



1.4 This application is in outline with only access under consideration. All other details, including layout, scale, appearance, and landscaping, would be considered as part of a reserved matters planning application if the proposal is approved in outline. However, an indicative plan has been submitted illustrating how the care home could be accommodated on this site.

1.5 A site visit has been recommended as objections have been raised to the proposal and the application has been recommended for approval.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYE3B

Existing and Proposed Employment Sites

CYH17

Residential institutions

## **3.0 CONSULTATIONS**

Internal

3.1 City Development - As the land is currently allocated as a standard employment site, the proposal would be a loss of employment on the site. Therefore Policy E3b is relevant. As part of this the applicant must show that in both qualitative and quantitative terms the site is no longer contributing to the stock i.e. no longer suitable for employment use. If Policy E3b is satisfied then Policy H17 is relevant.

3.2 Countryside Officer - There are no particular objections in wildlife terms. There are both Great Crested Newt and Water Vole in fairly close proximity but it is not considered that the development of this area would have any significant impact on these species. Neither is there known to be any other wildlife of particular significance present. The location of the site though next to the Stray does mean that the edge should be treated sympathetically and not as a hard edge with buildings immediately adjacent to it. The indicative layout and landscaping does to some extent take this into account although the building does appear large for the area and close to the boundary. Both layout and landscaping will need to be carefully considered at detailed stage to ensure that full use is made of the presence of the adjacent Stray land whilst not having a significant impact on it. It should be noted that a sustainable building approach should be taken to ensure that due consideration is given to this matter and this should be addressed in the Design and Access Statement. This currently lacks any reference to the sustainability of the building design. This would include the potential to use the building itself for

biodiversity enhancement with such things as bat and swift roost/nest sites within the fabric of the structure and green roofs on at least some sections to provide better insulation and runoff layout and landscaping control as well as biodiversity enhancement.

3.3 Environmental Protection Unit - No objections, however the site is in close proximity to residential properties and light warehousing etc. Therefore concerns are raised regarding noise from the industrial area affecting the amenity of residents of the care home. There are also concerns that noise from the care home may affect the amenity of the nearby residential properties. Examination of the area shows that there is former military land in very close proximity and there is potential for land contamination. Five conditions are recommended to mitigate against these concerns.

3.4 Police Architectural Liaison Officer - No correspondence at time of writing the report.

3.5 Highway Network Management - No objections to the proposed vehicular access via Tribune Way. It is unclear whether the care home would be a high dependency unit, this has a bearing on staff and patients parking and servicing requirements for both vehicles and cycles. The site is not considered particularly convenient for visitors or staff. However, the site is convenient for cycle routes. The proposed pedestrian access is not shown as being within the red line boundary. The area where the link is to be created is also subject to a 6m sewer easement. It is not considered that the applicant has demonstrated that they are capable of complying with this aspect of the proposals. Five conditions recommended to be included in any approval.

External

3.6 Clifton Without Parish Council - Deferment of this application is strongly recommended until such time as a site entrance and parking is detailed. It is considered that in the interests of safety this should be a key matter for ambulances, fire and rescue services and the general safe availability of parking facilities.

3.7 Clifton Moor Business Association - No correspondence at time of writing the report.

3.8 Yorkshire Water - Four conditions suggested to be included with any approval.

3.9 Public Consultation - 18 letters have been received, 17 of these were from local residents and 1 was from a local business located within Centurion Park. The following comments were made:

- The care home would not be in keeping with existing buildings in the area due to its size;
- The proposed siting is very close to existing houses which could lead to overlooking;
- The care home would reduce the value of dwellings in the area;

- Visitors and staff may park in nearby streets and use the pedestrian access, this would result in an increase in traffic which would be dangerous, particularly for children;
- A high usage of the footpath would cause noise and disturbance in this quiet cul-de-sac;
- Opening up the end of Hornbeam Close may increase criminal activity in the area;
- The pedestrian access is not needed as people would have to choose as to whether they wish to live in a care home in this location or not;
- The proposed pedestrian access must be for the exclusive use of the care home and will therefore require some means of security control;
- Not including a vehicular access via Hornbeam Close is welcome;
- Drainage and sewerage systems have struggled to cope in the past and there are concerns that the extra demands on the system could cause problems and must be paid for by the developer;
- The care home may attract vermin which is not currently a problem in the area;
- The number of proposed car parking spaces appears inadequate;
- The care home would be squeezed into an office park which is a strange place to find such an operation;
- The building would be tall and imposing;
- Privacy would be compromised by the care home;
- The care home is difficult for emergency vehicles to access.

