

COMMITTEE REPORT

Date: 4 August 2022 **Ward:** Holgate
Team: West Area **Parish:** Holgate Planning Panel

Reference: 22/00304/FULM
Application at: Oak Haven 144 Acomb Road York YO24 4HA
For: Erection of 64 bedroom residential care home (use class C2) with associated structures, access, parking and landscaping following demolition of existing structures
By: St Marys (North Yorkshire) Ltd
Application Type: Major Full Application
Target Date: 11 July 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 Oak Haven, Acomb Road, Acomb comprises a disused two storey brick built care home dating to the late 1960s with a frontage on to York Road to the north east of the Acomb District Centre. The site provided 34 bed spaces for the care of the frail elderly before being closed in 2016 as part of a wider re-organisation and modernisation of provision for the elderly in the City. The existing site was felt not to be capable of being brought up to modern standards particularly in terms of provision of en-suite rooms. The building has been vacant since closure.

1.2 The site lies within a mixed use area at the fringe of the District centre with residential development to the north and to the south east with retail units within a former cinema to the west and a police station and GP practice/pharmacy to the east. Acomb Road is a major thoroughfare and public transport route giving access to and from the City Centre. The site comprises previously developed land and is a housing allocation in the Publication Draft Local Plan Policy H1 (Allocation Ref H 20) with a notional quantum of 56 units.

1.3 Planning permission is sought for the erection of a three storey brick built 64 bedroom care home with a pitched roof with the existing buildings completely demolished. The existing footprint would be broadly followed. The design has been derived from a lengthy period of negotiation.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The revised National Planning Policy Framework (NPPF) 2021 sets out the government's planning policies for England and how these are expected to be applied. It is a material consideration in the determination of this planning application.

2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3 The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.4 The DLP 2018 was submitted for examination on 25th May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019 and consultation on proposed modifications to the plan were consulted on in line with Regulation 19 in 2019 and 2021. Phases 2 and 3 of the hearings took place in early 2022 with phase 4 scheduled later in the year. In accordance with paragraph 48 of the NPPF the DLP 2018 policies can be afforded weight according to:

-The stage of preparation of the emerging plan (the more advanced the preparation the greater the weight that may be given);

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

2.5 Publication Draft City of York Local Plan (2018) Policies

H1 Housing Allocations

HW7 Healthy Places

D1 – Place Making

D2 – Landscape and Setting-

D6 – Archaeology

GI2 - Biodiversity and access to nature
CC1 – Renewable and Low Carbon Energy Generation and Storage
CC2 – Sustainable Design and Construction of New Development
ENV2 Managing Environmental Quality
ENV3 – Land Contamination
NV5 – Sustainable Drainage
WM1- Sustainable waste management
T1 – Sustainable Access
T7 – Minimising and Accommodating Generated Trips

2.6 Emerging Local Plan Evidence Base

The evidence base that underpins the proposed emerging policies is considered to be a material consideration in the determination of this planning application. The directly relevant evidence base is

- 2014 City of York Strategic Housing Market Assessment (SHMA)
- 2016 City of York Strategic Housing Market Assessment (SHMA) (Addendum)

DRAFT LOCAL PLAN 2005

2.7 The City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for Development Management purposes. The 2005 plan does not form part of the statutory development plan for the purposes of S38 (6) of the Planning and Compulsory Purchase Act 2004. Its policies are however considered capable of being material considerations in the determination of planning application where policies relevant to the application are consistent with those in the NPPF although the weight that can be attached to them is very limited.

3.0 CONSULTATIONS

INTERNAL

Design ,Conservation and Sustainable Development (Archaeologist)

3.1 Raise no objection to the proposal subject to any permission being condition to require the undertaking of a detailed evaluation prior to construction work being undertaken.

Design, Conservation and Sustainable Development (Landscape Architect)

3.2 Raise no objection to the proposal subject to any permission being conditioned to require the submission and approval of a detailed landscape scheme with a separate condition covering boundary treatments.

Design, Conservation and Sustainable Development (Ecologist)

3.3 Raise no objection in principle to the proposal subject to any permission being conditioned to safeguard nesting birds, biodiversity gain, the submission of landscape and environmental management plan and a lighting plan.

