



# YEW TREE ASSOCIATES

LAND, TOWN PLANNING &  
DEVELOPMENT CONSULTANTS

## **DESIGN, ACCESS & SUPPORTING PLANNING STATEMENT (INCLUDING FLOOD RISK)**



### **PROPOSED CHANGE OF USE OF A PROPERTY FROM GUEST HOUSE (C1) TO RESIDENTIAL TO FORM 7 NO FLATS (C3) AT YORK PRIORY GUEST HOUSE**

**126-128 FULFORD ROAD**

**YORK**

**YO10 4BE**

**FOR MS E JACKSON**

**31<sup>st</sup> July 2018**

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# **Contents**

**1.0 Introduction**

**2.0 Site Description and Background**

**3.0 The Application Proposal**

**4.0 Planning Policy Context**

**5.0 Key Issues**

**6.0 Design and Access Assessment**

**7.0 Conclusion**

## 1.0 Introduction

- 1.1 This statement is prepared to support a planning application for the proposed change of use from a guest house (C1) to residential (7 No Flats) (C3) and is generally in accordance with the requirements set out by DCLG Circular 01/2006 – Section 3. The appraisal will follow the process advocated by the CABE Guide to good practice.

## 2.0 Site Location and Description

- 2.1 The site is located on the west side of Fulford Road, York. (See Fig. 1 below). The property comprises a guest house which was built as a Grand Victorian End Terrace, for a private residence, that was converted into a hotel in the 1930s by the present owner's grandmother. Currently the property has accommodation of 16 letting bedrooms with parking for approximately 14 cars, together with the owner's accommodation.



## 3.0 The Planning Application Proposal

- 3.1 The Application seeks to change the use of a property currently used as a guest house (C1) to a residential to form 7 No Flats (C3) for the Applicant Liz Jackson. The application is accompanied by drawings TYP/TS/250 Topographical Survey, YPG01A - Existing and Proposed Layouts 7No Flats York Priory Guest House Fulford York YPG 01B, Location Plan COU York Priory Guest House Fulford York YPG03C and Site and Block Plan YPG05D.
- 3.2 There is to be limited internal alterations and very limited demolition of part of the rear elevation of the building as part of the proposals.

## 4.0 Planning Policy Context

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the

Planning Acts the determination must be, made in accordance with the plan unless material considerations indicate otherwise".

The current status of National, Regional and Local Policy is therefore as follows.

4.2. City of York Local Plan

There is no development plan in York other than the saved policies of the Regional Spatial Strategy (the Yorkshire and Humber Plan) relating to the general extent of the Green Belt. The site is not within the general extent of the Green Belt. Although there is no formally adopted local plan the Development Control Local Plan was approved for development management purposes in April 2005. It does not form part of the statutory development plan for the purposes of s.38(6) and its policies carry very limited weight:

4.2 The City of York Local Plan - Publication Draft (February 2018)

The City of York Local Plan - Publication Draft (February 2018) was submitted for examination on 25 May 2018. However, the Inspectors have issued an initial response which sets out their concerns over a number of aspects of the plan to which they require clarification. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.3 National Guidance and Policy

On the 24th July 2018 the Government published a revised National Planning Policy Framework (NPPF) which replaced the earlier version of March 2012 and provides the national guidance on planning.

4.4 The principle planning documents are therefore:-

National Planning Policy Framework 2018  
City of York Local Plan  
City of York Local Plan - Publication Draft (February 2018)

To take each in turn:-

4.4.1 National Planning Policy Framework

The relevant paragraphs are:

Paragraph 10 and 11 Presumption in Favour of Sustainable Development

Paragraphs 38 & 47 Decision-Taking

Paragraphs 59 Delivering a Sufficient Supply of Homes

Paragraph 108 Promoting Sustainable Transport

Paragraphs 124 & 127 Requiring Good Design

Paragraphs 150 & 155 Meeting the Challenge of Climate Change, Flooding and Coastal Change

Paragraphs 170 - 177 Conserving and Enhancing the Natural Environment

4.4.2 City of York Local Plan

The relevant policies are:-

Policy GP1 Design

Policy HE2 Development in Historic Locations

Policy HE3 Conservation Areas

4.4.3 City of York Local Plan - Publication Draft (February 2018)

The relevant policies are:-

Policy DP2 (Sustainable Development)

Policy DP4 (Approach to Development Management)

Policy D1 (Placemaking)

Policy ENV4 (Flood Risk)



## 5.0 Key Issues

The key issues to be considered are as follows:-

- 5.1
  - Sustainable Development
  - Principle of Development
  - Impact on the Character of the Conservation Area
  - Impact on Neighbouring Properties
  - Traffic
  - Sustainability

