



West Offices
Station Rise
York
YO1 6GA

Application for Removal or Variation of a Condition following Grant of Planning Permission or
Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation
Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

1 Nelsons Yard

Address Line 1

Dennis Street

Address Line 2

Address Line 3

York

Town/city

York

Postcode

YO1 9AA

Description of site location must be completed if postcode is not known:

Easting (x)

460656

Northing (y)

451574

Description

No's 1-4 Nelson's Yard.

Applicant Details

Name/Company

Title

Mr

First name

Paul

Surname

Ellison

Company Name

Address

Address line 1

1 Nelsons Yard

Address line 2

Dennis Street

Address line 3

Town/City

York

County

Country

Postcode

YO1 9AA

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

First name

Surname

Company Name

Address

Address line 1

Address line 2

Address line 3

Town/City

County

Country

Postcode

YO30 4GR

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Erection of 6no. dwellings following demolition of 29C Walmgate and conversion of 31 Walmgate to 2no. dwellings

Reference number

14/00590/FUL

Date of decision (date must be pre-application submission)

21/07/2014

Please state the condition number(s) to which this application relates

Condition number(s)

Condition 8

Has the development already started?

Yes

No

If Yes, please state when the development was started (date must be pre-application submission)

02/11/2015

Has the development been completed?

Yes

No

If Yes, please state when the development was completed (date must be pre-application submission)

29/08/2017

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

To allow existing and future residents of no's 1-4 Nelson's Yard unrestricted occupation and enjoyment of their properties.

The part of Condition 8 that prevents sleeping accommodation being located at the ground floor of properties at 1-4 Nelson's Yard is not justified in flood risk terms on the basis of FRA ref. 24042-DCE-XX-XX-T-C-001-P02, and it is neither necessary nor reasonable for this restriction to be imposed.

The current wording of the condition therefore does not meet the tests for use of conditions as contained in Paragraph 56 of the NPPF, and the restriction can be omitted without undermining the underlying objectives and reason for Condition 8, which is "to ensure the development is reasonably safe from flooding and does not increase flood risk elsewhere".

If you wish the existing condition to be changed, please state how you wish the condition to be varied

- There shall be no sleeping accommodation located at ground floor level, except at 1-4 Nelson's Yard in accordance with FRA ref. 24042-DCE-XX-XX-T-C-001-P02

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
 No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
 The applicant
 Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
 No

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

- Yes
 No

Can you give appropriate notice to all the other owners/agricultural tenants? (Select 'Yes' if there are no other owners/agricultural tenants)

- Yes
 No

Certificate Of Ownership - Certificate B

I certify/ The applicant certifies that:

- I have/The applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates; or
- The applicant is the sole owner of all the land or buildings to which this application relates and there are no other owners* and/or agricultural tenants**.

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990

Name of Owner/Agricultural Tenant:

***** REDACTED *****

House name:

Number:

2

Suffix:

Address line 1:

Nelson's Yard

Address Line 2:

Town/City:

York

Postcode:

YO19AA

Date notice served (DD/MM/YYYY):

28/03/2024

Person Family Name:

Name of Owner/Agricultural Tenant:

***** REDACTED *****

House name:

Number:

3

Suffix:

Address line 1:

Nelson's Yard

Address Line 2:

Town/City:

York

Postcode:

YO1 9AA

Date notice served (DD/MM/YYYY):

28/03/2024

Person Family Name:

Name of Owner/Agricultural Tenant:

***** REDACTED *****

House name:

Number:

4

Suffix:

Address line 1:

4 Nelson's Yard

Address Line 2:

Town/City:

York

Postcode:

YO1 9AA

Date notice served (DD/MM/YYYY):

28/03/2024

Person Family Name:

Person Role

- The Applicant
 The Agent

Title

First Name

Surname

Declaration Date

Declaration made

Declaration

I/We hereby apply for Removal/Variation of a condition as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Date