Public Protection

3.4 Raise no objection in principle to the proposal subject to any permission being conditioned in detail in respect of remediation of contaminated land, details of audible plant, details of odour dispersal apparatus, details of lighting, electric vehicle charging, hours of construction and a Construction Environmental Management Plan (CEMP).

Highway Network Management

3.5 Raise no objection in principle to the proposal subject to any permission being conditioned in detail in respect of site layout and parking.

Flood Risk Management

3.6 Any response will be reported verbally.

EXTERNAL

Holgate Planning Panel

3.7 No response received.

Ainsty (2008) Internal Drainage Board

3.8 Raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and prior approval of a detailed surface water drainage scheme.

Yorkshire Water Services Limited

3.9 Raise no objection in principle to the proposal subject to any permission being conditioned to require submission and prior approval of a detailed surface water drainage scheme for the site.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Two letters of objection have been received and two of support. The letters of objection raise the following issues:

- Objection to the loss of trees of townscape importance

4.2 The letters of support raise the following issues:

- Support for the scheme subject to the existing fruit trees on the site being retained and the planting enhanced.
- Support for the scheme subject to adequate measures being put in place to minimise parking in the surrounding area.

5.0 APPRAISAL

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the Development
- Need for older persons accommodation
- Design and layout
- Trees and Landscape
- Highways and Access
- Drainage and Flood Risk

- Residential amenity
- Sustainability

PRINCIPLE OF THE DEVELOPMENT

5.2 Central Government Planning Policy as outlined in paragraph 119 of the NPPF indicates that planning decisions should promote the effective use of land in meeting the need for homes and other uses. In addition paragraph 120 indicates that substantial weight should be given to the use of brownfield land within settlements for homes and other identified needs.

5.3 The application site comprises a disused care home constructed in the late 1960s set within a densely developed area within the inner urban area of the City directly to the east of the Acomb District Centre. It is highly prominent in the wider street scene adjacent to the principal route between the Acomb District Centre and the City Centre and its deteriorating physical condition is a detractor to the visual amenity of the wider street scene.

5.4 The existing building has previously been identified as not being readily capable of refurbishment to meet modern needs and so it is proposed to demolish the existing structure and re-develop the cleared site. Central Government planning policy in respect of making the most efficient use of land proactively encourages the use of brownfield land such as the application site and the site is also very sustainably located with shops and other services such as a doctor's surgery and pharmacy very close by. The development furthermore provides for a critical need in terms of provision for elderly care as will be outlined below. With the existing use of the site as a care home the principle of the development of the site is therefore felt to be acceptable notwithstanding the sustainability impact of demolition. The impact of the proposal on the Acomb District Centre would be broadly neutral.

NEED FOR OLDER PERSONS ACCOMMODATION

5.5 Central Government Planning Policy as outlined in Section 5 of the NPPF specifically paragraph 62 indicates that the size, type and tenure of housing needed for different community groups should be assessed and clearly reflected in detailed planning policy including for older people. The NPPG identifies a doubling of the very elderly population aged 85 and over by 2041 with an increasingly critical need for accommodation to meet the specialist needs of the age group. Research suggests that 30% of elderly accommodation does not reach modern standards.

5.6 In terms of need within the City figures provided by Adult Social Care indicate in 2019 a demand for 2034 places with a supply including projects under construction of 1520 places giving a shortfall of 514 places. This short fall would rise to 1614 places by 2039 without significant new investment. A report to the Adult Social Care Scrutiny Committee in 2015 identified historic issues of under investment with 225 beds in the Local Authority sector no longer fit for purpose primarily in terms of not being en suite which has been a requirement in terms of new build operations since 2002. At the same time the number of residents within the City aged 75 and over are expected to increase by the order of 50% from 17,200 to 25,800 over the next 15 years. National Adult Social Care benchmarks indicate that for every 100 residents over 75 years of age there should be 11 care bed spaces available. Current data indicates an occupancy rate of 98% in terms of existing provision within the City.

