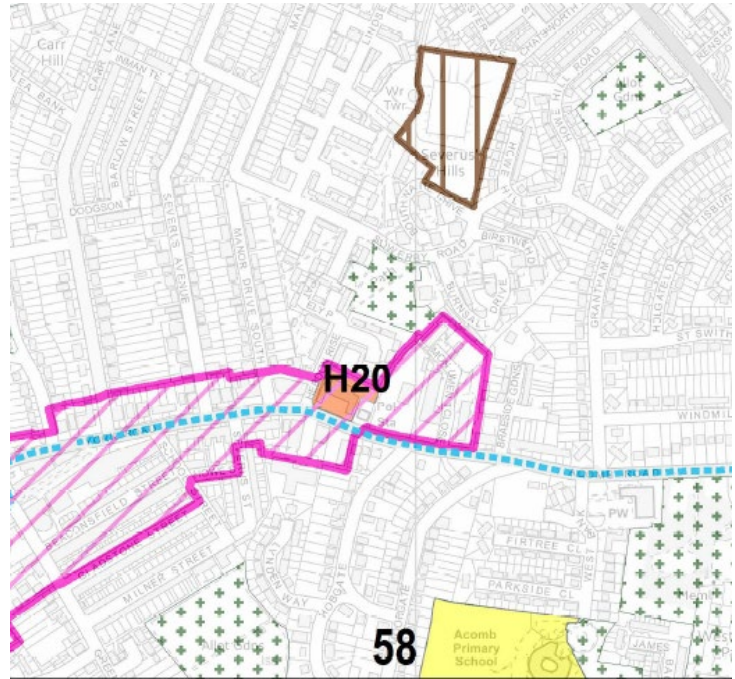


COMMUNAL ESTABLISHMENTS – NO CONSENT

Allocation Reference	H20		
Site Name/Address	Former Oak Haven EPH		
Site Overview	 <p>Brownfield site located in York main urban area. Occupied by former care home building.</p>		
Site planning status @ 1 April 2022	<p>Emerging local plan allocation</p> <p>Application 22/00304/FULM – currently pending consideration Erection of a 64 bedroom residential care home (use class C2) with associated structures, access, parking and landscaping following demolition of existing structures</p>		
Delivery Record (if appropriate)	None		
Capacity in May 2022 Trajectory	36 (i.e. 64/1.8 using appropriate ONS ratio)	Site size (ha)	0.33
Delivery Projections	(Yr 3) 2024/25 - 36 homes		
Developer / Landowner	St Marys (North Yorkshire) Ltd / Agents: O'Neill Associates		
SoCG/Proforma submitted:	Yes		
Have SoCG/Proforma projections been used for May 2022 trajectory?	Yes		
Site deemed deliverable?	Yes		
Assessment			

Application progress

Application for full planning permission submitted in February 2022 and is currently pending consideration. Approval expected July 2022.

Viability / ownership / infrastructure

Council owned site, with application on behalf of St Marys (North Yorkshire) Ltd, part of Burlington Care, a leading healthcare, developer and manager of healthcare properties across Yorkshire, North Lincolnshire, Nottinghamshire, and the North East. No significant constraints to development.

Justification for lead-in

Lead in accounts for planning processes and site preparation. Confirmed through correspondence with agent (22/05/2022).

Bellerby, Neil

From: Eamonn Keogh <E.Keogh@oneill-associates.co.uk>
Sent: 04 May 2022 12:18
To: Bellerby, Neil
Subject: RE: Oak Haven 144 Acomb Road Planning App: 22/00304/FULM for 64 Bed Care Home (pending decision) Allocation H20

This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Neil,

I have discussed with my client and assuming we have a planning approval in June, we anticipate completion in June 2024.

Kind regards

Eamonn



From: Bellerby, Neil <Neil.Bellerby@york.gov.uk>
Sent: 21 April 2022 16:34
To: Eamonn Keogh <E.Keogh@oneill-associates.co.uk>
Subject: Oak Haven 144 Acomb Road Planning App: 22/00304/FULM for 64 Bed Care Home (pending decision) Allocation H20

Hello Eamonn

I am currently in the process of contacting agents/applicants involved in residential sites with consent/applications for 10 or more homes in the City of York Local Authority area or sites with draft allocation for housing/communal establishments in the Local Plan to feed into our evidence base for the delivery of housing development over the next 5 years and beyond.

