

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYE3B
Existing and Proposed Employment Sites

CYH17
Residential institutions

CYT4
Cycle parking standards

CYSP8
Reducing dependence on the car

CYGP4A
Sustainability

CYGP9
Landscaping

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management - Assessing revised plans. Update will be provided at committee.

3.2 Countryside Officer - There are no 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.

3.3 Environmental Protection Unit - No objections. However the site is close to residential properties and some light industrial units. The amenity of local residents and future residents of the care home is required and conditions regarding noise are

recommended. There is a former military site in close proximity and therefore there is the potential for the site to have some level of contamination. A condition requiring a watching brief is therefore requested.

3.4 Structures and Drainage - No objections. The applicants have agreed to install a surface water runoff restrictor. The maximum discharge of surface water drainage is to be 5 litres per second. The drainage modelling and calculations will be based on 1 in 30 and 1 in 100 year flood events plus 20% taking account of climate change.

EXTERNAL

3.5 Clifton Without Parish Council - No objections subject to full consultation with and the support of the emergency services.

3.6 Public Consultation - 6 letters of objection were received from local residents and 1 received from a local business operation. The following points were raised:

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

3.7 Kyle and Upper Ouse Internal Drainage Board - The site would discharge into Bur Dyke which is the responsibility of the Environment Agency

3.8 Environment Agency - The proposed development has a low environmental risk.

3.9 Police Architectural Liaison Officer - No objections. The minimum building standards of care homes exceeds 'Secure By Design' requirements.

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

4.0 APPRAISAL

4.1 The key issues are:

- Principle of Development
- Design and Impact on the Street Scene
- Living Conditions of Future Occupiers of the Care Home
- Impact on the Living Conditions of Local Residents
- Vehicle and Pedestrian Access
- Car and Cycle Parking
- Drainage
- Sustainability

PRINCIPLE OF DEVELOPMENT

4.2 Members will recall that an outline application was approved for a care home on this site earlier in the year (Ref. No. 0702783/OUTM). The application under consideration is a full planning application and not a reserved matters application. Therefore all issues must be considered in determining the application, including the principle of developing a care home on an allocated employment site. Clearly, however, the previous granting of outline planning permission for a care home on this site is a material consideration in this case.

4.3 The relevant local planning policy in establishing the principle of developing this site for a non-employment use (typically only B1, B2, or B8 uses are considered to be employment uses) is E3b. 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.

4.4 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 taken place in respect of this site. It was accepted in the determination of the previous application that the site was not needed to meet the requirements of employment land supply in the immediate and longer term. 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 approximately 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 acceptable. It is not considered that there has been any change in site circumstances or changes to national or local planning policy since the previous application on this site that would justify a different conclusion as to whether a care home is a suitable development on this site.

DESIGN / IMPACT ON THE STREET SCENE

4.6 The proposed care home is primarily 2 storeys in height with some rooms in the roof. Centurion Office Park and the residential dwellings to the south are generally two storeys in height. The proposed structure is of significant footprint with a frontage of 48m in length. The design seeks to visually break up the frontage through the addition of a canopy feature at the entranceway and two protruding elements with a varied corner brick detail. This helps to reduce the massing of the structure and also give the building some vertical emphasis.

4.7 Whilst the structure is of significant footprint it appears to be well proportioned. The window position and details are considered appropriate for the design of the building and its use. The rear elevation which will be seen from the housing development to the south is broken up by a single storey element and views of a greater depth of the building are afforded due to the horseshoe shaped design which gives the building more visual interest from this area.

4.8 The site borders the Green Belt to the east. The proposed care home development leaves a gap of between 9 and 12m from the eastern boundary and the Green Belt. This area is proposed to be landscaped which provides both amenity benefits to occupiers of the care home as well as a softening effect on the physical bulk of the care home when viewed from the Green Belt to the east. A landscaping condition is recommended on any approval to ensure that suitable planting is carried out. Around all four sides of the care home there are areas designated for landscaping which has the potential to bring significant visual amenity benefits to the site.

