

FULFORD PARISH COUNCIL

email: fulfordpc@gmail.com

Date: 10 June 2015

Re: Proposal for 14 houses on historical parkland in Fulford Village Conservation Area.

To: Members of the Area Planning Committee

Fulford Parish Council's comments are not accurately summarised in the Committee Report. Material changes have occurred since permission was granted in May 2014.

Recent case law reinforces the statutory presumption in the NPPF in favour of preservation of the settings of listed buildings and conservation areas. Even in case of "less than substantial harm", the default position should be refusal of permission by the Local Authority unless public benefits clearly outweigh that harm. The harm to Fulford Village Conservation Area is substantial and no public benefits exist that would outweigh this harm.

Substantial harm to Fulford Village Conservation Area and setting of a listed building

In 2008 the Fulford Village Conservation Area was extended by adding the Connaught Court buildings and its historic parkland setting in order to afford more protection to the open character of the whole area and to retain the spaciouly planned parkland setting of the RMBI buildings. Fulford Village Conservation Area Appraisal describes the rural character of Fulford village and the subordinate character of houses behind its Main Street frontage. Please ask why the development proposals instead reflect the adjoining Fulford Road Conservation Area. The proposed 5-6 bed houses are in line with the more urban character of the largest scale houses along St Oswald's Road rather than the Sir John Hunt Memorial Homes at the Main Street frontage. The same scale of houses is planned along the Ings edge which will appear overbearing when viewed from the lower lying green belt Ings. Views from the Ings are a material consideration yet no "streetscape" has been provided for officers and Members to assess this harm. The plans will also cause harm to the setting of a listed building, a gate lodge to the historic parkland. See our letter of 21 May 2015.

Quashing of permission should have led to specialist reassessment.

The previous permission was quashed on grounds of heritage and flooding. York's concession that it 'misapplied the duty pursuant to S 72 of the Planning (Listed Building and Conservation Areas)' should have led to specialist advice and a re-assessment of the harm to Fulford Village Conservation Area in line with advice from Historic England (previously EH). There is no evidence in the committee report that such specialist advice has been sought.

Recent case law reinforces the point that if there is harm to a CA, that extra-ordinary benefits need to exist to outweigh that harm. No such benefits exist.

The applicant tries to reason that the lack of a 5-year housing supply justifies building 14 houses. Recent developments with respect to the local plan mean that the ARUP housing numbers and the presumed lack of 5-year housing supply are now out of date. Moreover, this is not a public benefit as described in recent case law. 5-6 bed houses will also not alleviate local housing need. This should not be used to outweigh the harm to the conservation area.

Thank you for taking our views into consideration. We ask you to refuse this application.

Helen Guest (Mrs) Clerk to Fulford Parish Council