

COMMITTEE REPORT

Committee: East Area
Date: 10 December 2009
Ward: Strensall
Parish: Strensall And Towthorpe Parish Council

Reference: 09/01176/OUT
Application at: Bonnycroft 22 Princess Road Strensall York YO32 5UD
For: Outline application for erection of nursing home
By: Bonnycroft LLP
Application Type: Outline Application
Target Date: 30 November 2009

1.0 PROPOSAL

1.1 The application seeks outline consent for a nursing home (Class C2). Whilst all matters are reserved, illustrative proposals have been submitted. The revised proposals show a 3-storey, pitch-roofed building with vehicular access from Princess Road. Refuse/recycling areas and 20-parking spaces are included with turning space for emergency vehicles. The proposal is speculative. A dilapidated bungalow on the site would be demolished.

1.2 The application has been referred to committee at the request of Cllr Kirk on the grounds that the application raises concerns about the following issues: Overdevelopment, inappropriate development of the site, the land is already earmarked for low cost housing, the local drainage is not able to cope with a development of this type, loss of trees, impact on the nearby conservation area, highway danger due to proximity of the adjacent railway crossing and impact on fauna and flora.

1.3 The application is the result of pre-application discussions with officers. Since the application was submitted negotiations between the applicant and officers have continued, despite all matters being reserved. The main purpose has been for officers to be satisfied that a care home of the scale proposed by the applicant was capable of being accommodated within this very constrained site without detriment to, for example, protected trees, the character of the area, neighbour amenity or drainage.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYC1
Criteria for community facilities

CYGP10
Subdivision of gardens and infill devt

CYGP1
Design

CYGP4A
Sustainability

CGP15A
Development and Flood Risk

CYH17
Residential institutions

CYNE1
Trees, woodlands, hedgerows

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

City Development (Policy) - No policy objection to the proposals provided that Housing and Adult Services are supportive of the principle of a nursing home in this location.

Highway Network Management - No objection to the principle of the development or the latest illustrative proposals. Conditions should be attached to ensure that the details of the highway-related works are acceptable.

Environment, Conservation, Sustainable Development (Landscape) - subject to the drainage proposals being acceptable the development is not objectionable provided strict tree protection methods are adhered to and the grounds are suitably detailed with new tree and shrub planting.

Environment, Conservation, Sustainable Development (Countryside) - Conditions should be attached to protect birds during the nesting season and provide bat friendly features in the new building.

Environment, Conservation, Sustainable Development (Archaeology) - The area has the potential to contain archaeological deposits and features. Add a condition requiring the developer to carry out an archaeological watching brief on all groundworks.

Environmental Protection Unit - No objections subject to conditions being attached to mitigate the impacts of traffic noise, light intrusion and demolition/construction.

Structures and Drainage - No objection to the principle of development. Insufficient information has been provided by the developer to demonstrate that adequate drainage works can be provided, particularly bearing in mind the constraints of the site.

3.2 External

Strensall & Towthorpe Parish Council - Objection. The scale, mass and design conflict with policies GP1, C1 and HE2 of the local plan. Risk of flooding will increase. Will result in a concentration of residential institutions contrary to policy H17. A highways assessment should be carried out due to the proximity of the railway. Insufficient parking. Lack of footpath on the west side of Princess Road will cause problems for pedestrians. Conflict between parking and access for service/emergency vehicles. Impact on flora and fauna. The site should be considered for affordable housing. Impact on trees/roots.

York Natural Environment Panel (YNEP) - Objection. The development is an over large, intrusive element into an otherwise rural setting. The building would have an over-powering presence out of keeping with the village. The building will be too close to retained trees. They could not be protected during construction. The likely changes in ground water levels will have a detrimental affect on the trees.

Council for the Protection of Rural England (CPRE) - Objection. The scale and layout would detract from the openness of the site, affect protected trees, spoil the character of Princess Road and have a seriously detrimental impact on adjacent residents. The site should be used for housing.

Network Rail - No objection to the principle of the development subject to certain detailed requirements being met to protect Network Rail property and the safe operation of the railway.

Public Consultation - The application as first submitted mainly comprised a part 2-storey, part 3-storey building and parking for 17 cars. The initial consultation period expired on 23 July 2009. 61 objections were received raising the following planning issues:

Principle of use as a care home

The site should be used for housing including affordable housing

Need for a care home has not been demonstrated

Site is unsuitable for a care home

Other sites are more suitable for a care home

The use can change without planning permission

Determination in advance of LDF is premature.

