have confirmed that the refuse would be collected by a private company

OPEN SPACE AND EDUCATION CONTRIBUTION

4.33 Development Control Local Plan Policy ED4 states that the impact of new residential developments on local schools needs to be considered. Supplementary Planning Guidance to this policy sets out criteria for assessing the required financial contribution to be sought from residential developments. The Education Planning Officer has confirmed they do not require a contribution as there is sufficient space at the local schools

4.34 Policy L1c of the Local Plan states developments for all housing sites will be required to make provision for the open space needs of future occupiers; this is considered to be consistent with paragraph 73 of the NPPF. The open space requirement would be based upon 12 x 2 bed flats and 2 x 1 bed flats and would be £15,776. The contribution would go towards open space provision at Rawcliffe Lane and Rawcliffe County Park. The Community Infrastructure Levy Regulations 2010, Part 11, para 122 states that that contributions can only be required if: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the

development. Para 123 states that if a project or type of infrastructure has received 5 or more separate planning obligations, a further planning obligation can not constitute a reason for granting planning permission. Neither Rawcliffe Lane or Rawcliffe Country Park have received 5 obligations since 6 April 2010 as such the LPA can require the obligation and this can be sought via a legal agreement.

ECOLOGY

4.35 The NPPF sets out that the Planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; minimising impacts on biodiversity and providing net gains in biodiversity where possible.

4.36 To proceed with any proposed development which may affect the roost, there is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 for a European Protected Species (EPS) licence granted by Natural England.

4.37 The bat survey identified a small number of day roosts within the building which are occupied by solitary common pipistrelle bats. The roosts would be destroyed as part of the demolition works. Bat roosts are protected throughout the year, whether bats are present or not. As such a Natural England European Protected Species development license is required before building work can commence. The loss of the roost will not have a significant impact at a local, regional or national level. Loss of crevice roosting habitat will be mitigated for through the installation of long-lasting, professional quality bat boxes on site as part of the re-development scheme and/or integral bat bricks within the new build. Such habitat provision will ensure that ecological functionality of the site is maintained post-development and is also in line with local and national planning policy with regard to habitat enhancement. If planning permission is granted it is considered prudent to condition.

4.38 No roosts were identified within any of the mature trees along the roadside and lining the access from within Clifton Park, but regular foraging did take place around these during the activity surveys, particularly around the trees along the access road. The trees on the road side are very well lit (they are adjacent to high level street lighting) and this makes any use by roosting bats unlikely, and very little activity was recorded in this area during the surveys. These trees are protected by a Tree Preservation Order (TPO) and are being retained as part of the development scheme. The rest of the landscaped areas around the office building provide low quality habitat.

4.39 There was no evidence of barn owls nesting within the building however bird's nests were observed in the buildings, as such an informative advising the applicant of Section 1 of the Wildlife and Countryside Act 1981 could be added if the application is approved.

DRAINAGE

4.40 The site is within Flood Zone 1. The applicants have been unable to provide sufficient information regarding the proposed surface water drainage scheme. However it is considered that further details can be sought via condition.

5.0 CONCLUSION

5.1 The proposal is not inappropriate development in the Green Belt as defined by paragraph 89 of the NPPF and would not result in harm to the openness of the Green Belt. On balance, it is considered that this application for a replacement building whilst in a sustainable and accessible location and would create 14 flats (net gain of 3 flats -14/01983/ORC) does not outweigh the loss of existing building which is considered to be non designated heritage asset on the grounds of its attractive appearance, character, distinctiveness, social historical value and its connection to the previous use of the site as the public frontage of the hospital, (particularly as only a few of the hospital buildings now remain). The proposed building makes a much poorer contribution than the existing building, it is considered to be bland in visual amenity and character, and lack architectural variation and distinctiveness that the existing building exudes. The NPPF states that planning permission should be refused for development that fails to improve the character and quality of an area. Taking into account the existing building it is considered that the proposed development would result in a harmful impact on the character and visual qualities of the area.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed development would result in the loss of a building considered to be a non designated heritage asset on the grounds of its attractive appearance, character, distinctiveness, social historical value and its connection to the previous use of the site as the public frontage of the former hospital. The existing building has a positive impact on the character and visual amenity of the area as well as being of local historical value. The creation of 14 flats is not considered to justify or outweigh the loss of the existing building with a replacement building that is bland and of poorer architectural quality and makes a much poorer contribution to the area in both visual amenity, character, loss of architectural variation, and distinctiveness (particularly as prior approval has been granted for the change of use of the existing building to 11 flats). For these reasons the proposed development is considered to be contrary to the policy and guidance set out in the National Planning Policy Framework which 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 it functions." (para 64).

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:

- Advised applicant of concerns regarding the design of the proposed building, gave opportunity to alter proposal
- Requesting details be added to the plans
- Revision to the car parking layout and proximity to trees etc

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

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