

COMMITTEE REPORT

Date: 5 January 2012 **Ward:** Fulford
Team: Major and **Parish:** Fulford Parish Council
 Commercial Team

Reference: 11/01635/FUL
Application at: Plough Inn 48 Main Street Fulford York YO10 4PX
For: Erection of single storey detached building comprising 6 hotel bedrooms (resubmission)(revised scheme)
By: Enterprise Inns Plc
Application Type: Full Application
Target Date: 24 August 2011
Recommendation: Approve

1.0 PROPOSAL

SITE

1.1 The application relates to a public house located on the west side of Main Street in Fulford. The site lies within the main urban area of the City of York and falls within the designated Fulford Village Conservation Area. The public house is located at the front of the site, abutting and facing onto the public highway of Main Street. To the rear is a paved area that serves as a beer garden, car park and grassed garden. The car park is served by an access at the southern end of the building, which leads to Main Street. The beer garden and grassed area are fenced off from the car parking area. The grassed garden is populated by a variety of trees, including three mature trees adjacent to the northern site boundary. Main Street is a mix of residential and commercial properties, though those properties immediately surrounding the site are in residential use, including a single dwelling house to the north.

PROPOSAL

1.2 The application proposes the erection of a detached linear single storey building at the rear of the public house and adjacent to the northern site boundary, on what is currently the paved beer garden. The building would measure 26m long x 6m wide 2.3 m high to eaves facing the boundary and 4.8m high to ridge. It would have windows and doors in the southern facing elevation that would be underneath a canopy running the full length of the building. The building is proposed to be used as letting bedrooms (6 in total) and would be operated in conjunction with the existing public house business. A smaller patio immediately to the rear of the public house would be retained as beer garden. The application has been revised following concern expressed by Officers in relation to the impact on the conservation area and mature trees on the site. The revised proposal resites the building closer

to the public house by 1.4m to position it outside the rear garden area and the root protection zone of a large Sycamore tree.

APPLICANT'S CASE

The application is supported by the following documents:

1.3 Design and Access Statement: This confirms that the site is within an area offering local shops and facilities and where there are significant numbers of letting bedroom facilities. The building has been designed to suit the requirements of less able bodied visitors. The design is intended to reflect local vernacular with simple fenestration design and use of local materials.

1.4 Planning Supporting Statement: This describes the site characteristics, highlighting the high proportion of leisure uses within the village. It explains the application proposal and summarises the amendments made since the submission of an initial application earlier in 2011 that was subsequently withdrawn. It confirms the link between the proposed letting rooms and the operation of the public house. The proposal is considered to help "underpin the role of the village as an important location for short term accommodation for visitors and guests to the city and will help improve the 'offer' that The Plough can make". It refers to the Visitor policies of the Local Plan, V1 and V3, and considers that the proposal should not be resisted in the context of these policies that seek to encourage visitor-related development within settlement limits. It finds that the revised proposal would respect the setting of the conservation area and the village without harm to residential amenity or highway safety.

1.5 Sustainable Design Alternatives report: This gives information on the potential proposals for the building, confirming that further consideration will be given to PVs, solar hot water systems and air source heat pumps.

1.6 Tree Survey: Submitted after the receipt of the application and at Officers request, this survey has instigated the resiting of the building closer to the existing public house. The survey confirms that a mature sycamore tree (T7) to the west of the application building is of high amenity value. The scheme has been revised to avoid encroachment into its root protection zone. The other trees within the site would not be impacted upon by the proposal.

1.7 Flood Risk Assessment: This confirms that the floor levels within the proposed development will be set at no lower than existing levels and that water resisting building materials would be used.

HISTORY

1.8 A planning application (11/00126/FUL) was submitted in early 2011 for a similar proposal, but was withdrawn following concern highlighted by Officers regarding impact on the conservation area, parking, drainage and trees.

