

1.4 The application is supported by a design and access statement, flood risk assessment, biodiversity assessment, greater crested newts survey and an outline transport assessment. Additional information has also been submitted addressing the need for the facility and providing more detail about the use of the building.

HISTORY

1.5 There is a substantial site history on this property dating back to 1979. However the most recent and /or relevant to this application are as follows: -

- Permission was granted in 1998 for the erection of pitched roof two storey extension to form additional bedrooms and conference and wedding facilities. (Planning reference 98/02859/FUL)

- In 2004 a renewal of the 1998 permission was granted. This permission was due to expire in June 2009 however having discharged the pre-commencement conditions the development was commenced in January 2009 and the permission therefore remains extant.

- Permission was refused in 2006 for the erection of 6 single storey, detached timber lodge guest bedroom units in connection with the hotel use. The refusal was based on the impact on the Green Belt and lack of information relating to the natural environment and drainage.

- Permission was granted in February 2008 for the change of use of the hotel into a care home for the elderly. This permission was subject to a condition that restricted the use to use as a care home for the elderly only and to no other use within class C2.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGB1
Development within the Green Belt

CYH17
Residential institutions

CYC1
Criteria for community facilities

CYGP1

Design

CYGP4A
Sustainability

CYGP9
Landscaping

3.0 CONSULTATIONS

INTERNAL

Highways Network Management - the assertions regarding traffic and the highway contained in the submitted statements are accepted. Conditions are requested to ensure that the development is carried out in accordance with the submitted scheme.

Countryside Officer - happy with the findings of the biodiversity assessment. A bat survey carried out on the site in May 2009, considered the building to have medium potential for supporting roosting bats, the Countryside Officer agrees with this conclusion. The overall surrounding area is of high value to Bats the bridge is a designated site of importance for nature conservation for this Bat interest. The proposal represents a good opportunity to carry out some Bat habitat enhancement works and further increase the wildlife value of the site, particularly as the extension is on the side adjacent to the River Derwent. A condition is suggested to ensure that bat habitat features are incorporated in to the new extension. Also of importance is the River Derwent, which runs adjacent to the site directly to the east and is a designated SSSI and an SAC (special area of conservation). Any application, which could potentially have a significant affect on a European site such as an SAC, may require an Appropriate Assessment to be carried out. However in this case, it is not considered that the proposed extension to the hotel is likely to significantly impact on the SAC, and therefore no Appropriate Assessment is required.

Otters have also been recorded regularly along the River Derwent within this location, and whilst no evidence of otters using the site was found following an otter survey, their presence along this stretch of the river again still needs to be taken into account. Within the site itself there are also areas of suitable habitat, which otters could potentially use to rest up in. It is unlikely that these areas will be affected by the proposals, but it is recommended that they are retained and enhanced where possible for their wildlife interest. Further lying up habitat, for example, could be created to enhance existing habitat, and would be particularly beneficial near the smaller pond close to the river in the North East corner of the site. Again, the biodiversity report also highlights some mitigation recommendations with regard to this matter.

City Strategy - it is considered that the proposal can be considered against the extensions policy GB4 'extensions to existing dwellings' in this context officers should be satisfied that the proposed extension is appropriate in terms of design and materials and would not cause undue visual intrusion. In terms of Policy H17 Officers should be satisfied that there will be no adverse impact on residential amenity and is positively located relative to local facilities and public transport. The site is on a bus

route but is not close to local services. Under Policy C1 the need for the development should be assessed.

Structures and Drainage - Object to the application on the basis of a lack of information in relation to the potential impact the proposals may have on the existing drainage systems.

EXTERNAL

Natural England - Advise the Authority to ensure that the development is carried out strictly in accordance with the mitigation strategy provided in the biodiversity assessment and to condition that no building or engineering operations are carried out within 50 metres of the bank top of the River Derwent. Based on the details provided it is considered that the location, scale and nature of the proposed development will not be likely to have a significant effect on the interesting features of the River Derwent SAC. The biodiversity features incorporated in to the scheme to benefit protected species are welcomed.