## **4.0 APPRAISAL**

### 4.1 Key Issues:

- Principle of Development
- Access
- Living Conditions of the Care Home
- Impact on Local Residents

### 4.2 Relevant Local Plan Policies

The Local Plan identifies Centurion Park as a Standard Employment Allocation. Policy E3b seeks to protect employment sites and states that planning permission for other uses will only be given where:

- a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and
- b) unacceptable environmental problems exist; or
- c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or
- d) the use is ancillary to an employment use.

4.3 Local Plan Policy H17 states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions or unimplemented planning permission for that use, would not give rise to

a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport.

4.4 The first consideration within this application is the principle of a development in this location. The proposed care home is not an employment use and therefore is a change of use of the site from its standard employment allocation. Part a) and one of parts b), c) and d) of Policy E3b would need to be satisfied in order to justify the loss of this employment site. Detailed information was submitted with the previous application which highlighted the level of marketing which has gone into this site. It was accepted within the previous application that the site was not needed to meet the requirements of employment land supply in the immediate and longer term, and this did not form part of the reason for refusal. Therefore part a) of Policy E3b is considered to have been satisfied.

4.5 It is also considered that part c) of Policy E3b has been satisfied. It is estimated by the applicant that over 60 jobs could be created by the care home which would bring significant benefits to the local economy. The figure of 60 new jobs is based on an estimate of the number of rooms and the size of the site. This figure seems reasonable. A care home was approved on 0.3 hectares of land off Manor Lane in Rawcliffe in 2004, reference number 04/00479/FULM, which was expected to create around 68 full time equivalent jobs. The proposed care home is therefore considered to comply with parts a) and c) of Policy E3b and therefore the principle of development is considered to be satisfactory.

4.6 Vehicular access to the site is considered to be acceptable in terms of its impact on the local highway network. The area is designated for employment purposes and as such there is likely to be significant transport movements from any use on this site. The access road is already in place and capable of serving the number of vehicle movements expected from a care home on a site of this scale.

4.7 Access for pedestrians is proposed to be via Hornbeam Close or via the vehicular route. Opening up access to the residential area around Hornbeam Close provides a pedestrian friendly and easily accessible route into the site. One of the criticisms of the previous application was that the pedestrian access for staff, residents, and visitors would be poor as it would involve walking through a business/industrial area. The proposed pedestrian only access removes this barrier and provides a safer and more pleasant access into and out of the site in order to access local facilities or services. Whilst some members of the care home may not be capable of leaving the site unaccompanied it seems reasonable to provide the option of leaving the site whether accompanied or not and to be able to do so in a safe way. It is considered that the proposed pedestrian access would allow the residents of the care home to feel like they are a greater part of the community rather than being isolated within a business park. Within 100m of the junction of Woodland Chase and Water Lane there are bus stops on both sides of the road which can encourage the use of sustainable transport choices.

4.8 A consideration in approving a care home on this site is the living conditions of residents. The care home would be adjacent to a warehouse to the west and an office development to the north. Two further developments, known as Units 4 and 5, have been approved to the north east of the site. These would be mixed use B1 and

B8 developments. It is considered that if constructed using suitable materials and in accordance with noise conditions recommended by the Environmental Protection Unit that there would not be significant harm in terms of noise or general disruption. A plan submitted with the application shows an indicative plan of the possible uses of rooms within the care home. This shows that the care home could be organised so that the least sensitive room uses such as kitchens, stores, and changing areas be located on the outside of the western wing which is considered to be the area of the site most likely to experience noise from surrounding land uses. The majority of the bedrooms could therefore be located to face into the central outdoor community space, east into the open countryside (Green Belt), and north towards existing office developments. It is considered that a well considered layout could provide an acceptable living environment for residents of the care home and minimise any potential future conflict with surrounding land uses within the business park.

4.9 Dwellings towards the end of Thorntree Grove and Hornbeam Close are immediately adjacent to the site. The site is allocated for B1, B2, or B8 use and thus there is an expectation that a significant development will take place on this site at some point in the future. In terms of the impact on these dwellings it is considered that a care home could be designed so as not to be harmful to the living conditions of these residents. A buffer would be required between the care home and dwellings on Hornbeam Close and Thorntree Grove in order to provide a reasonable separation distance and to reduce the opportunity for any overlooking. It is considered that within any reserved matters application this could be achieved with landscaping incorporated into the plans to increase the perception of separation and to provide a pleasant outlook for both local residents and members of the care home. The indicative plan within the outline application shows that the wings of the care home located closest to the residential development to the south would be two storeys in height and thus it is not considered that the development would appear overbearing.

4.10 Neighbour concerns have been raised regarding foul drainage. It is understood that there have been problems with foul water disposal within the housing development around Woodland Chase. Concerns were raised that the proposed care home would exacerbate these problems. However, the applicant has confirmed that the care home, if approved, would connect up with the drainage system which serves Centurion Office Park. The Centurion Office Park drainage system is separate to that which serves the housing development around Woodland Chase. It is therefore concluded that the care home would not exacerbate or experience the drainage problems that exist in the adjacent housing development.