Scale and Appearance

Overdevelopment

Design out of keeping with the semi-rural residential area

Inappropriate size/scale for street/area

Occupier amenity

Insufficient amenity space for occupiers

Noisy from railway

Risk to occupiers due to nearby railway line

Unattractive outlook towards railway

Neighbour amenity

Overbearing

Overshadowing

Traffic nuisance/congestion

General nuisance due to level of activity/movements 24 hours a day

Air pollution

Light pollution/nuisance

Odour from refuse bins

Interference with TV signal

Bio diversity

Loss of habitats

Conservation

Out of keeping with adjacent conservation area

Trees

Loss of trees

Damage to trees

Highways/Transport

Obstruction to railway crossing

Inadequate parking

inadequate access, including for emergency vehicles

insufficient turning space for refuse/emergency vehicles

Danger to pedestrians on Princess Road

Delivery vehicles will park on Princess Road

Staffing (and therefore traffic) levels understated

Sustainability

Unsustainable location due to poor local amenities/bus services

Utilities

Sewage/drainage problems

Increased flood risk

Other

Would cause local oversupply of nursing homes

Refuse/recycling facilities inadequate

The application was subsequently amended to reduce the footprint, increase the height to three storeys throughout and add three parking spaces. Objectors and local

residents were reconsulted on 1 October. 51 objections were received, no new issues were raised and no objections were withdrawn. The proposals were further revised in mid-November. Objectors and local residents were reconsulted again on 19 November. The consultation period expires on 29 November. At the time of writing (30 November) eighteen further objections had been received. No new issues were raised and no objections were withdrawn. Members will be advised at the meeting of any further representations.

4.0 APPRAISAL

Key Issues

- Principle of the use as a care home
- Scale and Impact on the Street Scene
- Impact on trees
- Neighbour amenity
- Occupier amenity
- Highway issues
- Sustainability
- Impact on Strensall conservation area
- Ecology and Bio-diversity
- Archaeology
- Drainage

4.1 The Application Site

The site has an area of 0.51ha and consists of the curtilage of a derelict bungalow in a predominantly residential area. The site lies within the settlement limits of Strensall village and approximately 30m outside Strensall Conservation Area. The site is neglected and overgrown. It is occupied by a number of mature trees protected by a preservation order (TPO CYC 53). Immediately to the south is the York to Scarborough railway line. To the east, north and west is one and two storey suburban housing. The public highway at Princess Road runs along the eastern boundary.

4.2 Policy Context

Local plan policy GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

H17 - 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.

C1 - Planning applications for social, health, community and religious facilities will be granted provided that the proposal is of a scale appropriate to the character and appearance of the locality and it would meet a recognised need.

GP10 - Planning permission will only be granted for the sub-division of garden areas or infilling to provide new development where this would not be detrimental to the character and amenity of the local environment.

GP15a - Developers should ensure that the site can be developed, serviced and occupied safely and that discharges from new development should not exceed the capacity of existing/proposed sewers and watercourses.

CYGP4A - All development is required to be accompanied by a Sustainability Statement, describing how the proposal fits with criterion a) to i) listed in the policy. Guidance on preparing a Sustainability Statement can be found in the Sustainable Design and Construction Interim Planning Statement.

CYT4 - Provision of cycle parking will be required in accordance with the standards set out in Appendix E of the Local Plan. Information regarding car parking standards is also set out in Appendix E.

CYNE1 - all proposals to remove trees are required to include a site survey indicating the relative merits of individual specimens and appropriate replacement planting with locally indigenous species.

Principle of the Use as a Care Home

4.3 Whilst the existing and authorised use of the land is residential the site is unallocated in the Draft Local Plan. The principle of the use of the site for a care home is therefore acceptable subject to all other material planning issues being satisfactory. The Draft Local Plan accepts, at policy H17, that the demand for residential institutions such as residential care homes will increase during the plan period. The applicant has submitted a Demographic and Care Needs Analysis as part of the planning application which demonstrates a significant existing and future need for a quality modern care home offering either care of the frail elderly or those with dementia. The council's Housing and Adult Services Department has confirmed that there is a high demand for care homes for the elderly. Demand for such places is expected to increase. For example, by 2025 the number of elderly people with dementia who live in York is forecast to increase by 32%. The majority of care home places are provided by the private sector, not the local authority. Policy H17 of the local plan states that planning permission will only be granted for residential institutions where the development would not give rise to a concentration likely to have an adverse impact on residential amenity. Strensall currently has two care homes; 68 beds at Moorlands in nearby Moor Lane and 20 beds at Galtres in Ox Carr Lane. Given the scale and impact of the current proposal it is unlikely to result in a concentration of care homes that is likely to have an adverse impact on residential amenity or the character of the area.