Yorkshire Water - No comments are required from Yorkshire water (Foul water is to existing package treatment plant with surface water to existing soakaway)

Environment Agency - no objections to the development as submitted. Would like informatives adding with regard to the designation of the River Derwent and protected species. At no stage should the proposed work impact upon the river. All materials involved in demolition or construction must stored well away from the river bank and if needs be bunded to prevent accidental spillage. If alterations to the roof are proposed then the applicants are advised to have a check made for bats, by an appropriately licensed and experienced person.

2 letters of objection have been received covering the following points: -

- The use of the specialist care unit is not stated
- The development could be detrimental to neighbouring properties and is within the green belt
- The submitted details do not say much about staffing levels
- There will be a significant increase in the number of vehicles to the site, parking will not be adequate and the access is dangerous without a slip road on a very busy road
- utility services in the area are very poor. electricity and water supplies are shared with the care home and residents on the same side of the road. A condition should be attached to any permission that they should have their own water supply. When the hotel was closed the supply was noticeably better.
- The owner assured the parish council at the time of the previous application to change the hotel that there would be no escalation of the use at the site
- specialist care would be much more labour intensive than a normal residential care home
- the footings for the extension have already been put in.
 - question whether the banks of the River Derwent are a safe place to have a special care facility.

4.0 APPRAISAL

4.1 Key Issues

- Policy Background
- Principle of the development within green belt and consideration of very special circumstances
- Need for the facility
- Proximity to Local Facilities
- Design and Landscaping
- Highways, access and parking
- Ecology
- Drainage
- Sustainability
- Restriction of use

Policy Background

4.2 The application relates to the erection of an extension to a nursing home (recently converted from a hotel) to provide specialist care to people with brain injuries. The site is within an area of Green Belt. Policy YH9 of the Regional Spatial Strategy sets out the extent of the Green Belt around York.

4.3 Central Government advice in Planning Policy Guidance Note 2 "Green Belts" (PPG2) is relevant to the proposal. This states that there are five purposes of including land in Green Belts: to check the unrestricted sprawl of large built up areas; to prevent neighbouring towns from merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. It also states that one of green belts most important attributes is its openness and that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances. PPG2 states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. PPG2 states that the construction of new buildings inside a Green Belt is inappropriate unless it is for agriculture or forestry, essential facilities for outdoor sport or outdoor recreation, limited extension, alteration or replacement of existing dwellings, limited infill within existing villages or limited infill on major developed sites. The advice within PPG2 is reflected in policy GB1 of the City of York Draft local Plan (CYDLP)

4.4 Other Local Plan policies relevant to the consideration of this proposal are: -

- Policy H17 which states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions or unimplemented planning permissions 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.
- Policy C1 says that planning applications for social, health, community and religious facilities will be granted provided that that the proposed development is of a scale and

design appropriate to the character and appearance of the locality and it would meet a recognised need.

- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development. The interim planning statement on Sustainable Design and Construction supports Policy GP4a in setting out ways to achieve sustainability furthermore the document requires that 10% onsite renewables are achieved. Policy ENV5 of the regional spatial strategy supports the requirements of the Interim planning document by saying that non residential floorspace over 1000 square metres should secure at least 10% of their energy from decentralised and renewable or low-carbon sources.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

Principle of the Development Within Green Belt and Consideration of Very Special Circumstances

4.5 It is considered, and accepted by the applicant, that within the meaning of PPG2 and policy GB1 of the CYDLP the proposal represents inappropriate development. Paragraph 3.2 of PPG2 says that any harm, by reason of inappropriateness would need to be clearly outweighed by the presence of very special circumstances. Within the design and access statement supporting the submitted application the applicant sets out the issues that are considered to outweigh harm by reason of inappropriateness. The three considerations put forward by the applicant as 'very special circumstances', relate to the extant permission for an extension to the side of the building and are; the physical differences between the two schemes are limited, the use of the extension as a care facility will have less impact on the openness of the Green Belt and the landscape quality of the scheme.