If you are not the appropriate contact for this development site, I apologise. Should this be the case, I would be grateful if you could please forward to the appropriate person or inform me directly to enable me to forward this request to the correct person.

As a Local Authority we are obliged to *'make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites..'* to be in line with National Planning Policy Framework 2021 (paragraph 73 (d)). This evidence informs our ongoing monitoring work and housing trajectory as well as assumptions used in our Strategic Housing Land Availability Assessment (SHLAA).

I understand that under the current circumstances housing delivery may have become more challenging. However, I should be grateful if you would insert your best estimate for housing delivery on this site and complete the table below in order that we can prepare a housing trajectory with the most up to date and realistic figures. **It would also be useful for you to provide us with any additional information you consider important for us to understand in the current delivery of this site or housing development in general across York.**

Please note that our monitoring years start on the 1st April and end on the 31st March of the following year

Site Address	Year									
	1	2	3	4	5	6	7	8	9	10
Oak Haven 144 Acomb Road Planning App: 22/00304/FULM for 64 Bed Care Home (pending decision) Allocation H20	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	20230/31	2031/32

Notes / Further Information

E.g: issues that influence delivery and lead in times to development; any problems or barriers taking forward the scheme.

Are you happy for us to contact you in the future regarding housing delivery evidence base in York? Please confirm your contact details if so.

Yes / No

I should be grateful if you would return details to myself **by Wednesday 4th May 2022**. In the meantime should you need any clarification of this request or require any further details in order that you may complete the housing delivery table please do not hesitate to contact me.

Kind regards

Neil

Neil Bellerby | Strategic Planning Policy Officer (Land Use Monitoring)

Forward Planning

t: 01904 552411 | e: neil.bellerby@york.gov.uk

City of York Council | Forward Planning

Directorate of Place | West Offices | Station Rise | York | YO1 6GA

www.york.gov.uk | facebook.com/cityofyork | [@CityofYork](https://twitter.com/CityofYork)

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Drawing to be read in conjunction with drawing No. 39062
 JACUAN Y018 Landscape Plan. Refer to Landscape Designer's specification.

- Site boundary
- Building / structure to be demolished
- Existing tree
- Proposed tree planting
Refer to Landscape Designer's specification
- Proposed grassed area
Refer to Landscape Designer's specification
- Proposed terrace area
Refer to Landscape Designer's specification
- Proposed path / paving
Refer to Landscape Designer's specification
- Proposed fence / wall
Refer to Landscape Designer's specification
- Proposed Ballina
Refer to Landscape Designer's specification
- Recharging Well
- Existing Level
- Proposed Level
- Electric Vehicle Charging Point

REV.	DATE	DESCRIPTION
P1	25/03/20	Final Issue
P2	25/03/20	Revised to reflect change in marking
P3	13/03/21	Revised to show new entrance location
P4	25/03/21	Revised to show new entrance location
P5	25/03/21	Revised to show new entrance location
P6	20/03/21	Revised scheme to suit Planning Officers
P7	18/03/21	Comments responded to planning day 2
P8	05/03/22	Overlapping columns included
P9	18/03/22	Planning Board - Planning Comments
P10	18/03/22	Planning Board - Planning Comments
P11	05/02/22	Final Issue
P12	05/02/22	Final Issue



PLANNING
wrdunn.

CLIENT
 27 FRONT STREET ACOMB YORK YO24 3BW
 01954 784473 info@wrdunn.co.uk



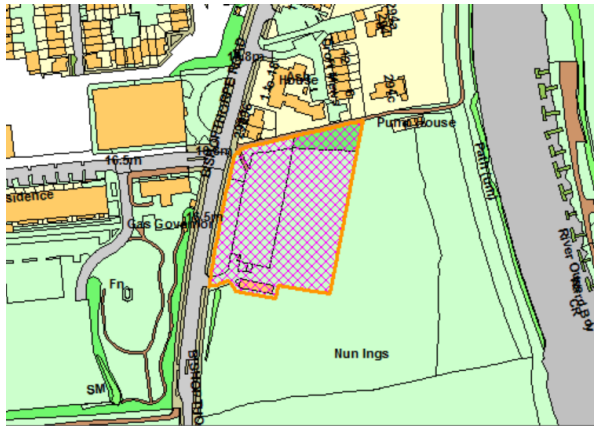
PROJECT
 Burlington Care Home
 144 Acomb Rd
 Hôpital,
 York
 YO24 3PA