MEMBER INTEREST

1.9 The application has been called-in to Committee by Ward Councillor Keith Aspden, on behalf of local residents, on the grounds that the proposal will harm the character of the conservation area, it harms the amenity of nearby neighbours, and due to the lack of a tree survey.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Conservation Area Fulford CONF

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYNE1
Trees, woodlands, hedgerows

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE11
Trees and landscape

CYV1
Criteria for visitor related devt

CYV3

Criteria for hotels and guest houses

3.0 CONSULTATIONS

3.1 PUBLICITY: The application was advertised by way of a site notice displayed outside the site, a notice in the press and consultation letters to internal and external consultees and local residents. Following the receipt of the revised plans, notification has been sent to those previously consulted as well as those who made representation. The consultation period expired on 28.12.2011.

3.2 INTERNAL

Highway Network Management:

No objections, subject to conditions. The proposals will construct hotel bedrooms which will be ancillary to the existing public house. Access is to be via the existing access onto Main Street. Whilst it is accepted that the access is restrictive it is not possible to improve the access point further. It is considered that the increase in traffic will be negligible and as such will not create any safety/free flow issues in the vicinity of the access or surrounding highway network. Car and cycle parking has been provided in accordance with CYC standards. The site is in a sustainable location which will reduce dependence on the private car in line with local and national planning and transportation policy.

Environmental Protection Unit:

No objections. Request informative regarding contamination and Control of Pollution Act 1974.

Flood Risk Management Team:

The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections as the applicant has demonstrated that the proposed development will drain properly. Request condition regarding surface water drainage works.

Environment and Conservation (Conservation):

The Plough Inn is within Fulford Village Conservation Area. A conservation area appraisal was approved in 2008 and is a material consideration. Fulford village retains its village identity and pastoral setting. It is a linear village. Frontage development of plots is characteristic, with gaps between affording views of mature trees in the background. Where development of backland plots does not follow the traditional grain of development, and where it intrudes into views across open plots to the rural landscape beyond, it detracts from the historic character and appearance of the conservation area. The Plough is described in the appraisal as a striking and attractive building of late Georgian or early Victorian origins and fitting

its rural context. It is built up to the front of the plot with the gap between it and neighbouring property to the south affording views across a car park to garden and mature trees. This reinforces the rural feel of the settlement. The site makes a positive contribution to the character and appearance of the conservation area.

Management proposals for the conservation area are included in the appraisal. Paragraph 10.6 states that the design of new buildings needs to observe closely the characteristics of the area and be guided by them; this applies particularly to the scale of development behind the frontages, which should always be subordinate.

The proposed accommodation block remains a substantial structure with a footprint rivalling that of the frontage building. Improvements have been made that simplify the design. The revised structure now accords with the traditional grain of development in the conservation area. Requested re-siting of the building closer to the frontage building to preserve the character and appearance of the conservation area. The revised plans show this re-siting of the building. Conditions requested.

Environment and Conservation (Landscape):

No objection raised to revised scheme subject to a method of works condition.

3.3 EXTERNAL

English Heritage - No comment. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

Ward Member, Councillor Aspden:

Local residents are sympathetic to the aims of local businesses, however, there are still grounds for objection which need to be addressed by the developer. These are:

- The building encroaches into the garden area at the rear and will break views through the gap in the frontage development, harming the character of the conservation area;
- The development harms the amenity of nearby neighbours due to its proximity;
- A tree survey must be carried out in order to assess the impact on the tall mature trees and smaller trees at the rear of the property.

Fulford Parish Council:

Despite being sympathetic to the aims of this local business and whilst appreciating the reduction in the footprint and height of the building, the Council objected to the initial submission on the following grounds:

- lack of tree survey;
- harm to the conservation area;
- unclear about sustainable design proposals;
- amenity of neighbours from extractor units.

However, it stated that, "If the building were relocated a little further to the east, within the curtilage of the car park, the Parish Council could support the application".

4.0 APPRAISAL

4.1 KEY ISSUES:

- principle of development;
- impact on conservation area;
- impact on trees;
- affect on neighbours;
- access, parking and highway safety;
- flood risk.

