

COMMITTEE REPORT

Date: 14 October 2010 **Ward:** Fulford
Team: Major and Commercial **Parish:** Fulford Parish Council
Team

Reference: 10/01659/FUL
Application at: Townends Accountants Harlington House 3 Main Street Fulford
York
For: Erection of one and a half storey pitched roof ancillary building
for use as a residential care home (revised application)
By: Milewood Healthcare Ltd
Application Type: Full Application
Target Date: 4 October 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 **SITE:** The application relates to land at the rear of 3 Main Street, Fulford, also known as Harlington House. It is currently occupied by a collection of structures, now vacant, but previously used for industrial purposes and a car parking area that serves these buildings and Harlington House. The frontage building lies within the Fulford Village Conservation Area, but the rear part of the site, within which the building is proposed, falls outside the Fulford Village Conservation Area.

1.2 **PROPOSAL:** The application involves the erection of a stand alone building in the area to the rear of the frontage building following demolition of the existing single storey buildings formerly in employment uses. The building would consist of a single storey building with a second floor within the roof space, accommodating 7 en-suite bedrooms over both floors and one communal living/kitchen area on each floor. Its occupation would be ancillary to the approved use of the frontage building as a care home falling within Use Class C2 (ref. 10/00178/FUL approved by this Committee in June 2010).

1.3 At the time the conversion of Harlington House was being considered by Committee, a related application for a similar stand-alone building to that now proposed was recommended for approval by officers, but was considered and refused by Committee (ref. 10/00519/FUL). This is the subject of an appeal lodged against the Council's refusal. The current submission represents a revised scheme. The building would be in a similar position within the site, of a similar design with a hipped roof incorporating conservation roof lights and provide the same accommodation requirements albeit with one less bedroom. The main changes are the reduced footprint, height and scale. Further amendments have recently been put tabled following a meeting with local residents - namely fencing at the end of the building and on the southern site boundary, handing of the layout and an increase in the turning space following the loss of one parking space.

1.4 A Design and Access Statement accompanies the application. A letter has also been received from the applicant confirming his intention to meet with local residents (29.9.10) and seeking to give assurances about the residents that would be accommodated within the care home.

1.5 HISTORY: An application proposing an alternative use for the site as a light industrial building accommodating three units (ref. 10/01657/OUT) has been withdrawn.

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:

CYHE10
Archaeology

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYGP1
Design

CYGP3
Planning against crime

CYSP6
Location strategy

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 previous contributors as well as internal and external consultees. The consultation period has expired.

3.2 INTERNAL

Highway Network Management

It is noted that this application is essentially a revised version of 10/519/FUL (refused) but with one less bedroom and reduced footprint and height. Accordingly the highways authority has no objections subject to conditions [covering parking] being attached.

Environment and Conservation (Conservation)

The revised scheme is an improvement in that the scale has been further reduced. Whilst the rooflights have been repositioned, consideration has been given only to the effect on neighbouring properties; design considerations and the effect on the character of the conservation area do not appear to have been considered. The number and alignment on two levels will draw attention to the detriment of the setting of Harlington House and the contribution the site makes to the character and appearance and setting of the conservation area. 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.

Environment and Conservation (Archaeology)

Require an archaeological watching brief on all groundworks as the site lies in an area which has produced significant prehistoric, Roman and medieval features and deposits.

York Consultancy (Drainage)

The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objections, as the proposed development represents a reduction in impermeable hard paved area and subsequent reduction in surface water run-off. Requests condition requiring proposed ground and finished floor levels.

Environmental Protection Unit

The site is further away from Fulford Road and will be protected from noise exposure by the presence of the main building. There is the potential that noise from this development may affect the amenity of neighbours. Therefore recommends condition re: deliveries and despatch and any installed equipment as well as an informative regarding contamination.