To take each in turn

### 5.1.1 Sustainable Development

#### 5.1.1.1 NPPF at paragraph 11 states:-

*'The presumption in favour of sustainable development*

*11. Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision-taking this means:*

*..... c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

(Our emphasis)

#### 5.1.1.2 Policy DP2 : Sustainable Development of the City of York Local Plan - Publication Draft (February 2018) states:-

*'Development should be consistent with the principles below. They will be applied in the consideration of all development proposals and underpin the subsequent sections of the plan.*

*i. Development will help Create a Prosperous City for All through:*

- supporting strategic employment locations and ensuring employment land for the development period is provided;
- safeguarding and enhancing the established retail hierarchy, the city centre, district, local and neighbourhood centres, while ensuring out of centre retailing is controlled;
- protect and enhance the visitor economy through supporting existing facilities promoting new development and encouraging improved infrastructure.

*ii. Development will help Provide Good Quality Homes and Opportunities through:*

- addressing the housing and community needs of York's current and future population; and

- facilitating the provision of sufficient preschool, primary and secondary education and supporting further and higher education.

*iii. Development will help Conserve and Enhance the Environment through:*

- conserving, and where appropriate enhancing, those elements which contribute to the special character and setting of the historic City by ensuring that development is in acceptable locations and of the highest standards in terms of urban design and detailing;

- conserving and enhancing York's Green Infrastructure, including biodiversity, whilst promoting accessibility to encourage opportunities for sport and recreation;

- *reducing flood risk by ensuring that new development is not subject to or does not contribute to flooding;*
  - *maintaining water quality in the River Ouse, River Derwent and River Foss;*
  - *remediation of polluted land/ groundwater or the protection of groundwater;*
  - *ensuring sustainable design techniques are incorporated in new developments and maximise the generation and use of low carbon/renewable energy resources;*
  - *improving air quality and limit environmental nuisance including noise, vibration, light, dust, odour, fumes and emissions, from development;*
  - *reducing waste levels through the reducing, reusing and recycling hierarchy, and ensure appropriate sites for waste management are provided; and*
  - *safeguarding natural mineral resources and maximise the production and use of secondary aggregates.*
- iv. Development will help Ensure Efficient and Affordable Transport Links through:*
- *delivering a fundamental shift in travel by prioritising and improving strategic public transport, cycle and pedestrian networks and managing travel demand and modal choice; and*
  - *improving the strategic highway network capacity whilst protecting residential areas, including safeguarding routes and sites.'*

(Our emphasis)

5.1.1.3 Policy DP4 of the City of York Local Plan - Publication Draft (February 2018) states:-

*'Policy DP4 : Approach to Development Management*

*When considering future development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work proactively with applicants jointly to find solutions, which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (and, where they are in place, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether*

- *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *specific policies in that Framework indicate that development should be restricted.*

5.1.1.4 We submit that the proposal meets the requirements of Policy DP2 and DP4 of the City of York Local Plan - Publication Draft (February 2018) and the advice in NPPF.

## 5.1.2 Principle of Development

5.1.2.1 In the light of Policies DP2 and DP4 of the City of York Local Plan - Publication Draft (February 2018) and paragraph 11 of the NPPF as set out above and that the site is in a sustainable location within the settlement limit of Fulford, we submit that the principle of the use of the site for housing is acceptable.

## 5.1.3 Impact on the Character of the Conservation Area

5.1.3.1 Policy D1 Placemaking of the City of York Local Plan- Publication Draft (February 2018) states:-

*'Policy D1 : Placemaking*

*Development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the*

*significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Development proposals should adhere to the following detailed design points:*

*i. Urban Structure and Grain*

- enhance, respect and complement the historic arrangement of street blocks, plots and buildings, where possible restoring old patterns of urban grain where these have been damaged or obscured.*
- enhance and complement the character and appearance of landscape, city parks, landforms, open space, planting and boundary treatment.*

*ii. Density and Massing*

- demonstrate that the resultant density of a development proposal will be appropriate for its proposed use and neighbouring context.*
- demonstrate that the combined effect of development does not dominate other buildings and spaces, paying particular attention to adjacent buildings or parks of architectural or historic significance.*

*iii. Streets and Spaces*

- promote ease of public pedestrian and cyclist movement and establish natural patterns of connectivity with the fabric of the city. Spaces and routes must be attractive, safe, and uncluttered and clearly prioritise pedestrians and cyclists over vehicles.*
- promote legibility through development by providing recognisable routes, hierarchy of routes, intersections, incidental spaces and landmarks.*
- are designed to improve the quality of the public realm and the wider environment for all.*
- provide a pattern of continuity and enclosure, dependant on circumstances, to reflect the need for different types of space for different types of activity including clearly defining private from public space, and mediate between the two.*
- designed to reduce crime and the fear of crime and promote public safety throughout the day and night.*