DRAWING TITLE
 Site Plan as Proposed

SCALE: 1:500
 DATE: 18.09.2020
 AS NOTED

DRAWING NUMBER: 4463-WRD-XX-ZZ-DR-A-0500
 SHEET: P11
 SUBSET: S3

COMMUNAL ESTABLISHMENTS – NO CONSENT

Allocation Reference	ST16 (Phase 2)		
Site Name/Address	Terrys Extension - Terrys Car Park		
<p>Site Overview</p> <p>This is a brownfield site within the general extent of the green belt, adjacent the urban area to the south of York. Site comprises an open tarmacked area previously used for parking of staff vehicles at the Terry's factory.</p>			
<p>Site planning status @ 1 April 2022</p>	<p>Full planning application submitted in January 2021 (20/02517/FULM) for:</p> <p>for the erection of extra care accommodation including no.70 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations.</p> <p>Appeal against non-determination (PINS ref: APP/C2741/W/21/3289470)</p> <p>Inquiry held April 2022. Decision pending.</p> <p>Subsequent application submitted in March 2022. Resubmission of the above (22/00552/FULM). Currently pending consideration.</p>		
Delivery Record (if appropriate)	None		
Capacity in May 2022 Trajectory	39 (i.e. 70/1.8 using appropriate ONS ratio)	Site size (ha)	0.86
Delivery Projections	(Yr 3) 2024/25 - 39 homes		
Developer / Landowner	McCarthy Stone and Henry Boot Developments Ltd		
SoCG/Proforma submitted:	No		
Have SoCG/Proforma projections been used for May 2022 trajectory?	No		
Site deemed deliverable?	Yes		
Assessment			

Application progress

Full planning application submitted January 2021 and currently awaiting appeal decision against non-determination. A resubmission of that application was submitted in March 2022 (22/00552/FULM) and is currently pending consideration.

Unresolved matters at opening of inquiry relate to design.

Viability / ownership / infrastructure

No significant site constraints, ownership or infrastructure challenges. Developer actively progressing scheme.

Justification for lead-in

Completion forecast in 2024/25, assuming a one year build, resolution of planning application and subsequent discharge of conditions processes. That estimate is considered realistic. Should the appeal be dismissed and a revised scheme required there may be some slippage, but site remains deliverable within five years.

HOME FUNCTIONS OPTIONS SPATIAL DC-SPATIAL HELP

Accept Quit Record Edit DMS General

Index Services Field Quick Print Message

> Reception Consideration Pre-App CIL Decision Specials Forward Planning

Reception Checklist Validation Event Consultations Publications Neighbours Materials Plans Map Print Index

Application: 22/00552/FULM Pre-App U.P.R.N.: 010007238704

Type: FULM - Major Full Application Address: Chocolate Works Residents Parking
 Bishopthorpe Road
 York

Status: PCO - Pending Consideration

Appeal Status:

District Ref: Map Ref (E): 460061 (N): 449781

Proposal: Erection of extra care accommodation including no.70 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations - resubmission

Alt. Ref.: PP-11042753 Date App. Rec.: 14.03.2022 EIA Required? →

App. Ref.: YORK CHOCOLAT WORKS

Applicant: Mr David Tyro Agent: Mr Andrew Mangham

Company: McCarthy Stone and Henry Boot Developments Company: The Planning Bureau Ltd

Address: 4th Floor, 100 Holdenhurst Road Address: Aspen House, Northminster Business Park

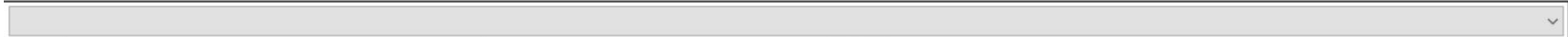
Contact Types: EMAIL david.tyro@mccarthyandst Agent Contact: EMAIL andrew.mangham@theplann

