

1.3 The application under consideration is a similar scheme to the previous applications, but now retains the ground floor and basement area of the existing nightclub use. As with the previous proposal the ground floor retail (Class E) within no.27 and 29 George Hudson Street would be retained within that use class.

1.4 The proposal includes a parallel Listed building application (ref: 22/01719/LBC).

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). Its planning policies are a material consideration in the determination of planning applications. The policy in Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Draft Local Plan 2018

2.2 Section 38(6) of the Act requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The Draft Local Plan 2018 was submitted for examination in 2018, Hearing Sessions have taken place and the examination is on-going. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

2.3 Key relevant policies of the Plan are -

D1 Placemaking

D4 Conservation Areas

D5 Listed Buildings

D6 Archaeology

D11 Extensions and Alterations to Existing Buildings

SS3 York City Centre

D3 Cultural Provisions

EC4 Tourism

ENV2: Managing Environmental Quality

T1 Sustainable Transport

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development – Conservation Officer

3.1. Officers request the same conditions as the previous application.

Design, Conservation and Sustainable Development – City Archaeologist

3.2. Officers request the same conditions as the previous application.

Public Protection

Noise

3.3 The proposed site is a conversion to residential accommodation within a commercial area of the centre of York. As such there are various noise sources that need to be taken into account to ensure that the existing noise levels do not adversely impact on the future occupants of the dwellings.

3.4 The applicant has provided an Apex Acoustics Noise Impact Assessment ref 11251.1 dated 3rd January 2024. This assessment considers external noise impact on the residential development, internal sound insulation and plant noise impact. The methodology of the assessment is suitable and the noise mitigation measures are accepted. Conditions are recommended in line with the proposed noise mitigation measures as stated within the Apex Acoustics Assessment.

Odour

3.5 The proposed A3 use will need to be designed to ensure that odour from the odour extraction system does not cause any adverse impact to the future residents of the dwellings.

Construction

3.6 The development will also involve some demolition works on each floor and construction works therefore controls should be put in place at the demolition and construction phases to minimise noise, vibration and dust emissions.

Air Quality

3.4 The development is located within the Air Quality Management Area (AQMA), based on exceedances of the health based annual mean nitrogen dioxide

objective. Public Protection undertake monitoring of nitrogen dioxide directly outside the proposed development on George Hudson Street and this has indicated that levels of nitrogen dioxide in this area are currently well above the health based annual mean objective of 40ug/m³.

3.5 Regarding the facades of 23 and 25 Tanner Row, whilst concentrations of nitrogen dioxide are likely to fall off slightly compared with the George Hudson Street elevation, in the absence of site specific monitoring, Public Protection would recommend a precautionary approach with respect to mitigation.

3.6 With respect to mitigating exposure to pollution, City of York Council is obliged to consider 'relevant locations', that is, locations where members of the public are likely to be 'regularly exposed' to pollution. With respect to the annual mean objective for nitrogen dioxide, building facades of residential properties would be considered relevant locations, but hotels would not be considered relevant locations (ref: DEFRA Guidance LAQM.TG16). It is understood that the planning use class of the proposed development of serviced apartments is 'C3'. The comments below are provided on the basis that these apartments could become standard residential dwellings in the future without additional permission.

3.7 City of York Council's existing monitoring is undertaken at approximately 3m above ground floor level. Whilst it is generally acknowledged that pollutant concentrations may fall off with height, it is considered that there is still the possibility of the annual mean nitrogen dioxide objective being breached at the first and second floor levels at the proposed development. Public Protection recommends that measures to reduce exposure of future residents of the apartments are implemented for all habitable rooms (living areas and bedrooms) up to and including second floor level to both the George Hudson Street and Tanner Row Facades.

3.8 To minimise ingress of pollutants into the building and potential exposure of occupants of the accommodation to poor air quality, it is recommended that a ventilation strategy is provided for any habitable room (bedroom / living area) facing onto George Hudson Street / Tanner Row up to and including second floor level.