*iv. Building Heights and Views*

- respect York's skyline by ensuring that development does not challenge the visual dominance of the Minster or the city centre roofscape.*
- respect and enhance views of landmark buildings and important vistas.*

*v. Character and Design Standards*

- ensure proposals are not a pale imitation of past architectural styles.*
- ensure appropriate building materials are used.*
- meet the highest standards of accessibility and inclusion.*
- demonstrate the use of best practice in contemporary urban design and place making.*
- integrate car parking and servicing within the design of development so as not to dominate the street scene.*
- create active frontages to public streets, spaces and waterways.*
- create buildings and spaces that are fit for purpose but are also adaptable to respond to change.*
- create places that feel true to their intended purpose.*
- maximise sustainability potential.'*

5.1.3.2 and Policy HE3: Conservation Areas of the City of York Local Plan states:-

*'Policy HE3*

*Within conservation areas, proposals for the following types of development will only be permitted where there is no adverse effect on the character and appearance of the area:*

- demolition of a building (whether listed or not);*
- external alterations;*
- changes of use which are likely to generate environmental or traffic problems.*

*Applications for development in conservation areas will only be considered if full design details are included.*

5.1.3.2 The proposals are simply to change the use of the building with limited internal alterations and only very limited demolition on the rear of the building.

5.1.3.3 We submit therefore that the requirements of Policy D1 Placemaking of the City of York Local Plan- Publication Draft (February 2018) and Policy HE3 'Conservation Areas' of the City of York Local Plan are met.

### 5.1.3 Impact on Neighbouring Properties

5.1.3.1 Policy GP1 Design of the City of York Local Plan states:-

*'GP1 : Design*

*Development proposals will be expected to :*

*a) respect or enhance the local environment;*

*b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials;*

*c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment;*

*d) where appropriate incorporate informative landscapes design proposals, where these would clearly have an influence on the quality and amenity and/or ecological value of the development;*

*e) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view;*

*f) design outdoor lighting schemes, which are energy efficient and provide the minimum lighting level required for security and working purposes, taking into account any adverse impact on residential amenity, the character of the area and night sky illumination and ecological systems;*

*g) provide and protect private, individual or communal amenity space for residential and commercial developments;*

*h) provide individual or communal storage space for waste recycling and litter collection;*

*i) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures;*

*j) accord with sustainable design principles (GP4a) and incorporate the principles of the Building for Life Standard as a fundamental part of the design;*

*k) provide disabled toilets/parent baby changing facilities in public, non residential buildings;*

*l) Where opportunities exist, new open space/landscape treatment should be incorporated to close gaps between green corridors and take account of ecological principles through habitat restoration/creation.'*

5.1.3.2 The proposals are to change the use of the building with limited internal and external demolition to the rear of the building to form 7 No Flats. There are residential properties adjoining the application property, however, we submit that as there is likely to be reduction in the number of persons occupying the application property as a result of the change of use will be reduced and as such there will be a lesser impact on the adjacent dwellings than currently. As such we submit that the requirements of Policy GP1 'Design' of the City of York Local Plan are met.



#### 5.1.4 Traffic

5.1.4.1 The property currently has accommodation for approximately 14 cars which serves 16 bedrooms together with the owner's accommodation. Revised proposals for 7 No. car parking spaces to serve the proposed flats are shown on the Site Plan and Block Plan submitted with the application. In addition, we submit that the future occupants will have access to public transport or private car and in both cases there are sufficient public transport services and car parking to meet their requirements.

5.1.4.2 As such, we submit that there will be no impact on the local highway network.

### **6.0 Design and Access Assessment**

#### 6.1 Use

6.1.1 The existing building is currently in use as a 16 bedroom guest house and it is the intention to change the use to a residential to form 7No flats.

#### 6.2 Amount

6.2.1 The proposed use comprises various rooms on three floors.

#### 6.3 Layout

6.3.1 The proposed internal layout of the premises will be altered to provide 7 No Flats and is considered appropriate for its intended use and as such is considered acceptable from a planning standpoint.

#### 6.4 Scale

6.4.1 The change of use is to take place within an existing building and as such the scale is considered to be appropriate.

#### 6.5 Appearance

6.5.1 There will be limited internal and very limited external alterations to the building as part of the change of use.

#### 6.6 Flooding

6.6.1 The site lies within Flood Zone 1 and is not considered at risk from flooding and as such no Flood Risk Assessment is required.

### **7.0 Conclusions**

7.1 In conclusion, we believe that we have provided a substantive case through not only Central Government's most recent planning policy statements, but also the Council's own planning policies and we respectfully submit that the proposal is acceptable in all respects and should receive the support of the local planning authority.

31<sup>st</sup> July 2018  
YEW TREE ASSOCIATES