4.4 Some objectors have contended that the site has been allocated for housing as part of the LDF process and should be used as such. The site was considered during the Strategic Housing Land Availability Assessment (part of the LDF evidence base) and has been identified as a possible housing site. However, the housing land allocation process has yet to be carried out. Moreover, the consultation draft (Feb 2009) of the SHLAA makes clear that:

4.5 'The inclusion of sites within this study should not be taken to imply that the council would consider planning applications favourably. Although it will inform housing allocations it will not determine the allocation of land for housing development. It will also not prevent sites being brought forward or allocated for purposes other than residential development' (page 3).

4.6 Whilst officers accept that the application site is suitable for housing, other uses (including the proposed care home) will continue for the foreseeable future to be considered on their merits.

Scale and Impact on the Street Scene

4.7 The details of the care home, including the precise number of beds, are not part of this (outline) application. Nevertheless the applicant's intention has been to gain consent for a care home of approximately 60 beds. However, it is apparent that the scale of building that such a care home would require would have unacceptable impacts on protected trees, neighbour amenity, and/or the character of the area. After considering a range of options the applicant has reduced the scale of the building to achieve a capacity of approximately 50 beds. The illustrative scheme before members comprises a single building with a hipped roof and three clearly-defined sections. The front section faces Princess Road and rises to three storeys. The central section is perpendicular to Princess Road and has 2.5 storeys. The rear section has two storeys. Officers consider that the scale of the proposal is now acceptable because:

(a) Whilst the 3-storey element is relatively high in comparison to most other buildings facing Princess Road, the street has a variety of heights ranging from bungalows to the substantial Victorian/Edwardian houses 60m to the north. The impact of the 3-storey height would be ameliorated by the building being set back at least 20m from the public highway and being partially screened by trees.

(b) The 2.4m-high central section would face bungalows in Orchard Way. The building would not be easily visible from any public viewpoint except from Orchard Way between the intervening bungalows. The building would be approximately 20m from the shared boundary and at least 34m from the nearest bungalow. The bungalows, coupled with the partial screening along the boundary would prevent the care home appearing out of keeping with the character of the street scene.

(c) The rear section would be 26m from the nearest dwelling, i.e. the bungalow at No.3 Orchard Way, and over 40m from the nearest public highway, which is the turning head in Orchard Way. Despite the nearest dwellings being single storey the separation distances would prevent this part of the building being out of keeping with the surrounding area.

Impact on Trees

4.8 Many of the trees within the site are subject to a tree preservation order (TPO). In 2008 the applicant sought consent to remove some of these trees. The council considered the application on its merits in the absence of any firm proposals for the development of the site. Consent for the removal of some of the trees was granted on the basis of reasonable arboriculture management. The approved works have since been carried out. At the time of the TPO application the applicant enquired about the possibility of further removals. The advice from officers was that it might be acceptable to remove some of the lower quality trees, such as group G3 in the centre of the site, if the proposals provided sufficient compensation, such as replacement

trees within open spaces where their full canopy spread could be achieved without conflict with the use of the land.

4.9 The removal of a Silver Birch (part of group G3 in the centre of the site) was refused because, at that time, the removal of the tree was not necessary for arboricultural reasons. Despite the advanced age of the tree it was in reasonable condition. The current proposal for a care home would require removal of the tree. In light of the planning application, officers consider that the tree could be removed, provided replacement trees are planted within the site. The tree survey denotes the Silver Birch as over-mature with a limited life, rendering it a category "C" tree. In accordance with BS 5837 'Trees in Relation to Construction' category "C" trees would not usually be retained where they would impose a significant constraint on development. Given that the Birch has a limited life expectancy, insisting on its retention would pose an unreasonable constraint on the development potential of the site. The development also shows the removal a young Oak, T11. This is growing immediately adjacent to a slightly larger young Oak T12. Whilst the two could happily co-exist, it is better to remove the sub-dominant tree and allow the remaining tree (further away from the building) to achieve a better crown shape without the competition.