EXTERNAL

Micklegate Planning Panel

3.9 No response

Historic England

3.10 No response

York Civic Trust

3.11 No response

4.0 REPRESENTATIONS

Ward Councillors Crawshaw and Kilbane

4.1 Please ensure that Local Plan Policy D3 - protecting cultural venues - is correctly applied and afforded appropriate weight. We have previously established that nightclubs and music venues are to be considered cultural facilities and therefore sufficient mitigation and/or alternative space must be provided if their loss/curtailment is to be considered acceptable.

5.0 APPRAISAL

5.1 The key issues for consideration are:

- The principle of the proposed uses
- Impact upon heritage assets
- Amenity of existing and future occupants
- Highways and Servicing of the premises
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PRINCIPLE OF THE SERVICED APARTMENT USE AND THE PART LOSS OF THE EXISTING NIGHT CLUB

5.2 The application site is located within the City Centre as designated in the draft local plan. Policy SS3 states that York City Centre is the economic, social, and cultural heart of York and that it is vital to the character and future economic success of the wider city. It will be the principal location for the delivery of economic growth in the tourism, leisure and cultural sectors.

5.3 Policy SS3 goes on to state that Hotels (C1) are an acceptable development type within the City Centre. Change of use of existing leisure, entertainment and cultural uses will be resisted.

5.4 Policy EC4 states that tourism in York will contribute to a diverse economy. The policy supports improving the choice and quality of visitor accommodation to encourage overnight stays. The explanation to the policy states that tourism developments should be directed towards the city centre. Further, the city centre is a sustainable location which is accessible by a range of transport modes. The policy is considered to have moderate weight.

5.5 Policy D3 "Cultural Provision" references that cultural well-being is identified as one of the twelve core planning principles underpinning decision-making in the National Planning Policy Framework. Development proposals will be supported where they are designed to sustain, enhance, and add value to the special qualities and significance of York's cultural character, assets, capacity, activities, and opportunities for access. Development proposals will be supported where they do not cause the loss of venues or spaces that deliver cultural opportunities, activities, or services.

Serviced Apartments

5.6 The proposals will provide 17no. serviced apartments, which will increase the number of city centre holiday lettings. It is understood the accommodation will be managed in a similar way to a hotel in so far it there will be some supervision by an “in house” management/facilities team. The use is considered to be within the C1 (Hotels) use class rather than the C3 (Dwellinghouses) use class. As with the previous application, the applicant has indicated that they envisage the use would likely require 5-6 full time employees covering functions such as reception staff, housekeeping, and back office/administrative functions. Further employment will be generated by periodic maintenance. This would make a modest contribution towards economic development. The apartments are predominately laid out with between one and two bedrooms, with open plan living dining and separate bathroom, 2no three-bedroom duplex apartments will be laid out above the shops on George Hudson Street. The serviced apartments are considered to be in accordance with policy EC4.

Impact upon Cultural Venues

5.7 The proposal has been amended since its submission and now proposes to retain a smaller nightclub use at basement and ground floor levels. The application states that “the existing nightclub has capacity for around 800 persons with 500 being accommodated at ground floor level and 300 persons upstairs, thus with the closure of the first floor the capacity will be reduced to 500 persons. Originally the nightclub used to be open 5/6 nights a week but, after the government allowed bars to have late licenses there has been a steady decline. The dynamic of York has also changed considerably with many premises over the river been granted alcohol licences in the addition to late licenses, this in turn has diluted the customer base in the Rougier street area.”

“The owners tried to respond to the decline with cheap drink nights to try and keep the customers and eventually turned to attract a student customer base. This has been quite successful, however the expected cheap drinks eat into profit margins. The club charges approximately half the price of drinks elsewhere.”