5.7 The application site comprises a former Local Authority Care Home that closed in 2016. It is included in Policy H1 of the Publication Draft Local Plan as a draft allocation ref H20 giving a hypothecated yield of 56 units with the previous care home catering for 34 residents. The new proposal envisages the construction of specialist supported housing for older people which would be regulated by the CQC (Care Quality Commission). This in turn is supported by Policy H9 of the Publication Draft Local Plan with the written explanation for the Policy indicating that the City has an above average number of elderly residents with a high proportion of those aged over 85 years. That age group is furthermore particularly vulnerable to a number of health issues including dementia and mobility problems.

5.8 The City of York Strategic Housing Market Assessment(SHMA) and 2016 Addendum indicate that there is an identified additional need of 37 bed spaces for those aged 75 and over per annum over the period 2012 to 2033 with an emphasis on specialist provision for those with dementia which the proposal would make a significant contribution towards fulfilling. The site includes an area of resident's garden and is sustainably located in terms of access to local amenities including a pharmacy and several doctor's surgeries. It is therefore felt that the proposal would make a significant contribution to meeting identified need for specialist elderly care beds in a sustainable location.

DESIGN AND LAYOUT

5.9 Central Government Planning Policy as outlined at paragraph 130 a) b) and c) indicates that planning decisions should create developments which function well and add to the overall quality of the area, are visually attractive as a result of good

architecture, layout and appropriate landscaping and are sympathetic to local character including the surrounding built environment and landscape setting. Policy D1 of the Publication Draft Local Plan indicates that development proposals should enhance and respect the surrounding pattern of street blocks, plots and buildings whilst demonstrating that the resulting pattern of density will be appropriate for the proposed use and surrounding context whilst demonstrating that the combined effect of development would not over-dominate surrounding buildings.

5.10 The application site whilst not being within a Conservation Area or within the setting of any other Designated Heritage Assets is highly prominent within the wider street scene defining the character of the principal approach between the City Centre to the east and the Acomb District Centre to the west. The existing building is comparatively low rise and set back from the street frontage with an area of green space to the front. To the west is a substantial brick built former cinema dating to the early 1930s now converted into small retail units with a police station of more recent construction close up to the road frontage to the east. To the south west on the opposite side of Acomb Road is a dense pattern retail units and other town centre fringe type uses located within former dwellings. The existing building is out of keeping with the properties to either side within the street frontage appearing diminutive in scale. Furthermore its deteriorating physical condition detracts from the visual amenity of the wider street scene.

5.11 The design of the proposal has been extensively developed and refined in order to ensure that it fits in better with the wider context. The design has been broken up in order to lessen its scale and massing but at the same time better relate the development to its immediate surroundings; with the use of an under-croft, the introduction of mini-gables, setting longitudinal sections of roof behind low brick parapets along with bringing elements of the Acomb Road elevation forward with some being physically higher. Small but significant areas of new landscape planting have been incorporated on to the street frontage as well as a series of glazed amenity areas, some at a higher level for residents along with a partial section of green wall. The rear elevation meanwhile is set back and set down from the boundary with properties in Hebden Rise and Baildon Close with small glazed balcony external amenity areas for residents with prominent brick clad gable features the roof lowered behind a brick parapet.

5.12 Overall it is felt that the proposed structure would better respect its immediate surroundings relative to the existing building and the previous forms of the current design. The proposed palette of materials with use of mid red brick and slate together with some use of structural glazing clearly references that of surrounding

buildings within the Acomb Road frontage and better respects and enhances the contribution of the site to the wider visual amenity of the street scene.

TREES AND LANDSCAPE

5.13 Central Government Planning Policy as outlined in paragraph 131 of the NPPF indicates that planning decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments that appropriate measures are secured to ensure the long term maintenance of newly planted trees and that existing trees are retained wherever possible. Policy G14 of the Publication Draft Local Plan indicates that development proposals will be supported where trees and hedgerows that contribute to the setting of a proposed development are retained.