PHONE 07842 542606 PHONE 07775 750130

Fee Req. (£): 0.00 → Parish: MICKGT - Micklegate Planning Panel →

Recv. Officer: JBARNE - Joanne Barnett Ward: MICGTE - Micklegate →

Dev Mgmt Prop Hist Pin Enforc



TOWN & COUNTRY PLANNING ACT 1990

SECTION 78 APPEAL

STATEMENT OF COMMON GROUND

**APPEAL BY McCARTHY & STONE RETIREMENT LIFESTYLES LTD AND HENRY BOOT DEVELOPMENTS
LTD (HBD)**

**AGAINST THE NON-DETERMINATION OF AN APPLICATION BY CITY OF YORK COUNCIL FOR THE
ERECTION OF EXTRA CARE ACCOMMODATION INCLUDING 70 NO. APARTMENTS AND DECKED CAR
PARK WITH ASSOCIATED PRIVATE AMENITY SPACE, LANDSCAPING, SUBSTATION AND VEHICULAR
ACCESS ALTERATIONS**

SITE AT: CHOCOLATE WORKS RESIDENTS PARKING, BISHOPTHORPE ROAD, YORK.

LOCAL PLANNING AUTHORITY REFERENCE: 20/02517/FULM

PLANNING INSPECTORATE REFERENCE: APP/C2741/W/21/3289470

11 APRIL 2022

1.0 INTRODUCTION

1.1 This Statement of Common Ground (“**SoCG**”) is submitted by City of York Council (the “**Local Planning Authority**” or “**LPA**”) and McCarthy & Stone Retirement Lifestyles Ltd and Henry Boot Developments Ltd (HBD) (the “**Appellant’s**”) in relation to an appeal against the City of York Council’s failure to determine planning application reference **20/02517/FULM** for development at the Chocolate Works Residents Parking, Bishopthorpe Road, York (the “**Site**”).

2.0 DESCRIPTION OF DEVELOPMENT

2.1 The planning application subject of this appeal was submitted for the erection of extra care accommodation (73 apartments) and decked car park to provide parking for 92 spaces. During the determination period of the application, and by virtue of revisions to the subject scheme, the LPA amended the application to read ... *“Erection of extra care accommodation including 70 No. apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations”* (the “**Proposal**”).

3.0 DESCRIPTION OF THE SITE AND SURROUNDINGS

3.1 Both parties agree that an appropriate description of the site and surroundings can be found in the Appellant’s Statement of Case at Section 2.1 to 2.3 inclusive.

4.0 THE APPLICATION SUBJECT OF THIS APPEAL

4.1 The planning application subject of this appeal was validated by the LPA and allocated reference number **20/02517/FULM**.

4.2 Whilst extensions of time were agreed with the LPA in recent months (the last one being until 06 December 2021), the planning application remains undetermined.

4.3 The scheme was amended following both LPA officer and residents’ concerns about the buildings design, height and proximity to properties, landscaping issues, sewer easement/diversion and highway safety matters and, including various issues concerning the

Trans Pennine Trail , a long-distance path which runs along the Bishopthorpe Road which the Appeal site abuts and beside its northern boundary . It is part of the National Cycle Network Route 65. As a consequence of some of the issues highlighted, the number of apartments proposed was reduced by three, from 73 to 70 respectively. The key information and amendments presented to the LPA in August/September/October/November/December 2021 and latterly in January, February and March 2022 can be summarised as follows:

- Building moved 1m West towards Bishopthorpe Road to reduce pressure on landscaping corridor/treed boundary per landscaping Team comments (away from eastern boundary).
- Annotations added, re maintaining trees/hedging to existing levels to the eastern boundary of the site
- Added in the pedestrian refuge to allow safer crossing of Bishopthorpe Road and access to the bus stop (per highway comments).
- Omitted the pitched roof element of the building and providing a flat roof throughout as officers advised, thus also allowing for potential PV location on the higher roof areas.
- Building moved 1m south away from the northern boundary with Trans Pennine Trail/residential apartments beyond, actioned by the client to give enhanced separation distance.