4.9 A condition is recommended whereby external materials are submitted for approval to ensure an acceptable finished quality to the building. The applicants are proposing a natural slate roof with brick walls. Timber fencing will be used on some of the boundaries.

LIVING CONDITIONS OF FUTURE OCCUPIERS OF THE CARE HOME

4.10 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 recently erected 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 for future occupiers of the care home.

4.11 Landscaping has been incorporated into the scheme where possible in order to provide a more attractive outlook from the care home. Whilst a number of bedrooms would look out towards office and industrial units this is not considered sufficient to justify refusing the scheme. Each room is afforded an outlook and there are a number of communal areas which can be used by residents of the care home. Internal communal space is provided as well as an enclosed garden area and a smaller garden area to the east of the care home to provide facilities for residents to use. The pedestrian only access onto Hornbeam Close allows easy and pedestrian friendly access to the surrounding area as well as bus stops.

IMPACT ON THE LIVING CONDITIONS OF LOCAL RESIDENTS

4.12 Dwellings towards the end of Thorntree Grove and Hornbeam Close are immediately adjacent to the site. The application site is allocated for B1, B2, or B8 use and thus there is an expectation that some form of 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 is potentially a more suitable neighbour than an employment use.

4.13 In terms of the design of the care home itself it is considered that neighbouring amenity is reasonably protected. The care home is set approximately 8m off the shared curtilage boundary with 9 and 11 Hornbeam Close and 8 and 10 Thorntree Grove. This is considered a reasonable separation distance and it is not considered that the care home would appear dominant or overbearing at this distance. The roof hips away from these dwellings which further reduces the visual bulk of the care home when viewed from residential dwellings. The care home would be to the north of the residential dwellings and therefore there would be little impact in terms of the blocking of natural light entering residential dwellings. No windows are proposed for the end elevation of the care home and thus there is no potential for significant overlooking of neighbouring properties. A landscape buffer is also proposed between the care home and the residential dwellings which would provide a natural screening between the developments.

4.14 The eastern wing of the care home sits approximately 9m from the side elevation of 12 Hornbeam Close. This property has no primary windows in its side elevation and it is considered that the proposed care home would not significantly affect the living conditions of occupiers of 12 Hornbeam Close.

VEHICLE AND PEDESTRIAN ACCESS

4.15 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 of this scale.

4.16 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. 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. It is considered that the proposed pedestrian access would allow the residents of the care home to integrate with the community and enjoy a better quality of life 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.

4.17 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 site plan shows that the siting and design of the building would prevent the site being used as a cut through.

CAR AND CYCLE PARKING

4.18 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. The applicants have submitted a pedestrian access management plan to ensure it is not misused. A 'digi-pad' locking mechanism will be installed on the gate to ensure that it is only used by relatives when taking residents of the care home outside of the site. The access code will not be given to staff and it will be changed weekly. The operator will then meet the local residents within 4 weeks of the care home opening and then every quarter to ensure that any issues are discussed on a regular basis. It is recommended that a condition is added to any approval to ensure this takes place

4.19 Seventeen car parking spaces with 3 spaces developed to disability standards, 1 light goods vehicle space, and 2 motorcycle spaces are proposed to be included within the site for use by staff and visitors. This level of provision is within Council standards. Twenty cycle parking spaces are proposed located close to the site entrance to the north of the site. A travel plan to encourage sustainable transport choice can also be conditioned. The applicants have expressed a willingness to draw up a detailed travel plan to encourage staff to arrive by non-private car modes. The site has good links to local cycle routes and bus stops and it is therefore considered that successfully promoting green travel choice is possible on this site.

DRAINAGE

4.20 The application site lies within Flood Zone 1 and is therefore not at a high risk from flooding. The existing site is undeveloped and has a permeable surface, therefore the proposed development has the potential to significantly increase surface run-off which may affect areas downstream. In light of this it is important that the rate of surface water discharge is controlled, particularly during storm periods, to ensure that the risk of flooding is not increased elsewhere. The applicants have confirmed they are willing to do this and therefore a condition to ensure that these

measures are agreed and implemented is suggested to be included with any approval.

4.21 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 foul drainage problems that exist in the adjacent housing development.

