

## COMMITTEE REPORT

**Date:** 16 August 2012      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 12/01961/FUL  
**Application at:** Flat 1 99 Nunnery Lane York YO23 1AH  
**For:** Creation of 3no. flats (retrospective)  
**By:** Mr Philip Armitage  
**Application Type:** Full Application  
**Target Date:** 29 August 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application is retrospective, for permission for the 3 flats that exist above the Old Ebor public house, which is situated on the corner of Nunnery Lane and Drake Street. We understand the flats have been in existence for sometime. The application is made as the pub is under new ownership and there is no record of planning permission for the flats.

1.2 The application is brought to committee as the applicant is a Council employee.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

2.2 Policies:

- GP1 Design
- H4a Housing Windfalls

### 3.0 CONSULTATIONS

#### Communities, Leisure and the Public Realm

3.1 As there is no on site open space commuted sums should be paid to the Council for amenity open space and play space - which would be used to improve a local site such as Scarcroft Green and sports pitches, which would be used to improve a facility within the South Zone of the Sport and Active Leisure Strategy.

#### Environmental Protection Unit

3.2 No objection.

### Publicity

3.3 No written representations have been made.

## **4.0 APPRAISAL**

### **Key issues**

4.1 The key issues are whether the flats are acceptable in principle and whether there are adequate levels of amenity for future and surrounding occupants.

### **Principle of the proposed use**

4.2 The flats make use of an existing building located in the urban area, within walking distance of the city centre. They also assist with the viability of the building. The development is acceptable in principle; it is consistent with the National Planning Policy Framework which seeks to boost the supply of housing and supply housing within empty/underused buildings. The development is also consistent with Local Plan policy H4a in this respect.

### **Amenity**

4.3 The National Planning Policy Framework requires development to provide an adequate level of amenity, this is repeated in Local Plan policies GP1: Design and H4a: Housing Windfalls. GP1 requires that developments provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.4 Local Plan policy L1c seeks a contribution towards off-site open space for schemes of less than 10 dwellings. There would have been living accommodation above the pub originally and it appears that the conversion into flats took place some time ago although they have been recently refurbished. It is not recommended to seek a contribution in this case. Waste and cycle storage can adequately be provided in the rear yard. The application is for the use of the upper floors only; there is no material change in terms of whether the building is over-bearing or over-dominant. The host building is within a terrace where a degree of over-looking would be expected. The amount of occupants of the upper floors has intensified, however given the nature of the area this has not lead to undue over-looking over neighbouring buildings and land.

4.5 The property is within the Air Quality Management Area. One room (the 1<sup>st</sup> floor lounge) is reliant upon windows facing Nunnery Lane only, where vehicle traffic causes noise and damages air quality. Otherwise rooms have windows facing the rear or Drake Street. There have been no objections from the Environmental Protection Unit with regards air quality and noise and there is no material change between the extant and historic use of the upper floors. It is deemed the scheme could not be refused due to noise disturbance or air quality.

## **5.0 CONCLUSION**

5.1 The development is acceptable in principle; there is adequate amenity for occupants and no harm to the amenity of surrounding occupants.

## **6.0 RECOMMENDATION:** Approve

1 Adequate storage space for bins and covered cycle storage (x3 spaces) shall be retained within the application site at all times.

Reason: To ensure adequate space for such storage, to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

## **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 residential amenity. As such the proposal complies with Policies GP1 and H4a of the City of York Development Control Local Plan.

### **Contact details:**

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