4.6 In terms of the extant permission for the extension, this would have expired in June 2009, however, the extension has commenced on site within the definition of commencement set out in section 56 of the Town and Country Act 1990 and there has been written confirmation of this. Therefore the extension can be lawfully constructed. However the extension was granted as an extension to an hotel and the site is now in use as a nursing home. The Council's solicitor considers that the extension can still be constructed and used in connection with the nursing home and therefore it is reasonable to consider the approved extension as a 'fall back position' (in other words

assess the likely impact of the extant consent as compared to the proposed scheme). Furthermore the applicant has submitted evidence of need for the development as discussed in paragraph 4.12 below and given this need/ demand it is considered that there is a reasonable prospect that the extant permission would be implemented were no other consents to be granted.

Very Special Circumstances

4.7 Physical differences - The existing permission allows for two storey accommodation in an "L " shape. The front wall of the extension is set back from the existing frontage by 5 metres and then half way along by a further 3 metres. The front elevation runs parallel with the Hull Road for a distance of 27 metres then extends 22 metres back into the site. The existing approval provides 990 square metres of accommodation. The proposed extension would have a very similar frontage length although the step in the middle of the front elevation is omitted. The returning depth is greater at almost 28 metres and the building would be squared off rather than L-shaped to the rear. The approved scheme shows a balcony in a semi- circular arrangement on the east elevation extending 6 metres out from the flank wall this has been altered to a simple 2 metre projection on the proposed scheme. The total floor area of the proposal would be 1247 square metres, an additional floor area of 267 square metres over the original approval. In terms of the development of outside space the original consent provided access road and 21 parking spaces to the front of the site in a single row along the frontage. The car parking and access road extending significantly beyond the built area of the development. By contrast the proposal includes 7 additional parking spaces and a corresponding reduction in access road, thus reducing the overall level of hard surfacing to the front of the site. The conclusion of the applicant is that the revised built form would have no greater impact on the openness of the Green Belt and that the revised external arrangements would have a reduced impact. Officers would concur with this conclusion and therefore consider the physical form of the proposed scheme will have no greater impact on the openness of the Green Belt than that which could be implemented.

4.8 Use of building - the applicant points out that on the application for the change of use of the existing building to a nursing home Highways Network Management acknowledged that the change would be likely to reduce the overall traffic movements to the site. The extant permission is for wedding and conference facilities. It can be seen in paragraph 4.7 above that the use as a care home has already resulted in the proposed scheme having a reduced car parking requirement from 21 spaces to 7, thus again implying that the number of visitors to the extended use will be far below that of a wedding /conference facility. The main activity associated with the proposed use is also likely to be during the normal day much the same as a domestic residential arrangement albeit on a larger scale. The use of outside space and traffic movements would similarly be during the day. Conference and wedding use would be much less predictable and in officers' opinion more likely to consist of heavy peak weekend use for weddings with conference, vehicle generating, uses during the week. In Green Belt terms the movement of vehicles and use of outside space is capable of impacting on openness and in officers view the proposal, when compared with the hotel use, represents a significant reduction in the overall visual consequences of the development, thereby reducing the impact on openness. Officers further conclude that a general nursing care unit is unlikely to differ significantly from elderly care home use

and this is supported by the fact that they are both categorised within the same use class within the Town and Country Planning Use Classes Order 2004. In Green Belt terms, therefore, there are no concerns regarding the impact on openness resulting from traffic movements specific to a brain injury unit when compared with a care home for the elderly.