4.10 The trees on the site are important for providing an appropriate setting for the development, protecting the amenity of the surrounding residential properties and retaining the character of Princess Road. It is not only physical protection that is required when looking at retaining trees on site. One must also consider the compatibility with the building use. Care homes tend to be for the elderly who (generally) have heightened concerns about safety issues such as trees swaying in the wind, and the possibility of trees breaking/blowing over. Due to reduced mobility and little time spent outdoors, natural day light and views from rooms become more important. Common complaints include lack of light levels (direct or indirect) due to shade caused by trees and trees blocking out views due to proximity to windows. The rooms of the occupiers of the care home are likely to be single aspect. It is therefore important that the outlook from as many rooms as possible is reasonable.

4.11 The majority of the protected trees are shown to be retained on the proposed site plan. However, in the scheme as initially submitted, the majority of the remaining outdoor space was dominated by the retained trees. There was little open space outside of the canopy/shade of the trees. Also, constructing the development is unlikely to have been possible without encroaching into the root protection areas of the remaining trees with e.g. construction vehicles, scaffolding, and new service runs. Furthermore, the scheme did not allow sufficient space for individual trees that are worthy of retention and still have the potential for further development. Of particular value is the group of trees along the highway frontage (group G4). Whilst the trees do require some thinning and management, it is important to retain sizeable tree cover along this frontage for the amenity of the street in proportion to the scale of the development.

4.12 Since submission of the application the footprint of the building has been significantly reduced to allow a more appropriate setting and functional garden space for the development. The building has also been set further back from the existing trees on the road frontage that are so important to the amenity of Princess Road, thus

providing greater physical protection and reducing the risk of conflict with the future occupants of the building. The development now allows the retention of two mature Hawthorns (G7) which provide habitat, setting, and screening. Furthermore it significantly reduces the conflict with Oak tree T9. It should be possible to keep the development operations outside of the root protection areas (RPA) of all the remaining trees. An exception to this is the access and services adjacent to the large Spruce at the front of the site. Nevertheless the existing building footpath and services already enter the recommended RPA and there are methods available to keep any further ground disturbance to a minimum.

4.13 Landscaping is a reserved matter and will include replacement trees. They should be located within the garden space to the rear where their full canopy spread could be achieved without conflict of use. Whilst such replacements would have less public benefit than trees nearer the front of the site they would ensure continuation of tree cover and the environmental benefits that they bring, in addition to the amenity of the development and neighbouring properties.

4.14 The local authority would need to agree foundation details due to the proximity of maturing Oak trees (which have a high water demand) in order to avoid the risk of losing trees to subsidence claims. A tree only has to be a likely contributory factor, and not necessarily the main cause of subsidence, to warrant its removal.

Neighbour Amenity

4.15 The site abuts residential streets to the north and west and east. The dwellings to the north (Orchard Way) are mainly bungalows. Those to the west (Glebe Close) are mainly 2-storey houses. The initial proposals and early revisions had an unacceptable impact on some of these neighbouring occupiers, particularly those closest to the rear section of the building. However, the footprint has since been reduced and pulled further from the affected houses. The height of the building (at the western end) has remained at two storeys. The rear section would be 26m from the nearest dwelling, i.e. the bungalow at No.3 Orchard Way. The impact on the occupiers of No.3 and the other occupiers is now considered to be acceptable.

4.16 The central section of the building would be 2.5 storeys high and would face the bungalows in Orchard Way. The separation distance would be 20m from the shared boundary and at least 34m from the nearest bungalow. The impact of this section of the building on the occupiers of Orchard Way is now considered to be acceptable.

4.17 The front section of the care home would be three storeys high and would face bungalows on the east side of Princess Road. These dwellings would be over 50m from the care home, which would be partially screened by trees. The impact on the occupiers of these bungalows would, in officers' opinion, be acceptable.

4.18 The nearest dwelling to the care home would be the house at Greystones, in Princess Road, 15m to the north of the care home building. Whilst the house would be adjacent to the 3-storey part of the care home no windows of the house would overlook the site. Moreover, the garden is oriented east-west, parallel to the care home rather than facing it. Officers consider that the impact would be acceptable.