Note: From the email of the case officer at the LPA of 18 November 2021 (17:47) to the Appellant's agent, to which a response was presented, the following 4 No. matters were satisfactorily addressed:

- Introduction of a 1.8m high privacy screen to the elevated walkway (northern elevation) to 298 Bishopthorpe Road.
- Re-positioned the boundary fence to the northern site boundary and resultant widening of existing Trans Pennine Way/Cycle Path, this set back by approximately 1m and resulting in the requested widening of the footway to 3 metres (per landscaping /case officer comments)
- Demonstrated the 2.4m x 31m visibility splay from back of cycle path [at the Bishopthorpe entrance junction] (per highways comments)

- Fully addressed the concerns of Yorkshire Water (YW) with the submission of a revised drainage plan (Drwg No. McC&S-CF-Y-100-001 REV A), YW now accepting this revision and have no objections.

NB: The Appellant continued to liaise/engage with the LPA in the early part of 2022 to address outstanding matters, the following submissions made.

- Further landscaping/tree planting/screening notation of the proposed elevations viewed from the 'Riverside' corridor were presented (25/01/2022)
- Revision to Site Layout Drawing (at that time Revision J) - Existing footpath/cyclepath widened to 3m to Bishopthorpe Road frontage & Ground Floor cycle store for 12 No bikes & First Floor mobility scooter store for 10 No scooters (2/3/2022).
- 2 No. Revised Landscaping General Management Plans were submitted to LPA - Drwg No's NE-2567-03-LA-01B & Drwg No. NE-2567-03-LA-01C (February/March 2022).
- To address issues around the Use Classes Order, at the request of the LPA a 'Draft' Unilateral Undertaking (UU), with associated pre-assessment form and Operational Management Plan (OMP) was submitted (4/03/2022). The OMP was subsequently revised to address a further matter and re-submitted to the LPA (16/03/2022).
- Revision to Site Layout Drawing (Revision K) presented, in the main to be in accordance with Highway notation/landscaping details (23/03/2022)

NB: The proposal to proposal to re-route the trail on the lower field, have been wholly removed by the appellant from the application/appeal proposals (confirmed in Statement of Case) and is not a subject for consideration in any determination.

5.0 RELEVANT SITE HISTORY

5.1 Relevant Planning History

- 09/01606/OUTM (Approved 18th October 2013) - Outline permission with means of access unreserved for mixed use development including B1a) Offices/Research, C2

Residential Institution, C3 Residential, D1 Community Facility with erection of an additional deck to existing car park.

- 17/02816/FUL (Granted conditionally January 2018) - Retention of existing car park as overflow car parking area for existing residents of the Residence and future residents of the Clock Tower developments and temporary construction compound.

6.0 RELEVANT PLANNING POLICY GUIDANCE

National Planning Policy

6.1 It is agreed that the National Planning Policy Framework (the “**NPPF**”) is the relevant national planning policy relevant to this appeal.

6.2 The parties agree that at the time of determining the planning application, the NPPF published in July 2021 is the relevant national planning policy.

6.3 It is agreed that the NPPF sets out the Government’s objectives for the planning system and is material in the assessment of this appeal. Central Government planning policy is contained in the National Planning Policy Framework (“NPPF”, 2021). Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

6.4 The following chapters from the NPPF are relevant to the appeal proposal:

- 2.Achieving sustainable development
- 4.Decision-making
- 5.Delivering a sufficient supply of homes

- 6. Building a Strong Competitive Economy
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 13. Protecting Green Belt Land
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment.

6.5 The parties agree that the NPPF contains the following specific paragraph in relation to older people.

Paragraph 62 - Chapter 5: Delivering a sufficient supply of homes.

“62. Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)”

6.6 The parties agree that at the time of determining the planning application and for the purposes of this appeal the National Planning Practice Guidance published by the Ministry of Housing, Communities and Local Government (which is updated from time to time) is also relevant (the “**NPPG**”).

6.7 In particular the following sections of the NPPG are considered relevant to the Proposal:

- (i) Design
- (ii) Determining a planning application
- (iii) Healthy and safe communities
- (iv) Historic environment
- (v) Housing and economic land availability assessment
- (vi) Housing and economic needs assessment
- (vii) Housing needs of different groups
- (viii) Housing for older and disabled people

(ix) Housing supply and delivery

- 6.8 The parties agree that the NPPG contains the following specific paragraphs in relation to older people pertinent to determination of the Appeal;

Housing for older and disabled people

- Paragraph: 001 Reference ID: 63-001-20190626);

“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking”.