4.9 Landscape - the proposal has resulted in a significant reduction in the hard surface at the front of the site. The proposal provides for an appropriate landscaping scheme, which retains much of the existing tree cover on the site and concentrates on enhancing the front of the site rather than changing the parkland setting of the building to the rear. The landscape strategy for hard and soft surfacing means that the proposed scheme provides a greener less intrusive setting for the extension as compared with the original proposal so that the openness of the area will be maintained to a greater extent.

4.10 Officers believe that the above considerations represent very special circumstances sufficient to outweigh harm to openness caused to the Green Belt.

4.11 A further consideration is that the 2004 permission was granted subject to a very limited set of conditions. This proposal would be subject to an extensive range of conditions reflecting current government advice and having regard to the sensitive location of the site adjacent to an SSSI and SAC. The addition of such conditions will safeguard the future uses of the site by restricting the extension to a care home, help to enhance biodiversity, ensure the site is properly drained and that sustainable measures are incorporated into the building. The ability to attach these conditions is, in combination with the issues discussed above, considered to be a very special circumstance sufficient to outweigh any harm by reason of inappropriateness.

Need for the Development

4.12 Policy C1 of the CYDLP says that community facilities should meet a recognised need. The applicant points out that the principle of need for a care home facility has already been accepted at this site by virtue of the planning permission granted for the nursing home. However this proposal is to provide an additional facility of a further 20 bedrooms and is to provide high dependency care for accident victims requiring rehabilitation and care. This facility will be aimed at helping victims of accidents in the Yorkshire region.

4.13 The applicant, subsequent to the submission of the original application has forwarded a report that is based on research by Mencap and the learning disabilities coalition, which predicts a significant rise in the number of people needing care who have learning disabilities. A further document produced by BNP Paribas Real Estates addresses need for both elderly persons facilities and those suffering from other illness or injuries requiring nursing care within a nursing home. The report states that the majority of the provision in terms of specialist facilities is found in Goole, Harrogate and Leeds. The report concludes that that it is considered that there is a market in the locality arising from the needs of the local population.

4.14 The text to policy C1 states that the purpose of the policy is to ensure that proposals are needed and that they are designed in a way that compliments the local

area. The report submitted is written in very general terms and in officers view is not specific enough to the issue of whether a care facility is needed in this locality for brain injured people. Officers have therefore forwarded the reports to Housing and Adult Services for their consideration. Their comments will be reported direct to Committee.

Proximity to local facilities

4.15 Policy H17 only supports residential institutions where there development 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. Officers have examined appeal cases where this issue has been considered and it appears that there is little support for refusal on the basis of a lack of local facilities. In the main this is because the registering authority for care homes (The Commission for Social Care Inspection) considers this issue through the licensing process. Consideration of the issue through the planning process would, therefore, merely duplicate controls that already exist under licensing legislation. Furthermore paragraph 65 of circular 3/2005 states that in relation to care homes that have to be registered, registration can be refused on the grounds that the home would not provide adequate services or facilities reasonably required by residents or patients. Therefore, it is considered that the main impact that needs to be considered is the impact of the proposed use on amenity and the environment.

4.16 The nearest properties to the site are located on the western side of the site, separated from the site by a public footpath. The proposed extension is located on the east side of the building away from existing properties. There will be no impact on adjacent residents as a result of the siting of the extension. The vehicle movements to and from the site and the use of the outside garden area can also be accommodated without detriment to the nearest neighbours.

Design and Landscape Considerations

4.17 Kexby is a small settlement of well dispersed development. On the approach to the site, on the north side of Hull Road, are a small number of semi and detached properties. The existing former hotel building is a two storey brick built structure with low pantile roof, which is mainly hipped. To the front of the building is a tarmac car park providing 30 parking spaces. The proposed extension is set back from the face of the existing structure by approximately 5 metres and is designed in a similar style to the main building using brick construction and hipped roof. In terms of materials, design, scale, layout and density the building is considered to be compatible with the existing structure and to accord with the principles set out in GP1 of the CYDLP.