POLICY CONTEXT

4.2 Relevant Central Government policy is contained in Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Statement 5: Planning for the Historic Environment (PPS5). PPS1 encourages development that is sustainably located and is of good design that seeks to improve the character of an area and the way it functions. PPS5 outlines the national approach to heritage assets including designated conservation areas and seeks to protect such assets.

4.3 Relevant City of York Draft Local Plan policies are material to the consideration of this application and are summarised in section 2.2. In particular, policies V1 and V3 cover visitor related development and hotel accommodation and HE2, HE3 and HE11 deal with development within conservation areas and the protection of trees with amenity value within such areas.

PRINCIPLE OF DEVELOPMENT

4.4 Policy V1 supports visitor related development that is likely to improve the prosperity of the tourism industry and the City's economy providing there is no adverse impact on the reasonable use and enjoyment of adjacent buildings and land. Policy V3 relates specifically to new hotel accommodation and allows such proposals within defined settlement limits providing the proposal is compatible with its surroundings, does not result in the loss of residential accommodation, does not adversely affect the residential character of an area and is well related in terms of walking, cycling and public transport to the City Centre and other visitor attractions.

4.5 The application involves the construction of an annex building at the rear of an existing public house to provide a small number of letting bedrooms intended for visitors and tourists. The site is located within a mixed use area that is part of the main built up area of the City and falls within its defined settlement limit. The land is

currently used in connection with the public house as a patio for clientelle. The site is in a sustainable location, on a main arterial road (A19) into and out of the City Centre that is a main public transport route and close to existing local facilities and services. In light of the above, the proposal is considered to accord with policies V1 and V3, subject to consideration of the impact on surrounding land users.

CONSERVATION AREA

4.6 The Council's Conservation Officer raised concern with the original proposal because of its potential impact on the character and appearance of the conservation area. The design of the building has been simplified and now follows a linear plan form. It has been repositioned 1.4m further towards the public house and is now within the existing patio area. As such, it accords with the changes sought by the Conservation Officer and is now considered to preserve the character and appearance of the conservation area. Conditions on detailed design and materials are requested by the Conservation Officer. The proposal, therefore, complies with PPS5 and Local Plan policies HE2 and HE3.

TREES

4.7 A tree survey was carried out following submission of the application. As a result of the survey, the proposal has been amended so that the building would be located outside the root protection zone for the large mature Sycamore tree (Tree T7) that the tree survey highlighted as having high amenity value. This amendment has overcome the concerns of the Council's Landscape Architect. The proposal, therefore, accords with Local Plan policies NE1 and HE11, subject to a condition specifying tree protection measures.

RESIDENTIAL AMENITY

4.8 The building would be located adjacent to the northern site boundary and would run parallel to the private dwelling house to the north of the site, known as Sycamore House. Sycamore House is orientated east to west, with its rear elevation overlooking a substantial garden to the west of the plot. It has a single storey projection to its front elevation that appears to accommodate ancillary rooms and a garage, accessed from the courtyard to the north of them, which has windows in the elevation facing the site. The house is set back 3m approximately from the boundary with the application site and there is a high brick wall running along the boundary that is approximately 2m in height.

4.9 Whilst the proposed building would be longer than Sycamore House by about 2m at either end, it is to be a single storey structure with an eaves height in line with the boundary wall and with its roof sloping away from the boundary. No openings are proposed in the northern elevation and the only opening in the west facing elevation would be a pedestrian door to the plant room. There are five roof lights

proposed in the north facing roof slope, which would allow light in to the rear parts of the letting rooms where the dressing areas are proposed. These would be approximately 3m above head height and would not therefore erode the privacy of Sycamore House.

4.10 In light of the orientation of Sycamore House, its setback from the boundary, the height of the boundary wall and the design of the proposed building, the application would be unlikely to affect the reasonable enjoyment experienced by surrounding occupiers, in terms of privacy and loss of light. The private rear garden would not be affected by the proposal and the proposal would in fact internalise any noise and disturbance that the neighbouring residents may experience from use of the patio area.