Occupier Amenity

4.19 As this is an outline application details of the facilities available to the residents of the care home have not been provided. However, officers consider that the reduction in built footprint and the increased separation distance from protected trees will enable an acceptable standard of amenity to be provided on the site. The council's environmental protection officers were concerned that residents of the care home could be affected by noise nuisance from the operation of the railway and the nearby level crossing. The applicant has submitted a noise report which concludes that the site is suitable for residential use. Officers are now satisfied that noise nuisance can be prevented by sound insulation and mechanical ventilation. These can be dealt with by conditions.

Sustainability

4.20 The application includes a sustainability statement as part of the submitted planning statement. Whilst it refers to all the matters in policy GP4a of the Local Plan they mainly relate to the reserved matters. What is relevant at this stage is that the site is in a sustainable location within the settlement limits of Strensall and within walking distance (approximately 350m) of the centre of the village. A condition should be attached requiring the development to achieve a BREEAM rating of "Very Good" in accordance with the council's adopted Interim Planning Statement on Sustainable Design and Construction. The submitted sustainability statement acknowledges that the proposal would have to include some form of on-site renewable energy provision. This also should be made a condition of approval.

Highway Issues

4.21 The council's highways officers have no objection to the principle of the site being redeveloped as a nursing home. The illustrative plans show 20 on-site parking spaces, two of which are disabled. This level of provision complies with the council's standards for this type of use. The detailed parking layout and cycle storage should be made conditions of approval. This would enable officers to consider precise numbers when more information is known about the care home.

4.22 There is currently no public footway along the west side of this section of Princess Road, nor into the site from the public highway. Proposals for safe pedestrian access into the site have been shown on the illustrative plans. Details should be made a condition of approval.

4.23 Network Rail require that the proposed access meets or exceeds the minimum distance from the level crossing. The illustrative access exceeds the minimum requirement. The access also achieves the council's standards for access, turning and manoeuvring, including for emergency vehicles. Refuse facilities can be provided near the public highway, thereby avoiding the need for refuse vehicles to be able to turn within the site.

4.24 Some residents are concerned that the proposals would result in traffic congestion, nuisance and a threat to highway safety. In reality, care homes such as this result in relatively few movements relative to their size. The concerns of residents are unlikely to materialise in this respect.

Impact on Strensall Conservation Area

4.25 The site lies approximately 30m outside the southernmost limit of Strensall Conservation Area. The building is unlikely to have a significant impact on the conservation area due to it being set back from the public highway and the tree screening along the boundaries.

Ecology and Bio-diversity

4.26 The overgrown site provides very good habitat, particularly for nesting birds. Because of this, any clearance of vegetation as a consequence of redevelopment should be carried out outside of the bird nesting season (1st March to 31st August inclusive). This should be made a condition of approval.

4.27 There are excellent foraging and roosting opportunities for bats in the Strensall area and some within the site itself, particularly to the front (east) of the site. Provision should be made within the proposed building to accommodate bats and to further increase the wildlife value of the area. This should be covered by a condition. Suitable measures could include the use of special bat bricks, tiles or bat boxes which could be easily incorporated into the designs of the new building.

Archaeology

4.28 The site is on the periphery of a medieval village, close to the manor house and the church. The area has not been the subject of any significant recent archaeological investigations. Historic environment records indicate that there is potentially a widespread and well-developed late prehistoric and Romano-British landscape in this area. It is probable that features relating to this landscape would be preserved within the application site. A detailed archaeological watching brief should therefore be carried out on all groundworks associated with this development. This should be made a condition of approval.

Drainage

4.29 The site is in flood zone 1 and should not suffer from river flooding. The application includes a drainage statement which states that the maximum discharge rate for surface water would be 4 litres per second (4l/s). The applicant has calculated, on this basis, the volume of surface water storage that would be needed to be provided on site. However, the maximum discharge allowed by the council (which is in accordance with PPS25 and in agreement with the Environment Agency and Foss IDB) is only 1.4l/s. This lower rate has been accepted by the applicant, who is now recalculating the storage capacity required. As this is an outline application the applicant is not expected, at this stage, to design the drainage works for the development. However, he is required to demonstrate that the required drainage works are capable of being provided. This is by no means certain bearing in mind the tightly constrained site, particularly the presence of protected trees. If adequate drainage cannot be provided the refusal of planning permission may have to be considered. The applicant expects to have finished his calculations prior to committee and to be able to demonstrate to the council that satisfactory drainage works can be accommodated within the site. On this basis officers are recommending approval, subject to confirmation prior to the committee meeting.