SUSTAINABILITY

4.22 A sustainability statement has been submitted with the application which covers the areas identified by Local Plan Policy GP4a. Some of the key points presented in the sustainability statement are:

- the site is within 400m of a bus stop;
- the scheme contributes to the social needs of the local community;
- a number of local people will be employed;
- high levels of insulation will be included in the building and the options for recycling materials will be fully explored;
- full provision is made for the collection of recycling;
- materials will be sourced locally with local builders used for construction.

In addition to this discussions are ongoing regarding BREEAM and the possible use of renewable energy sources. An update will be given at committee to highlight what BREEAM rating the building will hope to achieve and whether any renewable energy sources are proposed in the scheme.

5.0 CONCLUSION

5.1 It is considered that the proposed development, subject to highways acceptance and the incorporation of appropriate sustainability measures, complies with local planning policy. The proposal has been designed to mitigate against any potential harm to the living conditions of local residents. The proposed care home has also sought to create a pleasant living arrangement for future residents in the care home with an enclosed courtyard and a garden area to the east of the care home to provide a pleasant outdoor environment. Cycle and car parking is to be provided in accordance with local standards and the site is reasonably well connected to the local transport network. For these reasons the application is recommended for approval subject to the conditions listed below.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- Ground Floor Plan Drg No 01
- First Floor Plan Drg No 02
- Second Floor Plan Drg No 03
- Site Plan Drg No 04A
- Elevations/Section Drg No 05 and 06

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

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 No development 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 and shrubs. 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.

5 VISQ8 Samples of exterior materials to be app

6 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

7 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_{max(f)}) and average sound levels (LA_{eq}), 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.

8 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.

9 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.

10 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.

11 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

12 No part of the site shall come into use until turning areas have been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. 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.

13 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

14 HWAY18 Cycle parking details to be agreed

15 HWAY19 Car and cycle parking laid out

16 ARCH2 Watching brief required

17 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 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The gate shall be fitted in accordance with the approved details and thereafter maintained unless otherwise agreed in writing with the Local Planning Authority.

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

18 The pedestrian access onto Hornbeam Close shall be used only for its intended purpose of providing residents of the care home with access into and out of the site. Prior to the first occupation of the care home a management plan shall be submitted to and approved in writing by the Local Planning Authority which outlines the measures to be taken to ensure the access operates as intended and the methods to be used for reviewing and updating the management plan over time.

Reason: To protect the amenities of local residents through restricting use of the pedestrian access to authorised persons and thus preventing the parking of vehicles on adjacent highways.

19 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.

20 The development hereby permitted shall not come into use until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The premises shall operate in accordance with the agreed travel plan.

Reason: To promote sustainable transport choice and thus reduce dependence on the car.

21 Prior to the commencement of development, the developer shall submit for the written approval of the Local Planning Authority a preliminary BREEAM Design and Procurement stage assessment for the development. This shall indicate that a minimum 'Very Good' rating will be achieved under the appropriate code. This shall be followed by the submission of a BREEAM Post Construction Review and a BREEAM Certificate for this review shall then be submitted to the Local Planning Authority after completion and before first occupation of the building. Both assessments shall confirm that the minimum 'Very Good' rating indicated in the preliminary BREEAM Design and Procurement assessment submitted with the application.

22 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9 metres in height, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area and the living conditions of adjacent dwellings.

23 Prior to the commencement of development details of a scheme for the provision and maintenance of a surface water regulation system shall be submitted to and approved in writing by The Local Planning Authority. The surface water regulation system shall be installed in accordance with the approved details prior to the first occupation of the extensions.

Reason: To ensure that surface water runoff is controlled to reduce the risk of flooding.

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:

- Principle of Development
- Design and Impact on the Street Scene
- Living Conditions of Future Occupiers of the Care Home
- Impact on the Living Conditions of Local Residents
- Vehicle and Pedestrian Access
- Car and Cycle Parking
- Drainage
- Sustainability

As such the proposal complies with Policies GP1, GP9, GP4a, SP8, T4, E3b, and H17 of the City of York Draft Local Plan.

2. 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.

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