Paragraph: 016 Reference ID: 63-016-20190626

Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need.

- 6.9 Local Policy

The current statutory Development Plan in the case of this appeal comprises the retained policies relating to the York Green Belt contained within the Regional Spatial Strategy (RSS) for Yorkshire and the Humber. The RSS was revoked on 2 February 2013, with the exception of Policies YH9(c) and Y1 (C1 and C2) which relate to York Green Belt, and the Key Diagram insofar as it illustrates **the general extent of the Green Belt only**, but not its detailed boundaries. All other policies of the RSS were revoked.

- 6.10 Emerging Local Plan (ELP)

The parties agree that the current status of the Emerging Local Plan is as follows;

The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Consultation on proposed modifications to the plan were also held in June/July 2019 and May-July 2021. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. On **26 October 2021** the Inspectors wrote to the Council setting out the timetable for the progression of the examination of the City of York Local Plan. It has been confirmed that Phase 2 of the hearing sessions will commence in March 2022. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

- 6.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.12 It is agreed that the following policies in the emerging Local Plan (eLP) are pertinent to this appeal:

Local Plan (Submission Draft 2018)

- DP2 Sustainable development
- DP3 Sustainable communities
- DP4 Approach to development management
- SS1 Delivering sustainable growth for York
- SS14 Terry's Extension Sites
- H1 Housing Allocations
- H2 Density of housing development
- H10 Affordable Housing

- D1 Placemaking
- D2 Landscape and setting
- D4 Conservation areas
- D5 Listed buildings
- D6 Archaeology
- GI 1 Green Infrastructure
- GI 3 Green Infrastructure Network
- GI 4 Trees and Hedgerows
- GI6 New open space provision
- GB1 Development in Green Belt
- CC1 Renewable and low carbon energy generation and storage
- CC2 Sustainable design and construction of new development
- ENV2 Managing environmental quality
- ENV3 Land contamination
- ENV5 Sustainable drainage
- T1 Sustainable access
- DM1 Infrastructure and developer contributions

NB: The appeal site is identified within the Emerging Local Plan as a strategic site allocated for housing under Policy ST16 (Phase 2).

2005 Draft Development Control Local –

The Parties agree that the status of the 2005 Draft Development Control Plan is as follows; It is agreed, as confirmed by the Secretary of State in the most recent (May 2020) City of York Council s78 appeal on land at Moor Lane (APP/C2741/W/19/3233973, that while the Council had approved for development control purposes, the 2005 Fourth Set of Changes (Development Management) Local Plan, the 2005 document was never formally adopted and as such has no statutory status.

7.0 THIRD PARTY REPRESENTATIONS

7.1 61 public consultation responses have been submitted to the LPA by residents in respect of the application submission 50 in objection and 11 in support. A significant body of

representations have been submitted on the behalf of cycle groups and the Trans Pennine Trail body in respect of the treatment of the public right of way to the north.

8.0 ISSUES TO BE ADDRESSED

8.1 The potential issues, noting the now agreed position between parties on the Use Classes Order (see section 9.1 below), that were set out in the pre-conference note (CMC) and discussed, were:

- the effect of the development on the character and appearance of the area having regard to the design of the proposal and its assimilation into the local context.
- the effect of the development on health care infrastructure with particular regard to GP surgery capacity.
- to explore the implications of the development in respect of Green Belt policy as a main issue. This will include: the effect on the openness of the Green Belt; and would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.
- the effect of the development on the Trans Pennine Trail/National Cycle Network
- the effect on the living conditions of nearby residents
- matters relating to planning policy, including whether the proposal would accord with the policy and site allocation in the draft development Plan.

9.0 AGREED MATTERS

9.1 The following matters are agreed between the parties, some of which agreed since the CMC:

1. That the appeal **proposal falls within C2 of the Use Classes Order** (Email from LPA case officer of 18 March 2022 and as such, there is no policy requirement for an affordable housing contribution.