5.14 The application site includes substantial areas of tree planting including a fastigiate oak on the site frontage together with other areas of semi-mature shrub and tree planting. To the rear facing Baildon Close is a significant area of semi-mature fruit trees mainly cherries which the submitted tree survey identifies as being in fair condition. These provide some degree of amenity to the communal gardens of the properties to the north in Baildon Close but are less readily visible from Hebden Rise to the north-west. The area would largely be cleared to allow for the creation of the staff and visitor parking area proposed to the rear of the site. The scheme however proposes the addition of significant additional rear boundary planting along the boundary of the site with Baildon Close along with significant additional planting long the Acomb Road frontage to complement the retention of the fastigiate Oak thereby enhancing the resident's external amenity area. The proposals are therefore felt on balance to be acceptable.

HIGHWAYS AND ACCESS

5.15 Central Government Planning Policy as outlined in paragraph 111 of the NPPF indicates that development should only be refused or prevented on highway grounds where there would be an unacceptable impact upon highway safety or the residual cumulative impact upon the road network would be severe. Policy T1 of the Publication Draft Local Plan indicates that development will be supported where it minimises the need to travel and ensures safe and appropriate access to the adjoining highway, there are safe and appropriate links to local services and facilities and there is sufficient convenient and secure cycle parking within the site.

5.16 The existing site had only minimal vehicle parking and no formal cycle parking within it with the result that previously staff parked largely in the adjoining side streets. Concern has been expressed by neighbours in respect of a return to this scenario particularly with the greater degree of intensity of the new development. A

vehicle parking area of 19 spaces (including two disabled) for staff and visitors would be provided to the north of the site. Associated with this would be a secure bin store and cycle parking area providing for 12 spaces. A layby would be provided for refuse collection again accessed from Hebdon Rise. The proposed provision is in accordance with parking guidelines and subject to any permission being appropriately conditioned then the proposal is felt to be acceptable in highway terms.

DRAINAGE AND FLOOD RISK

5.17 Central Government Planning Policy as outlined in paragraph 167 of the NPPF indicates that in determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. At the same time Policy ENV5 of the Publication Draft Local Plan indicates that in respect of brownfield sites surface water drainage should be restricted to 70% of the existing run-off rate unless it can be demonstrated to be impractical. Sufficient storage capacity should be provided to allow for the impact of a 1 in 30 year storm event without the run off rate being exceeded.

5.18 The application site is in Flood Zone 1 and therefore felt to be at low risk of flooding. A detailed surface water drainage strategy has been submitted which establishes that the site can be safely drained with a reduced run off rate allowing for the impacts of climate change.

5.19 Precise details of the surface water drainage scheme can be secured by condition on any permission.

RESIDENTIAL AMENITY

5.20 Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for existing and future users. At the same time Policy ENV2 of the Publication Draft City of York Publication Draft Local Plan indicates that development proposals that are likely to have an impact upon the amenity of the surrounding area including residential amenity should be accompanied by evidence that the impacts have been evaluated and that there would not be any resulting loss of character or amenity.

5.21 The application site comprises the site of a former Care Home set within a densely developed built frontage directly to the east of the Acomb District Centre. Within the adjoining frontage are a mix of town centre fringe type uses including a police station, a doctor's surgery and specialist retail uses. Residential development

comprising flats lies to the north and east in Hebden Rise and Baildon Close with the gardens associated with Baildon Close overlooking the rear of the site. Presently these are planted with a range of orchard but mainly cherry trees which provide a degree of amenity to those using the gardens. The area is however to be developed to form the required off-street vehicle and cycle parking area for the development leading to a loss of amenity. This would however to an extent be balanced by proposed reinforcement planting at the site boundary.

5.22 The properties in Baildon Close are elevated relative to the application site with gables directly facing the rear of the proposed development with a minimum distance of approximately 20 metres. There would not be any significant overlooking between the two groups of properties. A detailed sun path analysis has been submitted as part of the Design and Access Statement which identifies that there would be no significant loss of daylight or sunlight to the adjoining properties.

5.23 In terms of the amenities of prospective residents the rooms and communal facilities comply with the Nationally Prescribed Space Standards. A garden area would be provided for those residents able to use it on the main Acomb Road frontage. A series of smaller balconied terrace spaces would be provided at first floor level on front and rear elevations for the use of those residents unable to access the outside.

5.24 Notwithstanding the loss of a degree of amenity to the gardens of the properties in Baildon Close through the significant reduction in the existing tree cover the development is felt to be acceptable in terms of its impact upon the residential amenity of neighbouring properties and the amenities of prospective occupants of the development.