3.3 EXTERNAL

Conservation Areas Advisory Panel

The panel felt strongly that the rooflights should be reduced in number and only located on the inner roof pitch. The panel also felt that rooflights in a conservation area should be as inconspicuous as possible and not stand proud of the roof. The panel requests that any rooflights that are given permission should be conditioned as conservation rooflights.

Fulford Parish Council

Objects to the application:

- Land should be garden as approved under conversion of the frontage property and as such should be evaluated on basis of back-garden development thereby removing the presumption in favour of development;
- Security and crime at site as no clear separation of public and private space;
- Lack of amenity space for eighteen young people;
- Harm to conservation area due to over-development and relationship of new ancillary building to main house;
- Amenity of neighbours from noise disturbance and light pollution;
- Road safety to users of shared driveway with increased vehicular use of access;
- Possible that land contamination will be present;
- Lack of neighbour consultation.

Local residents

Eight letters have been received from residents of six residential properties and one business, raising objections on the following grounds:

- application does not differ from that refused with changes being token gesture;
- loss of garden area required through application to convert frontage building;
- loss of greenfield area as proposal constitutes garden grabbing;
- loss of neighbours' amenity, in terms of noise disturbance, light pollution and loss of light, privacy and views, from overbearing structure close to boundaries;
- lack of engagement with community;
- inadequate amenity space for future residents;
- inadequate parking and turning space;
- impact on conservation area from building that is no in keeping with its surroundings;

- building not DDA compliant;
- potential for change to type of care offered and number of residents catered for;
- security/safety for residents of no.1 from anti-social behaviour and in event of fire;
- detrimental effect on feeling of integrity and security of neighbourhood;
- sewage system could be compromised.

4.0 APPRAISAL

KEY ISSUES

- compatibility of use;
- residential amenity;
- visual amenity;
- heritage assets;
- nature conservation;
- access, parking and highway safety;
- drainage.

POLICY CONTEXT

4.1 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), Planning Policy Statement 9: Biodiversity and Geological Conservation 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. PPS9 seeks the protection of biodiversity. PPS25 outlines the approach to be taken in new developments to reduce flood risk.

4.2 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 and H17 relating to the provision of residential institutions.

APPRAISAL

4.3 The previous application for the stand-alone building (10/00519/FUL) was refused by Committee on the grounds that it constituted overdevelopment due to its size, massing, scale and proximity to boundaries, to the detriment of neighbours and future residents and the character and appearance of the conservation area.

4.4 The building is still proposed to be an ancillary block of accommodation to the approved care home at Harlington House and could be conditioned as such. The

compatibility of the proposed use of the site involving the loss of premises for employment uses has been accepted through the previous approval. The main issues are the additional implications of developing within the grounds of the frontage building and the impact this has on the surrounding area.

4.5 As with the previous application, the design of the proposed building is unexceptional. However, it would not draw attention away from the main frontage property and would be viewed against the backdrop of other lower level more modern properties that surround the site. The Conservation Officer considers the revised scheme to be an improvement due to its reduced scale, though raises concerns about the number and alignment of roof lights. Revised plans have been received that show a reduction in the number of openings in the roof.

4.6 Likewise, whilst the building would still be closer to the surrounding residential properties than the existing employment buildings, it has been designed to minimise any impact on the amenity of adjacent occupiers. The revised proposal reduces the height of the building and pulls it slightly further back from the southern boundary (by approx. 700mm). A fence is proposed along the southern boundary for the section where there is currently a fence. 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 enclosures, it is considered that the building would not cause any significant overshadowing of the surrounding properties.

4.7 Harlington House would be a managed facility with an area of amenity space that would serve the two buildings. This is enclosed between the buildings and by the existing boundary enclosure with Adams House to the south and a proposed new wall to the north. Although significantly smaller than that allowed under the approved application for Harlington House, this is considered by the applicant to be sufficient for the purposes of the future residents of the site. Its location away from boundaries with dwelling houses and presence of boundary enclosures would minimise the potential for erosion of their amenity.