4.18 From a landscape perspective the existing hedging to the front boundary will be maintained and trees to the frontage will be retained and enhanced with further planting. The existing planting on the frontage will be significant in minimising the bulk of the building. New planting will soften and enhance the setting of the building and of the new car park area. In terms of policy GP1 and GP9 the landscape proposals are considered to be acceptable.

Highways, Access and Parking

4.19 The application is supported by an outline transport assessment, which says that the proposal will result in a care facility that will in total have 51 bedrooms. The total facility will have a staffing requirement of 30 with 12 staff being on duty after 8 pm and 23 working, to a large extent, normal office hours. None of the 51 residents would have their own cars. The operational requirements of the home are considered to be 5 or 6 deliveries per week with ambulance/doctor requirements on top of this. Laundry would be carried out in-house. In terms of staff it is considered that there would be 34 inward movements per day or 68 two-way movements, with the majority of the traffic movements taking place when shifts change at 8am and 8 pm.

4.20 The proposal includes the provision of 7 additional car parking spaces giving a total for the site of 37 spaces (this includes the 30 that exist at the site).

4.21 Highways Network Management are satisfied with the information put forward in the outline transport assessment, and the car parking arrangements shown on the submitted plans, subject to conditions that ensure the development is implemented in accordance with the submitted scheme.

Ecology

4.22 The River Derwent corridor is an SSSI and an SAC and is located on the eastern boundary of the site. The application is supported by a Great Crested Newts survey and an ecology assessment. The Great Crested Newts survey concludes that there are no Great Crested Newts in either of the two ponds within the site. The biodiversity assessment examined the species and habitats of bats, ponds, Great Crested Newts, Water Vole and Otter. The assessment concurs with the newt survey in its conclusions and also concludes that there is no evidence of Water Vole or Badgers within the study area. The study says that the east elevation of the building is unlikely to support bat roosts consequently the impact to bats of extending the building is considered to be negligible. However it is considered that the existing building has a medium probability of bat interest as the building has features, which could support roosting bats. The Countryside Officer concurs with this view and proposes a condition, which requires bat roosting boxes to be provided. The ecology report also concludes, and their conclusions are supported by our Countryside Officer and Natural England, that the study area may be occasionally used by resting Otters and suggests an exclusion zone of 50 metres, adjacent to the River Derwent be created for the development. Natural England have suggested a similar condition, which it is proposed to include.

4.23 In overall terms, Natural England and the Countryside Officer consider that the proposals subject to conditions would not be likely to have a significant effect on the internationally important interest features of the River Derwent SAC or any of the features of special scientific interest of the River Derwent SSSI

Drainage

4.24 The site is located within flood zone 1 (low probability of flooding). The Environment Agency has not raised any objections to the principle of the development although they make reference to the ecological value of the site and suggest an informative with regard to this. This issue is dealt with in the ecology section above and appropriate conditions are proposed. The Council's Structures and Drainage Section

are objecting to the application because it is not supported by a full drainage strategy for the disposal of surface water. In particular Structures and Drainage want to be sure that the site can be drained via soakaways. Additional information regarding the drainage system has been requested from the applicant and further comments on the drainage strategy will be reported direct to Committee.

Sustainability

4.25 The application is supported by a sustainability pre-construction assessment which indicates that the development will be designed to achieve a BREEAM 'very good' rating. The comments of the Sustainability Officer are awaited on the submitted information, however based on the information submitted a condition requiring a BREEAM "very good" rating to be achieved for the building is proposed.

4.26 The applicant has submitted a report indicating how it is proposed to achieve 10% renewables on site. The Sustainability Officers comments on the report will be reported direct to Committee.

