

## COMMITTEE REPORT

**Committee:** East Area

**Ward:** Fulford

**Date:**

**Parish:** Fulford Parish Council

**Reference:** 10/00519/FUL

**Application at:** Townends Accountants Harlington House 3 Main Street Fulford York, YO10 4HJ

**For:** One and a half storey pitched roof ancillary building for use as a residential care home to rear of Harlington House (amended scheme)

**By:** Milewood Healthcare Ltd

**Application Type:** Full Application

**Target Date:** 19 May 2010

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application is associated with that for the conversion and extension of the frontage building at the site (ref:10/00178/FUL), also considered on this agenda. It involves the erection of a stand alone building in the rear garden of the frontage building following demolition of the existing single storey buildings formerly in employment uses. The rear part of the site within which the building is proposed, falls outside the Fulford Village Conservation Area. The building would consist of a one storey building with a second floor within the roof space. It would be ancillary to the proposed use of the frontage building as a care home (Use Class C2), providing eight rooms (referred to on drawings as units), with ancillary communal accommodation. The roof of the building would be hipped and would have conservation roof lights in all roof slopes other than that facing 1 Main Street to the rear of the site. The supporting statement submitted is the same as for the application for the main building.

1.2 The application has been called in for a Committee decision by Councillor Aspden, principally due to the impact on Fulford Conservation area, including the impact on views and the overdevelopment of the site. In addition, the amenity of local residents would be negatively affected by the development, and this includes traffic safety concerns.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area GMS Constraints: Fulford CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

## 2.2 Policies:

CYSP6  
Location strategy

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP9  
Landscaping

CGP15A  
Development and Flood Risk

CYHE2  
Development in historic locations

CYH17  
Residential institutions

CYE3B  
Existing and Proposed Employment Sites

## 3.0 CONSULTATIONS

### 3.1 PUBLICITY:

The application was advertised by way of press and site notices as well as letters being sent to the parish council, adjacent residents and internal and external consultees. The consultation period has expired.

### 3.2 INTERNAL

Highway Network Management - No objections to principle of this proposal subject to conditions, though highlight potential over-provision of car parking and dimensions of parking bays.

Environment and Conservation (Conservation) - The revised scheme is something of an improvement in that the scale has been reduced and dormers omitted. However, the design is uninteresting, employing the idiom of a small domestic bungalow, to a building of substantial scale. This would not be an issue were it not for the haphazard arrangement of the rooflights, particularly on the northwest elevation.

The number, and alignment on three different levels will draw attention, to the detriment of the setting of Harlington House, and the contribution the site makes to the character and appearance of the conservation area. The number of roof lights could be reduced without substantial loss of amenity within the building. Requests conditions, should planning permission be granted.

Environment and Conservation (Countryside) - Requests bat mitigation and enhancement measures given the potential for bat habitats in the existing single storey buildings on site that are to be demolished to allow for the new building.

### 3.3 EXTERNAL

Fulford Parish Council - objects to the application.

- Harm to conservation area due to over-development and views of new ancillary building;
- Lack of usable amenity space;
- Amenity of neighbours from overlooking and loss of privacy, noise nuisance seven days a week;
- Security and crime at site as no clear separation of public and private spaces nor security lighting;
- Parking provision is insufficient and does not include disabled bays;
- Road safety.

Letters from residents of five residential properties and one business, raising objections on following grounds:

- building would block out winter sunlight;
- loss of employment site;
- disturbance from a "24/7" care home rather than business hours;
- mass and overdeveloped appearance;
- detract from whole ethos of Fulford area and conservation area;
- loss of privacy from roof lights;
- building not DDA compliant;
- security lighting is unacceptable;
- impact on value of property;
- concern about potential change within Use Class B2 in future;
- plans propose bringing buildings containing volatile people within feet of homes;
- loss of outlook;
- risk and danger to local community.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- loss of employment premises;
- compatibility of use;
- affect on residential amenity;
- affect on heritage assets;

- impact on visual amenity;
- access, parking and highway safety;
- drainage issues.

## 4.2 POLICY CONTEXT

Relevant Central Government planning policy is contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 5: Planning for the Historic Environment (PPS5) and Planning Policy Statement 25: Development and Flood Risk (PPS25). PPS1 encourages good design that takes the opportunity to improve the character of the local environment. PPS3 seeks to create sustainable, inclusive, mixed communities in all areas. PPS5 sets out the planning policies on the conservation of the historic environment. It requires local planning authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and ensure that new development makes a positive contribution to the character and local distinctiveness of the historic environment. It establishes the presumption in favour of the conservation of designated heritage assets. PPS25 outlines the approach to be taken in new developments to reduce flood risk.