SUSTAINABILITY

5.26 The requirements of policy CC1 of the Publication Draft Local Plan in terms of carbon reduction have been largely superseded by Part L of the 2021 edition of the Building Regulations.

5.27 Detailed sustainability information has been submitted as part of the Design and Access Statement. This indicates that issues of solar gain will be address through the orientation of the new building together with window size and placement relative to the internal layout. Building materials will be sourced from low carbon sources with the use of recycling wherever possible. Only sustainably sourced timber will be used for windows and internal fixtures and fittings. The energy reduction targets of Policies CC1 and CC2 would be met through energy efficiency measures. Scope is also identified for use of both roof mounted solar pvs and also

CHP (Combined Heat and Power) plant. Sustainability issues including water usage will be addressed by condition as part of any decision.

6.0 CONCLUSION

6.1 Oak Haven comprises a disused brick built care home dating to the late 1960s with a substantial frontage on to York Road to the north east of the Acomb District Centre. Planning permission is sought for the erection of a three storey brick built 64 bedroom care home with a pitched roof following on from the demolition of the existing structures on site. The existing built footprint would be broadly followed in terms of the new construction. It is felt that the proposal would provide much needed specialist elderly residential care to part remedy existing deficiencies. It would provide a sensitive design solution for a visually sensitive location in street scene terms. It would make appropriate use of landscaping both for the amenity of residents and the amenity of the wider area and it seeks to minimise parking off site in the surrounding area. The proposal is therefore felt to comply with the policies of the NPPF and the Publication Draft Local Plan 2018.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs:;4463-WRD-XX-ZZ-DR-A-0080 P2; 4463-WRD-XX-ZZ-DR-A-0500 P11 ; 21-373-TR-003 ; WRD1003-001 ; 5812-DR-01 P2 ; 4463-WRD-XX-ZZ-DR-A-0300_P02 ; 4463-WRD-XX-B1-DR-A-0200 P4; 4463-WRD-XX-03-DR-A-0204 P1 ; 4463-WRD-XX-02-DR-A-0203 P5 ; 4463-WRD-XX-01-DR-A-0202 P5 ; 4463-WRD-XX-00-DR-A-0201 P4.

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

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

Note: sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences beyond foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

5 Prior to the commencement of construction works details of the proposed means of foul and surface water drainage, including shall be submitted to and approved in writing by the Local Planning Authority, including

- a) Evidence that surface water drainage by infiltration will not be practical;
- b) Evidence of existing positive drainage to public sewer and the points of connection;
- c) The means of restricting discharge to the public sewer to the existing rate less a minimum 30% reduction based upon the existing peak discharge during a 1 in 1 year storm event to allow for climate change

and the development shall be carried out in accordance with the approved details.

The site shall be developed with separate systems of foul and surface water drainage on and off site. The separate systems shall extend to the points of discharge to be agreed.

There shall be no piped discharge of surface water from the development site prior to the completion of surface water drainage.

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

6 A programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) for archaeological evaluation has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by Local Planning Authority and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. There shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site

- provision has been made for analysis, dissemination of results and archive deposition has been secured

- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are recorded prior to destruction. This condition is imposed in accordance with Section 16 of NPPF.

7 Prior to commencement of the development, a Construction Environment Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development

shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality

8 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.

9 Before the occupation of the development 1 Electric Vehicle Recharging Point(s) shall be provided in a position and to a specification to be first approved in writing by the Local Planning Authority (active provision). In addition, a minimum of 1 additional parking bays should be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays should be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future, if required (passive provision). Charging points should be located in a prominent position on the site and should be marked for the exclusive use of zero emission vehicles.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

10 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,

- archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

11 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

12 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

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

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

15 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. 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.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

16 There shall be adequate facilities for the treatment and extraction of cooking

odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. It shall be installed and fully operational as approved before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

17 All external lighting, other than that required for emergency or security purposes, shall be turned off by 23:00 on any day.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area

18 No vegetation clearance, tree works or building demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of suitable habitat for active birds' nests immediately before the start of works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority prior to any vegetation clearance, tree works or building demolition works commencing.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

19 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include the recommendations set-out in the Ecological Appraisal, Wold Ecology Ltd., July 2021, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Development shall be carried out in accordance with the approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

20 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority. The external lighting permitted shall be carried out in accordance with the approved

'lighting design plan'.