Restriction of the use within Class C2

4.27 Members may recall that in considering the change of use application for the hotel a restriction was placed on that permission so that the building can only be used for care of the elderly. Officers reported in that case that

' Circular 11/95 - "The Use of Conditions in Planning Permission" makes it clear that there is a presumption against conditions designed to restrict future changes of use which, by virtue of the Use Classes Order or the General Permitted Development Order, would not otherwise constitute development..... The Secretary of State will regard the imposition of such conditions as unreasonable unless there is clear evidence that in the particular circumstances the uses excluded could have serious adverse affects on the environment or on amenity not susceptible to other control. Paragraph 26 goes on to say that if exceptionally conditions restricting changes of use are justified they should be drafted so as to prohibit a change to a particular potentially unacceptable use or uses, rather than in terms, which require future approval of any change of use.

In officers view any use that provides care is likely to have similar impacts in terms of amenity and the environment and therefore to restrict the use to care for the elderly only or to restrict the use of the building to a hospital would not fall within the guidance within circular 3/2005. However, officers are concerned that the use of the site for a residential education or training centre may have different characteristics, may attract more traffic and visitors and the impact of this use on the openness of green belt and on the nearby residents would need to be considered on their own merits. It is therefore proposed to restrict the permission such that any future application for residential education or training centre would need a separate planning permission.'

4.28 Members will note that officers were of the view that any type of care at this site was unlikely to have such different characteristics that it warranted restricting the permission to a particular kind of care. Officers' views remain the same, and consider that the brain injury unit is likely to have very similar requirements and characteristics

to that of elderly care. It is still proposed that training centres are restricted because of their potential differing impacts on the openness of Green Belt, and given the increase in the size of the building and therefore potential intensity of any use, the restriction of a hospital use is also considered appropriate.

Other Matters

4.29 The objectors and the Parish Council have both raised concerns about the low water pressure to properties on the north side of the Hull Road. Section 37 of the 1991 Water Industry Act requires that water undertakers maintain an efficient and economical system of water supply and make supplies available to owners and occupiers of premises in the locality. Section 146 of the Act provides for a charge to be made for connection to a water supply, which is in addition to requisitioning costs under Section 42. Paragraph B52 of circular 05/2005 further points out that the use of planning obligations for infrastructure should not be necessary in respect of water supply, sewerage or sewage disposal because it will already be the developers responsibility to requisition the provision of connections by the water company under Sections 46 and 98 of the Water Industry Act 1991. Any associated infrastructure improvements to enable these connections to function without detriment to existing networks are financed by infrastructure charges levied by water companies under Section 146 of the Water Industry Act 1991. It is Officers view that it is the responsibility of the Water Authority to resolve the problems with water supply and is not a basis to refuse planning permission.

5.0 CONCLUSION

5.1 It is considered, and accepted by the applicant, that within the meaning of PPG2 and Policy GB1 of the CYDLP the proposal represents inappropriate development within the Green Belt. Paragraph 3.2 of PPG2 says that any harm, by reason of inappropriateness would need to be clearly outweighed by the presence of very special circumstances. The main thrust of the argument for very special circumstances is the existence of the extant permission for the erection of an extension to the side of the building. This permission was last approved in 2004 but remains extant because the development has been commenced. It is considered reasonable to treat the extant permission as a 'fall back position'. Officers consider that the very special circumstances put forward by the applicant namely that the physical differences between the two schemes are limited, that the use of the extension as a care facility will have no greater impact on the openness of the Green Belt and the landscape quality of the scheme are sufficient to outweigh any harm caused by inappropriateness. Furthermore the proposal would be subject to an extensive range of conditions reflecting current government advice and having regard to the sensitive location of the site next to an SSSI and SAC. The ability to attach these conditions is, in combination with the issues discussed above, considered to constitute very special circumstances sufficient to outweigh any harm by reason of inappropriateness.

5.2 Reports have been submitted indicating that there is a need for care facilities in the region. The report submitted is written in very general terms and in officers view is not specific enough to the issue of whether a care facility is needed in this locality for brain injured people. Officers have therefore forwarded the reports to our Housing and Adult Services for their consideration. Their comments will be reported direct to Committee.