2. That the submitted Unilateral Undertaking (UU)/Operational Management Plan (OMP)/Pre-purchase Assessment form is agreed between both parties, the signing of which is imminent.
3. The site is within the **general extent of the Green Belt** as shown in the RSS and therefore policy relevant to the Green Belt, as detailed in the NPPF, is applicable.
4. It is agreed that the correct approach for determining whether land around York is in the Green Belt is by following the recommendations of the **Wedgewood Case/Judgement**. This means that it is necessary to apply the high-level policy rationally in order to determine what land within the inner and outer boundaries (of the Green Belt) is and is not to be treated as Green Belt land.
5. In doing so (Wedgewood), it may have regard to –
 - The saved policies and key diagram in the Regional Spatial Strategy (RSS).
 - The 2005 DLP.
 - The 2018 ELP, provided it has due regard to the guidance at paragraph 48 of the NPPF.
 - Site-specific features that may tend to treating the site as Green Belt or not.
6. It is agreed that the site does not contribute to four of the five Green Belt purposes, albeit the Council confirming it does not contribute to any of the five.
7. That Section 5 of the NPPF states that “to support the Government’s objective of significantly boosting the supply of homes (which includes student housing), it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.
8. That Section 11 of the NPPF requires planning decisions to:-
 - Promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.
 - Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.
9. Nationally and locally, there is an existing and growing need for specialised extra care housing for the elderly; the NPPG has stated that the need to provide housing for older people is 'critical'. Accordingly, it is agreed that the proposal contributes towards meeting a national and locally recognised need for specialised housing for the elderly.
 10. That at the time of submitting this appeal against Non-determination of the said planning application, the NPPF published in July 2021 is the relevant national planning policy.
 11. That the relationship to neighbouring properties in terms of the impact on living conditions is acceptable (Council's Architect, Design and Sustainable Manager in a consultation response stating he was less concerned about this potential impact given the decrease in height (reduced oppressiveness) and lack of direct overlooking rooms) – Email of 23/07/2021 (Guy Hanson- Architect. Design & Sustainability Manager, DCSD). The Council's initially presented SoG confirming the same at the CMC.
 12. It is agreed that there is a deficiency of units in the western sector of the City, notwithstanding the current appeal proposal, and that the on-going need should carry significant weight in the planning balance. Moreover, there is no dispute as to the national need for specialised housing for the elderly as noted in the PPG. This is a proposal for specialist accommodation for older people, which would contribute to addressing this need.

13. It is agreed that the scheme will be safe from flooding and will not increase flood risk elsewhere and will support the transition to a low-carbon future subject to any permission being suitably conditioned.
14. It is agreed that the scheme will lead to the promotion of sustainable travel and an adequate impact on the highway network subject to any permission being suitably conditioned.
15. It is agreed that the scheme has sufficient amenity space provision and would not put undue pressure on amenity space in the surrounding area.
16. It is agreed that the scheme, as amended, would not harm local biodiversity or the ecological value of the site and stands to improve it.
17. It is agreed that the proposal would provide specialist retirement housing development on Previously Developed Land (PDL), also known as brownfield land.
18. There are no listed buildings on the Site, nor is the Site located within a Conservation Area.
19. The Council cannot currently demonstrate a 5-year supply of land for housing as required by paragraph 68 of the NPPF, without including draft allocations from the Emerging Local Plan, including the appeal site.
20. That the drawing relating to the re-routing of the Trans Pennine Trail, drawing reference NE-2567-03-AC-020 – Cycle Track Site Plan – REV A, **has been removed from the planning application and is not to be** considered in the appeal determination.
21. The issue around the 2 No. sewers, and associated easements. on the appeal site are fully resolved with Yorkshire Water subject to any permission being suitably conditioned.
22. An objection from the NHS Vale of York Clinical Care Commissioning Group (CCG), on the grounds that local practices in the area can expect to see an increase in waiting times to access GP services and in emergencies be forced to travel across the City to other

services, has been received by the LPA. A more recent consultation (dated 09 November 2021) response identifies a developer contribution to mitigate the impacts of this proposal, with the NHSPS and VYCCG calculating the level of contribution required in this instance to be £72,816.