4.11 Concerns have been raised from local residents that the access could be used as a cut through. However, the applicant has confirmed that this gate will be secure and would not allow entry into the site for unauthorised persons. The indicative plan also shows that the siting and design of the building would prevent the site being used as a cut through. Other concerns have been raised that the access could bring crime to the area. This has not been quantified or explained and comments from the Police Architectural Liaison Officer will help clarify this matter once received.

4.12 Further neighbour concerns have been raised regarding the low level of parking at the care home with the concern that this could have the knock-on effect of

encouraging staff and visitors to park on the adjacent residential streets. However, the applicant states that only around 20 staff would be on site at any one time and experience of other care homes has shown that only around 30% of staff drive to work. Experience from similar care home operators' shows that on average there are around four visitors per day who use a car, and these are often staggered throughout the day. Therefore the proposed 17 car parking spaces are considered sufficient and this figure would also comply with the Council's maximum car parking standards. A further point to note is that the staff and visitor entrance is likely to be on the northern elevation of the care home adjacent to the proposed car park. It is therefore considered that there is not a time saving incentive to park in and around Hornbeam Close and use the pedestrian access to enter the site.

## **5.0 CONCLUSION**

5.1 On balance it is considered that the creation of jobs and the lack of success in marketing the site for B1 use have justified the principal of development on this employment site.

5.2 The indicative plan shows how the care home could operate whilst minimising the potential conflict with surrounding employment sites.

5.3 The proposed pedestrian access allows for greater integration of the care home into the community whilst not having an adverse impact on the living conditions of local residents.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 The premises shall be used for a residential care/nursing home and for no other purpose, including any other purpose in Class C2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 NOISE7 Restricted hours of construction

5 Details of all machinery, plant and equipment to be installed in or located on the care home hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (LA<sub>max(f)</sub>) and average sound levels (LA<sub>eq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the nearby residential properties.

6 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the nearby residential properties.

7 An acoustic fence shall be constructed on the west and north perimeters of the application site. Details of the acoustic fence shall be submitted to the local planning authority for written approval. These details shall include the position, length and height of the fence, together with a description of the fence construction and an assessment of its acoustic performance. The fence shall be installed in accordance with the approved details prior to occupation of the use hereby permitted and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the residents of proposed care home.

8 The building envelope of all residential rooms with a facade on the West and North West elevations, shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of the residents of proposed care home.



9 If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

Reason: To protect the amenity of the residents of proposed care home.

10 HWAY10 Vehicular areas surfaced, details reqd

11 HWAY36 Servicing within site, details reqd

12 HWAY22 Internal turning areas, details reqd

13 HWAY31 No mud on highway during construction

14 The development hereby permitted shall not commence until full details of the proposed vehicular access, parking and cycle storage facilities for both residents and staff have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be constructed in accordance with the approved details prior to the development coming into use and shall thereafter be maintained clear of any obstruction which would preclude their intended use.

Reason: In the interest of highway safety and to promote sustainable transport choice.

15 ARCH2 Watching brief required

16 The pedestrian only access route from the care home to Hornbeam Close shall be fitted with a security gate in order to control access to the site. Full details of the security gate and how it will be managed shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The gate shall be fitted and managed in accordance with the approved details.

Reason: To restrict access into and out of the site to members of staff, visitors and occupants of the care home.

17 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new building and landscaping to enhance the biodiversity of the area. The works shall be completed in accordance with the approved details. Features suitable for incorporation include measures for species that use buildings such as bats and birds and enhancement of the ditch and hedgerow that form the boundary of the site.

Reason: To take account of and enhance the habitat and biodiversity of the locality.

18 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall achieve a BREEAM standard rating of at least "Very Good" or the equivalent, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

19 DRAIN1 Drainage details to be agreed

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the loss of employment land, the future living conditions of occupants of the care home and the amenity and living conditions of local residents. As such the proposal complies with Policies E3b and H17 of the City of York Draft Local Plan.

#### 2. Demolition and Construction - Informative

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

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

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

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

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

(v) There shall be no bonfires on the site

### 3. INFORMATIVE

It is important that the care home is designed in such a way which minimises any potential conflict between the adjacent business premises and the living conditions of residents of the care home. Careful consideration should be given to the siting of the care home in order to allow sufficient space to provide a significant level of green landscaping to the north, east, south, and west of the unit. The internal layout should be designed so as to allow the care home to co-exist with the neighbouring business uses in a way which protects the commercial viability of these uses and ensures appropriate living conditions for any future occupiers of the care home.

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