4.11 There would be a sufficient separation distance between the proposed building and the properties fronting Main Street to the east and on Delwood to the south, so as not to adversely affect the amenities of the occupants of these properties. As a result, the proposal complies with Local Plan policies V1(e) and V3(c).

HIGHWAY CONSIDERATIONS

4.12 The proposal would occupy part of the existing patio area serving the public house, though would necessitate alterations to the car parking layout and a reduction in the number of parking spaces available. In light of the location of the site on a public transport corridor and within reach of residential areas and other local services, there is no objection to the reduction in parking spaces. The revised layout of the car parking area is considered to be acceptable. The car park would continue to be served by the existing access, which it is not possible to improve. However, any increase in traffic movements is envisaged to be negligible and would be unlikely to adversely affect highway safety. The Local Highway Authority does not object, but requests conditions be attached to any approval.

FLOOD RISK

4.13 A Flood Risk Assessment has been submitted to support the application. The Council's Flood Risk Management Team has been consulted and has raised no objections. A condition is requested regarding surface water drainage details. The proposal is considered to comply with PPS25 and Local Plan Policy GP15a.

5.0 CONCLUSION

5.1 The proposal involves the erection of an annex building offering visitor bedrooms to the rear of an existing public house within the defined settlement limit of the City. The site is located within a mixed use area on a busy arterial route into and out of the City Centre. It falls within the Fulford Village Conservation Area.

5.2 The proposal would accord with relevant national and local planning policy regarding visitor related development, impact on the character and appearance of the conservation area and impact on trees. It is considered that the proposal would not erode the enjoyment that surrounding residents can reasonably expect to enjoy in a built up area. There is no objection on highway safety or drainage grounds.

5.3 In light of the above, and as the proposal complies with national and local planning policy, the application is recommended for approval 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:-

Drawing no. 4665/403C dated 30.11.11 and received 6 Dec 2011;

Drawing no. 4665/401F 'Site Plan as Proposed' dated 30.11.11 and received 6 Dec 2011;

Drawing no. 4665/402E 'Elevations as Proposed' dated 30.11.11 and received 6 Dec 2011;

Drawing no. 4665/103B 'Tree Survey Drawing' dated 30.11.11 and received 6 Dec 2011;

Drawing no. 4475-300A 'Proposed Drainage Layout' dated 26.5.11 and received 28 Jun 2011;

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

3 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. Details to include:

- Construction detail of surface water below ground storage facility to accommodate no less than 15m³ of storage.

- Construction detail Hydro brake manhole restricting surface water discharge to 7.0 l/sec that being 70% of the existing run-off rate.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk) and City of York Council's Strategic Flood Risk Assessment 2011

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used, including materials for re-surfacing to the front of the block, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: In the interests of preserving the historic character of the conservation area.

INFORMATIVE: Please note that all windows and doors shall be constructed from timber and painted, in accordance with the approved drawing, no. 4665/402E.

5 HWAY18 Cycle parking details to be agreed -

6 HWAY19 Car and cycle parking laid out -

7 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- where contractors will park

- where materials will be stored within the site

- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains

- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

8 Trees shown to be retained shall be protected during the development of the site by the following measures. Prior to commencement on site, of clearance, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837: 2005 shall be erected

around all existing trees shown to be retained, and between the edge of the existing car park and the grassed area to the rear. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, or mechanical cultivation. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are within a conservation area and make a significant contribution to the amenity of the vicinity and development.

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 sustainability, tourism, conservation area, residential amenity, trees, highway safety and flood risk. As such the proposal complies with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 5: Planning for the Historic Environment and City of York Draft Local Plan GP1, GP4a, GP15a, HE2, HE3, HE11, NE1, V1 and V3 of the City of York Development Control Local Plan.

2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

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Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

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