23. That the judgment in *Wedgewood v City of York Council* (March 2020) decided that in the absence of an adopted Local Development Plan that specifies what is and is not Green Belt, (the Council) must apply the high-level policy rationally in order to determine what land within the inner and outer boundaries (of the Green Belt) is and is not to be treated as Green Belt, and so accept that this is the correct approach (agreed already in the Council's SoC at para 1.5 and 3.13).
24. Subject to the Inspector concluding that the NHS contribution meets fully the policy test in the Community Infrastructure Levy Regulations 2010 and Para 56 of the NPPF, it is agreed the provision of a commuted payment of £72,816 towards local healthcare facilities will address the outstanding objection from the Vale of York CCG/NHS Property Services, this obligation included in the presented Unilateral Undertaking (UU).
25. That pre-consultation online meetings with neighbouring residents and local stakeholders were held on Wednesday 9th December 2020, a virtual public exhibition following from Friday 11th December until Friday 18th December 2020. These are detailed in the Statement of Community Involvement document, dated December 2020, submitted as part of the planning application.
26. That drawing No. **NE-2567-03-AC-020 REV A 'Proposed South and East Elevations'**, by virtue of the revised landscaping proposals (Revision C), is now obsolete.
27. That **for the avoidance of doubt these are drawings the appeal is to be determined on:**

1.1	Context and Location Plan	NE-2567-03-AC-001
1.2	Site Plan as Proposed	NE-2567-03-AC-002 REV K
1.3	Elevations as Proposed	NE-2567-03-AC-003 REV F
1.4	Isometric Views	NE-2567-03-AC-004 REV B
1.5	Proposed Floor Plans	NE-2567-03-AC-005 REV E

1.6	Sub-Station Details	12776-DB3-B01-00-DR-A-006
1.7	Street Scene Elevations	NE-2567-03-AC-007 REV C
1.8	Site Sections	NE-2567-03-AC-008 REV B
1.9	Typical Facade Details	NE-2567-03-AC-009 REV B
1.10	Artist Impressions - Sheet 1 of 2	NE-2567-03-AC-010 REV C
1.11	Artist Impressions - Sheet 2 of 2	NE-2567-03-AC-011 REV B
1.12	Elevations as Proposed Sheet 1 of 2	NE-2567-03-AC-013 REV E
1.13	Elevations as Proposed Sheet 2 of 2	NE-2567-03-AC-014 REV D
1.14	Floor Plans - Sheet 1 of 3	NE-2567-03-AC-015 REV E
1.15	Floor Plans - Sheet 2 of 3	NE-2567-03-AC-016 REV D
1.16	Site Sections - Sheet 1 of 2	NE-2567-03-AC-018 REV B
1.17	Site Sections - Sheet 2 of 2	NE-2567-03-AC-019 REV B
1.18	Separation Distances Plan	NE-2576-03-AC-022 REV A
1.19	Landscape General Arrangement Plan	NE-2567-03-LA-01 REV C
1.20	Lower Ground Car Park Plan	NE-2576-03-AC-100
1.21	Upper Level Car Park Plan	NE-2576-03-AC-101
1.22	Car Park Elevations and Sections	NE-2576-03-AC-102
1.23	Proposed Drainage Diversion Layout	McC&S -CF-Y-100-001 REV A

10. MATTERS THAT ARE NOT AGREED

10.1 Below are considered to be the main points of disagreement between the parties as matters currently stand:

- Design: Including impact on landscape qualities of the adjacent green river corridor; appropriate local character and appearance; and desirable on-site place making.
- The NHS contribution, albeit this is built into the UU subject to it meeting fully the policy test in the Community Infrastructure Levy Regulations 2010 and Para 56 of the NPPF.

11.0 AGREED PLANNING CONDITIONS

11.1 A list of agreed conditions which, without prejudice to either party's case, could be imposed in the event that the appeal is successful will be submitted for the Inspector's consideration

during the appeal process, although the LPA reserves the right to recommend additional conditions that may not be supported by the Appellant, for the Inspector's consideration.

Signed *A.W. Mangham*

Andrew Mangham MRTPI (Regional Planner, The Planning Bureau Ltd) on behalf of McCarthy and Stone Retirement Lifestyles Ltd & Henry Boot Developments Ltd (HBD)

Date: 12/04/2022

Signed *Erik Matthews*

Erik Matthews (Development Management Officer, City of York Council) on behalf of City of York Council

Date: 12/04/2022