5.2 In terms of policy GP1 the design and landscape proposals are considered to be acceptable. Highways Network Management are satisfied with the information put forward in the outline transport assessment and the car parking arrangements shown on the submitted plans are acceptable

5.3 There is still insufficient information with the application with regard to drainage. It is hoped that this issue will be resolved prior to the meeting. The comments of the Sustainability Officer are awaited on the sustainable credentials of the scheme and the achievement of 10% on site renewables.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approved

- | | | |
|---|--------|--|
| 1 | TIME2 | Development start within three years |
| 2 | PLANS2 | Apprvd plans and other submitted details |
| 3 | HWAY9 | Vehicle areas surfaced |
| 4 | HWAY19 | Car and cycle parking laid out |
| 5 | HWAY21 | Internal turning areas to be provided |
| 6 | HWAY31 | No mud on highway during construction |

7 No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority of measures to be provided within the design of the new buildings to accommodate bats. The approved works shall be completed in accordance with the approved details before the extension hereby approved is occupied.

Reason -In order to take account of and enhance the habitat for bats in accordance with national advice contained within Planning Policy Statement 9: "Biodiversity and Geological Conservation".

8 No building, engineering or other operations shall be carried out within 50 metres of the top of the bank of the River Derwent without the prior written approval of the Local Planning Authority.

Reason: To ensure that the local otter population is not adversely affected by the development in accordance with the submitted biodiversity assessment dated May 2009.

9 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted

Development) Order 1995 or any subsequent re-enactments thereof, the development hereby approved shall be used as a care home only and for no other purpose whatsoever, including any other purpose in Class C2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment, without formal planning permission first being obtained.

Reason: The site is prominently located within an area of Green Belt and in close proximity to existing residential properties. Any change of use will need to be considered in terms of the impact of the development on the openness of Green Belt, the proximity of the site to an SSSI and SAC and impact on residential amenity.

10 The development hereby approved shall be constructed to a BREEAM standard of very good. A formal post construction assessment by a licensed BREEAM assessor is to be carried out and a copy of the certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a "very good" BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a "very good" rating. The remedial measures shall then be undertaken within as a timescale to be approved in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4A of the draft City of York Local Plan and the Interim Planning Statement on Sustainable Design and Construction

11 ARCH2 Watching brief required

12 VISQ8 Samples of exterior materials to be app

13 The landscaping scheme shown on Drawing no. AL (9) 903 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.

14 No development shall commence unless and until details of a full renewable energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the site's proposed renewable energy generation, which shall be at least 10% of total energy generation for the development. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and conforms with Policy GP4a of the City of York Draft Local Plan April 2005

15 Prior to the commencement of the development or within such longer period as

may be agreed in writing with the Local Planning Authority (LPA) details of all proposed external lighting for the extra care facility shall be submitted to and approved in writing by the LPA. Thereafter the scheme shall be implemented to the satisfaction of the LPA and no other lighting shall be installed without the written consent of the LPA.

Reason: In the interests of residential amenity

7.0 INFORMATIVES:

Notes to Applicant

1. 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:

- design and landscape considerations
- traffic, highway and access issues
- sustainability
- drainage
- ecology

As such the proposal complies with Policies GB1, GP1, GP4a and GP9 of the City of York Local Plan Deposit Draft.

In addition, the Local Planning Authority is satisfied that there are very special circumstances in this case sufficient to clearly outweigh the limited harm that would be caused to the Green Belt. In particular, it is considered that the extant permission represents a 'fall back position' and that the physical differences between the two schemes are limited, the use of the extension as a care facility will have less impact on the openness of the green belt and the landscape quality of the scheme will reduce the impact on the openness of the green belt. Furthermore the approval of the extension will allow for the imposition of conditions to ensure that the development meets sustainability, ecology and drainage objectives.

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)

Tel No: 01904 551657