The City of York Development Control Local Plan policies outlined in section 2.2 are material to the consideration of this application. Of particular relevance are policies HE2 and HE3 relating to development within conservation areas, E3b and H12 relating to loss of employment premises, and H17 relating to the provision of residential institutions.

## 4.3 APPRAISAL

This application relates to an ancillary block of accommodation to the proposed care home at Harlington House being considered under application 10/00178/FUL. The principle of the use at this site involving the loss of premises for employment uses is considered under that application, but is considered to be acceptable with an appropriate and compatible use being proposed. The main issue here is to consider the additional implications of developing within the grounds of the frontage building and the impact this has on the surrounding area.

The proposed building itself has little architectural merit, though does not draw attention away from the main frontage property and would be viewed against the backdrop of other lower level simpler designed properties that surround the site. The applicant has been asked and has agreed to reduce the number of roof lights in the north facing roof slope and have the remainder at a higher level, which is likely to be the only roof slope particularly visible from within the adjacent conservation area. Revised plans are awaited confirming this. The Conservation Officer, whilst commenting on the uninteresting design and number and alignment of roof lights, does not object to the scheme.

Whilst the building would be closer to the surrounding residential properties than the existing employment buildings proposed to be demolished under the application for the main property, particularly that to the south, it has been designed to minimise any impact. There would be no overlooking from the ground floor windows due to

the presence of high boundary walls and the roof lights have been positioned largely above the head height of an individual within the rooms they serve. Taking into account the distances, orientation and height of boundary walls, it is considered that the building would not cause any significant overshadowing of the surrounding properties.

Again, there is the issue of disturbance from noise and activity. However, this is a managed facility related to that of Harlington House with the amenity area that serves the two buildings enclosed between them. Although small, this is considered by the applicant to be sufficient for the purposes of the future residents of the site and its location away from boundaries with dwelling houses would minimise the potential for erosion of their amenity. In addition, it is likely that activity in the evenings and early mornings would be confined to within the building and therefore any potential disturbance to surrounding occupants would be reduced.

The number of parking spaces proposed under the application for Harlington House itself, would serve the two related buildings. A turning area has been provided for use by the care home, but also by the occupants of the dwelling house to the east, 1 Main Street. Although the Council's Highway Officer notes that the number of spaces is still above Council's maximum requirements and that the spaces themselves are below the recommended dimensions, he has not objected to the scheme.

The Council's Countryside Officer has requested a condition be attached to any approval to mitigate any disturbance to, and enhance, bat habitats.

## **5.0 CONCLUSION**

5.1 On balance, the proposal to provide a two storey ancillary building to the rear of Harlington House in association with the operation of the frontage property, is considered to be acceptable subject to conditions.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

MIL/221/02 002 dated March 2010;

MIL/221/02 003 dated March 2010;

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The premises shall be used for a residential care home in connection with

Harlington House and for no other purpose, including any other purpose in Class C2 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

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.

4 VISQ8 Samples of exterior materials to be app

5 VISQ7 Sample panel ext materials to be approv

6 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Vertical section through side elevation of building indicating eaves, window head, window, sill, wall and plinth detail at scale of 1:10;  
Roof lights - to be flush fitting;

Reason: So that the Local Planning Authority may be satisfied with these details.

7 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Local Planning Authority. The measures shall include:

- i A plan of how demolition work is to be carried out to accommodate the possibility of bats being present;
- ii Details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing;
- iii The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

INFORMATIVE: If bats are discovered during the course of the work, then work should cease and Natural England consulted before continuing.

8 HWAY19 Car and cycle parking laid out

9 HWAY21 Internal turning areas to be provided

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. REASON FOR APPROVAL

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:

- loss of employment premises;
- compatibility of use;
- affect on residential amenity;
- affect on heritage assets;
- impact on visual amenity;
- access, parking and highway safety;
- drainage issues and flood risk

As such the proposal complies with national planning advice contained within Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Statement 5: Planning for the Historic Environment (PPS5) and Planning Policy Statement 25: Development and Flood Risk (PPS25) and policies SP6, GP1, GP4A, GP15A, HE2, HE3, T4, H12, H17 and E3b of the City of York Development Control Local Plan.

#### **Contact details:**

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