

Item 4(a)
13/03481/FULM – Connaught Court, St Oswalds Road, York

Committee Update

11 June 2015

FULFORD FRIENDS

Further comments have been received from Fulford Friends. They are summarised below (in italics), followed by the officers' response.

The sequential test report fails to include areas of land that are outside the application site but within the RMBI's premises at Connaught Court.

These areas, many of which include buildings, are required and in use by the care home. They cannot be considered reasonably available for housing development and therefore should not be included in the sequential test.

Development is proposed in flood zones 3a and 3b, contrary to NPPF policy and the council's Strategic Flood Risk Assessment (SFRA).

The only development proposed in flood zone 3 is a retaining wall (along the general alignment of the boundary with flood zone 2) and boundary fencing between the gardens of plots 9-13 of Area B. Officers propose that a planning condition be attached to the planning consent preventing the construction of any structures beyond this line (i.e. in zones 3a or 3b) other than the proposed post and rail boundary fencing. A further condition should be attached requiring fence details to be submitted for approval in order to ensure that the fencing does not inhibit the free flow of floodwater..

York's Green Belt appraisal of 2003 makes clear that sites such as this (in conservation areas that abut the urban fringe) contribute to the primary purpose of York's Green Belt, which is to preserve the historic character and setting of York.

The application site boundary abuts the Green Belt at Fulford Ings. However, the nearest of the proposed houses would be 35m from the Green Belt boundary. Furthermore, the houses would be broadly contained within the triangle between the main care home building and the existing housing at Atcherley Close. In officers' view the proximity of the proposed development to the Green Belt/urban fringe would not detract from the historic character and setting of York

The comments of the council's conservation architect [at paragraph 3.4 of the committee report] have not been updated to take account of comments from objectors, changes to the plans or recent case law.

The conservation architect's comments were up-to-date and valid when the committee resolved to grant consent for the application in May 2014. Since then the proposals have not changed. The officer was party to the council's subsequent reconsideration of the application's heritage issues and her comments remain valid.

A condition should be attached requiring details of bat features [bat boxes, etc] should be submitted for approval and implemented.

Accepted. The planning permission approved last year had this requirement as part of a wider condition requiring a bat emergent survey, etc. That work is no longer necessary so the condition is no longer being proposed. Reinstating the requirement for bat features is appropriate. Officers therefore recommend the following additional condition (no.22):

Within three months of commencement of development details of features suitable for bat roosting within the development shall be submitted to the local planning authority, approved in writing and implemented in accordance with the approved details.

Reason: To take account of and enhance habitat for a protected species.

FULFORD PARISH COUNCIL

Members will have a letter dated 10 June from Fulford Parish Council. It raises no new issues except regarding conservation advice, as made by Fulford Friends (officer response above).

ISSUE RAISED AT THE MEMBERS SITE VISIT

Officers were asked whether the proposed garages could be used as living accommodation. Recommended condition 7 requires the garages shown on the submitted plans to be laid out and used solely for the intended purpose. The use of any of the garages as living accommodation would therefore require approval from the local planning authority.

Officers were also asked whether permitted development rights would be removed for extensions, external alterations, etc. The recommended conditions include removal of permitted development rights for these works but only with respect to plot 9 (due to its proximity to residential properties in Atcherley Close) and land in flood zone 3.

A query was raised about the style of fencing along the St Oswalds Road boundary. Notwithstanding that the proposed streetscene drawing shows estate-type fencing the applicant has stated that the existing fencing would be retained and amended to provide pedestrian access to the fronts of plots 1-3. The existing fencing has no particular historic or architectural merit. Officers would have no objection to the estate-type fencing shown on the submitted plans, subject to the details being acceptable. Proposed condition 3 requires details of railings and gates along St Oswalds Road to be submitted for approval.

Kevin O'Connell
Development Management Officer