Other Matters

4.30 Some objectors are concerned that approval could result in the care home being used for a different residential institution, with a greater impact on the area than

the current proposal, without the need for planning permission. The use class that includes care homes (C2) also includes uses such as hospitals, nursing homes, residential education centres. Whilst a condition preventing use as anything else in the same use class can be attached to a planning consent, local planning authorities are advised to impose such a condition in exceptional cases only. Bearing in mind that the application site is very close to residential dwellings and is on a highly constrained site officers consider that such a condition is, in this case, justified. Regardless of whether the condition is included, the care home could not change to a secure residential institution (such as a prison, military barracks, secure hospital, young offenders institution, or immigration detention centre) because since 2006 such uses have been in a different use class, which is C2A.

5.0 CONCLUSION

5.1 The principle of the use of the land for a care home accords with the City of York Local Plan Deposit Draft. Whilst the site is highly constrained the applicant has demonstrated that a care home can be accommodated on the site without detriment to protected trees, the character of the area, neighbour amenity, occupier amenity, sustainability, bio-diversity and highway safety. The application is therefore recommended for approval subject to evidence being submitted prior to committee that satisfactory drainage works can be accommodated within the site.

6.0 RECOMMENDATION: Approve

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

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

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details: Layout, scale, appearance, access and landscaping of the proposed development to be carried out, including a schedule of all external materials to be used.

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

3 The premises shall be used solely as a residential nursing home providing nursing care as regulated by the Care Quality Commission and for no other purpose.
Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue

of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

Reason: So that the local planning authority may re-assess alternative uses which, without this condition, may be carried on without planning permission by virtue of article 3 of the Town and Country Planning (Use Classes) Order 1987.

4 The development hereby permitted shall not commence until full construction and drainage details of the proposed vehicular access, parking, servicing and turning arrangements and cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. These facilities shall be constructed in accordance with the specification so approved prior to the development being first brought into use and thereafter shall be maintained clear of any obstruction which would preclude their intended use.

Reason : To ensure appropriate on-site vehicle access and manoeuvring areas are provided in the interest of highway safety and general amenity of the development.

5 Prior to any ingress or egress to the site by construction traffic the approved highway verge crossing and site entrance for a minimum of 20 metres into the site shall be constructed up to at least base macadam level to the specification of the Highway Authority.

Reason: To avoid damage to the highway and in the interest of highway safety and good management of the public highway.

6 Prior to commencement of development details shall be submitted to and approved in writing by the local planning authority of the parking, manoeuvring and turning of all vehicles associated with the construction of the development being accommodated within the site.

Reason: To reduce congestion and obstructions at the approach to a railway level crossing in the interest of both rail and highway safety and lessen inconvenience to neighbours.

7 Prior to the commencement of the development hereby permitted details shall be submitted to and approved by the Local Planning Authority of the frontage boundary treatment with the public highway.

Reason: To eliminate doubt as to the extent of the site and in so doing ensure adequate sight lines are available at the access in the interest of highway safety.

8 HWAY31 No mud on highway during construction

9 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related 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: Provision of

pedestrian facilities and crossing point at the access to the site.

Reason: In the interests of the safe and free passage of highway users.

10 NOISE7 Restricted hours of construction

11 ARCH2 Watching brief required

12 DRAIN1 Drainage details to be agreed

13 The development hereby approved shall be constructed to a BREEAM standard of Very Good. A formal post-construction assessment by a licensed BREEAM assessor shall 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 a timescale to be approved in writing by the local planning authority.

Reason: In the interests of sustainable development.

14 The development hereby approved shall provide a minimum of 5% of expected energy demand from on-site renewable sources. Details of the proposed renewable energy systems to be installed in order to achieve this target shall be submitted to and approved in writing prior to the commencement of the development. The approved renewable energy systems shall be installed in their entirety and shall be fully operational prior to the first occupation of the development.

Reason: In order to achieve a sustainable form of development.