The plan shall:

Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.
<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

Show how and where external lighting will be installed, so that it can be clearly demonstrated that areas to be lit will not disturb light-sensitive wildlife, such as bats.

Reason: To maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species.

21 In order to manage and maintain the ecological value of the application site a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The completed scheme shall be managed and/or maintained in accordance with the approved management plan.

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

22 Before the commencement of development (including demolition, excavations, and building operations), a complete and detailed Arboricultural Method Statement and scheme of arboricultural supervision regarding protection measures for existing trees within and adjacent to the application site shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local

Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), specialist construction techniques where applicable, parking arrangements for site vehicles, locations for stored materials, and means of moving materials around the site, locations and means of installing utilities, and location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the public amenity and setting of the development.

23 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. It will also include tree planting details. The plans and details shall illustrate that the tree planting is compatible with existing and proposed utilities. This scheme shall be implemented within a period of six months from the practical completion of the development. Any trees or plants which 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of trees and shrubs across the site, since the landscape scheme, is integral to the amenity of the development and the immediate area, and forms part of the mitigation for trees lost as a result of the development.

24 A fully detailed drawing at a standard metric scale illustrating the design and materials of all footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of their construction on site. The development shall be carried out as approved.

Reason To ensure that the site access can be properly maintained and to secure compliance with Policy T1 of the Publication Draft Local Plan (2018)

25 Vehicular access to the site hereby authorised shall be from Hebden Rise and details of the design of this access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of the construction of the development. The development shall be carried out as approved.

Reason: To ensure that the site may be satisfactorily accessed and to secure compliance with Policy T1 of the Publication Draft Local Plan (2018)

26 The development hereby permitted shall not come into use until the following highway works have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same - Tactile paving to link the internal/external footpaths; 2m wide pedestrian marked footway along the front of the units linking into the pedestrian access at the west of the site; Give way markings where the access road meets Hebden Rise. The site shall be maintained as such thereafter.

Reason : To ensure that the site may be satisfactorily accessed and to secure compliance with Policy T1 of the Publication Draft City of York Local Plan (2018)

27 The development shall not come into use until the junction with the public highway has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

28 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

29 Prior to the commencement of the construction of the development details of the cycle parking area including a means of cover and enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the cycle parking area has been provided in accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

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

areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

31 Prior to the development coming into use 2.0 x 2.0m sight lines, free of all obstructions which exceed the height of the adjacent footway by more than 0.6m, shall be provided both sides of the junction of any access with the footway, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

32 A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park; and
- where materials will be stored within the site.

The scheme for the management of site clearance/preparatory and construction works shall be carried out as approved.

Reason: To secure the Amenity of the Surrounding Area and to secure compliance with Policy T1 of the 2018 Publication Draft Local Plan

33 The development hereby approved shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

8.0 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 (paragraph 38) in seeking solutions to problems identified during the processing of the application.

The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Sought amendment of the proposal to retain the fastigate oak on the Acomb Road frontage of the site together with the maximum level of planting on the rear site boundary.
- ii) Sought amendment of the internal layout to maximise vehicle and secure cycle parking to minimise off site parking in surrounding streets.

2. CONSENT FOR HIGHWAY WORKS:

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

- Adoption of highway (Section 38) - development.adoption@york.gov.uk
- Agreements as to execution of works (Section 278) - development.adoption@york.gov.uk
- Planting in the highway (Section 142)
- Scaffolding licence (Section 169) highway.regulation@york.gov.uk
- Works in the highway (Section 171) - streetworks@york.gov.uk
- Vehicle crossing (Section 184) - streetworks@york.gov.uk
- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14) highway.regulation@york.gov.uk
- Footpath/bridleway diversion (Town and Country Planning Act 1990, Section 257)

3. CONTACT UTILITIES:-

You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Case Officer: Erik Matthews
Tel No: 01904 551416