4.8 Ten parking spaces are proposed to serve the two related buildings, which is considered to be an acceptable provision. 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. The Council's Highway Officer has not objected to the scheme.

4.9 Conditions are requested by the Council's Countryside Officer, Tree Officer, Archaeologist, Environmental Health Officer and Drainage Engineer to address issues relating to the potential presence of bats, an adjacent tree in the grounds of 5 Main Street, archaeological deposits, times of deliveries and noise from plant and machinery, and land levels.

5.0 CONCLUSION

5.1 Given that the revised application represents a reduction on that previously recommended for approval by officers, a favourable recommendation has also been made in this case. Therefore, on balance, the proposal to provide an ancillary

building in association with the operation of the approved care home at Harlington House, is considered to be acceptable subject to conditions.

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. MIL/221/02/003 rev.B 'Proposed Plans' and MIL/221/02/004 rev.B 'Proposed Context Elevations', dated 30.9.10 and received 30 September 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;

Full details of 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 ARCH2 Watching brief required
- 9 HWAY19 Car and cycle parking laid out
- 10 HWAY21 Internal turning areas to be provided
- 11 NOISE7 Restricted hours of construction

12 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed metres, as measured from existing ground level. Before any works commence on the site, cross sectional drawings showing details of ground levels on the site and finished floor levels of the building shall be submitted and approved by the Local Planning Authority. A means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period. There shall be no raising of land levels.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area and in the interests of reducing flood risk to neighbouring properties.

13 Details of any external lighting for the building and site shall be submitted to and approved in writing by the Local Planning Authority prior to being installed. The development shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.

14 All deliveries to and despatch from the site shall be confined to the following hours: Monday to Friday 0800 to 1800; Saturday 0900 to 1800; and not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents from noise.

15 NOISE7 Restricted hours of construction

16 Details of all machinery, plant and equipment to be installed in or located on the site as part of the use hereby permitted, which is audible outside the site boundary when in use, shall be submitted to and approved in writing by the local planning authority. These details shall include maximum (L_{Amax}) and average sound levels (L_{Aeq}), octave band noise levels, the position of plant, equipment and machinery and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed first use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents and occupants of the development during operation of any noise emitting machinery, plant and equipment.

17 Before the commencement of any construction works, the importing of materials, any excavations, installation of utilities, and building operations, a method statement regarding protection measures for the existing Yew tree within the rear area of 5 Main Street and adjacent to the site boundary shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing, phasing of works, site access during demolition/construction, type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for materials storage, location of site cabin.

Reason: To protect an existing tree which is protected by virtue of its location with the Fulford Conservation Area and which is considered to make a significant contribution to the amenity of the vicinity.

18 Before any building or demolition works commence on site, a construction management scheme to maintain access to 1 Main Street and to ensure public safety throughout the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of residential amenity and public safety.

19 Details of a means of enclosure to the boundaries of the rear amenity area shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved commences. The details shall include the boundary treatment separating and securing the amenity space from the shared driveway and car parking area as well as the continuation of the built enclosure along the southern boundary.

Reason: In the interests of the residential amenities of the existing residents surrounding the site and the future residents of the building.

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;
- affect on residential amenity;
- impact on visual amenity;
- affect on heritage assets;
- nature conservation;
- access, parking and highway safety;
- drainage issues and flood risk.

As such the proposal complies with Central Government Guidance contained in Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 3: Housing, Planning Policy Statement 5: Planning for the Historic Environment, Planning Policy Statement 9: Biodiversity and Planning Policy Statement 25: Development and Flood Risk and Policies SP6, GP1, GP4A, GP9, GP15A, HE2, HE10, NE1, NE6, NE7, H17 and E3B of the City of York Development Control Local Plan.

2. INFORMATIVE:

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the Council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme of remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

3. The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

i) 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".

ii) 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.

iii) 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.

iv) 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.

v) There shall be no bonfires on the site."

Contact details:

Author: Hannah Blackburn Development Management Officer

Tel No: 01904 551325