15 Any reserved matters application for landscaping shall include a tree survey and plan in accordance with BS 5837 of all the trees on the site carried out by a qualified arboriculturist or other suitably qualified professional. The survey and schedule should include species of each tree with a reference number; age class; height; diameter of trunk or trunks at 1.5m above ground level; general vigour of the tree; and recommendations for any necessary tree surgery. It shall identify those trees to be retained and those to be felled. Where it is proposed to remove a tree the reason should be given. The corresponding plan shall show the accurate location of the trunk (with reference number) and canopy spread of each tree in a north, south, east, and west direction. The plans shall also include details of existing and proposed levels; existing and proposed surface materials; locations of existing and proposed underground service runs. The reserved matters application shall ensure that the following specification can be achieved. A fence in accordance with BS 5837 shall be erected around all trees shown to be retained so as to protect the full recommended root protection area (RPA). The fenced off RPA shall be adhered to at all times during site clearance, preparation and all development operations to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zones there shall

be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains et al. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works.

Reason: To ensure the retention and protection of existing trees that are desirable and/or suitable for retention before, during and after development, and to allow an accurate assessment of the compatibility of the detailed development proposals with existing trees which are the subject of a tree preservation order (TPO) and/or make a significant contribution to the amenity of the area and/or development.

16 Any reserved matters application for landscaping shall include the species, density (spacing), stock size, and position of trees, shrubs and other plants; and seeding mix, sowing rate and mowing regimes where applicable. The scheme shall include replacement tree planting such that for each tree proposed for removal a new one shall be planted on site.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

17 No development shall take place until details (including location, dimensions and materials) of refuse/recycling enclosure(s) for the proposed development on the site have been submitted to and approved in writing by the local planning authority. The enclosure(s) shall be provided in accordance with the approved details before the development is occupied, retained and used for no other purpose except with the written consent of the local planning authority.

Reason: In the interests of sustainability and visual amenity.

18 No development shall take place until details of building foundations of the proposed development have been submitted to and approved in writing by the local planning authority. The foundations shall be constructed in accordance with the approved details except with the prior written consent of the local planning authority.

Reason: In the interests of protecting retained trees.

19 No development shall take place until details have been submitted to and approved in writing by the Council of measures to be provided within the design of the new building(s) to accommodate bats. The works shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes. etc.

Reason - To take account of and enhance the habitat for bats.

20 No development shall take place between 1st March and 31st August inclusive in any year unless a wildlife contingency plan has been submitted to and approved by the Council as to how other species known to use the site are to be taken into account to avoid unnecessary disturbance and loss of habitat. This plan should include measures to be included to offset the loss of habitat.

Reason - To take account of nesting birds and enhance the habitat of a declining species.

21 The building envelope shall be constructed so as to provide sound attenuation against external noise of not less than 29dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: to protect the amenity of the residents of the proposed nursing home.

22 An alternative means of providing background ventilation shall be provided to bedrooms and lounges on facades facing south and east. Ventilation should be provided via either suitable trickle vents in the double glazed units or wall mounted passive sound attenuated vents.

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

23 No development shall take place until details of external lighting for the proposed development on the site have been submitted to and approved in writing by the local planning authority. The lighting shall be provided in accordance with the approved details before the development is occupied unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and neighbour amenity.

24 No development shall take place until a scheme of mitigation measures necessary to adequately protect the amenity of local residents from light intrusion resulting from the development has been submitted to and approved in writing by the local planning authority. The approved mitigation measures shall be fully installed prior to the use hereby permitted unless otherwise agreed by the local planning authority. The scheme should include:

- a) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane.
- b) The main beam angle of each light source.
- c) The uniformity ratio in respect of the lighting.
- d) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site,
- e) The height of any lighting stanchions.

Reason: to protect the amenity of local residents

25 Prior to commencement of the development, an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the construction phase of the development shall be submitted to and approved in writing by the local planning authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of nearby residents.

**7.0 INFORMATIVES:
Notes to Applicant**

1. The site is severely constrained. The illustrative proposals that have informed the local planning authority's consideration of this outline application comprise 0814-03, 0814-04B, 1814-05, 0814-06A, IMA-09-006 Rev A, IMA-09-016-007 Rev A. The applicant is advised that any future application that does not closely accord with these plans may not be favourably considered.

2. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

Principle of the use as a care home
Scale and Impact on the Street Scene
Impact on trees
Neighbour amenity
Occupier amenity
Highway issues
Sustainability
Impact on Strensall conservation area
Ecology and Bio-diversity
Archaeology
Drainage

The application therefore complies with policies GP1, GP4a, GP10, GP15a, H17, C1, T4 and NE1 of the City of York Local Plan Deposit Draft.

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