“At present the club opens Wednesday, Friday and Saturday during term time, which equates to Wednesdays and Fridays for 26 weeks of the year and Saturdays for 50 weeks of the year, although out of term time the Saturdays are very much less busy and at Christmas they do not open at all. Most nights the first floor is closed off after a certain time and sometimes it doesn’t even get opened up. Therefore, having just one floor would make it more viable and have little impact on the club itself.”

5.8 When planning permission was granted for the previous application in 2019, policy D3 was considered to have limited weight in the decision making process. The policy is now considered to have moderate weight. SS3 is also considered to have moderate weight. Both policies resist the loss of venues and cultural facilities. Consideration has been given to the applicant’s justification for the part change of

use. The proposal will provide continued use for a smaller night-club, which, it appears would provide for a more viable venue retaining in part the existing use of the site providing for cultural social opportunities and late-night activity in a street with a predominantly night-time character with late-night opening restaurants and bars. The night club use will retain employment opportunities. The partial loss of the night club venue would be contrary to D3 and SS3 and this has been considered in the planning balance. The serviced apartments are considered acceptable in principle and would improve the choice of visitor accommodation in the city centre. On balance the loss of night club floorspace, while contrary to policy D3, would appear to create an opportunity with a smaller more viable night club use concentrated on the ground floor.

IMPACT ON DESIGNATED HERITAGE ASSETS

5.9 The application site is located within the Central Historic Core Conservation Area and part of the application site (No.27, 29 and 31 George Hudson Street) is designated as a Grade II Listed Building. There has been no material change in planning policy or site circumstances with respect to impact on the Conservation Area and Heritage Assets since the grant of the previous planning permission.

5.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 places a statutory duty on local planning authorities, when determining applications within conservation areas, to consider the desirability of preserving or enhancing the character and appearance of the area.

5.11 Paragraph 195 of NPPF states that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 201 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.12 Paragraph 205 of NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset the greater the weight should be) irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 208 goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed

against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Character and Appearance of the Conservation Area

5.13 Draft Policy D4 (Conservation Areas) states that proposals will be supported where they:

- i. are designed to preserve or enhance those elements which contribute to the character and appearance of the Conservation Area;
- ii. would enhance or better its significance or would help secure a sustainable future for a building; and;
- iii. safeguard important views guided by existing evidence, including in the York.

5.14 Draft policy D11 states that proposals to extend, alter or add to existing buildings will be supported where the design:

- responds positively to its immediate architectural context and local character and history, in terms of the use of materials and detailing, scale, proportion, landscape design and the space between buildings;
- sustains the significance of a heritage asset and/or its setting and the character and appearance of conservation areas;
- positively contributes to the setting, wider townscape, landscape and views.

5.15 The Central Historic Core Conservation Area in the vicinity of the proposal is characterised by a mix of shop units with living accommodation above with larger grander formally residential properties dating from the late 18th Century onwards stretching back from the property frontages at a high density. The application site is situated adjacent to a main vehicle and pedestrian route with a mix of small scale retail, food and drink and leisure uses. Directly to the north the pattern, density and scale of buildings increases with a number of office developments and a hotel dating from the 20th Century. The site is within the Micklegate Character Area as set out in the Central Historic Core Conservation Area Appraisal. The Appraisal states that commercial buildings occur on a large scale mainly on George Hudson Street. The building facades are long and continuous with strong horizontal lines creating a well enclosed street.

5.17 The proposed development will result in the introduction of a third and fourth floor to No.23 Tanner Row. The accommodation at fourth floor level will be provided within the roof structure of the building. The provision of these additional floors will reinstate floor levels which were previously removed (believed to be in the 1960s). This would restore the proportions of the building to a level similar to those when the building was in use a hotel.

5.18 The ground floor frontage to No.25 would remain as it is at present. As a result the existing clear distinction between the ground floor commercial premises and more traditional upper floors will be retained.

5.19 The proposals would not harm the character and appearance of the conservation area and are considered to be in accordance with the NPPF and policy D4 and D11 of the Draft Local Plan.

Special Interest of the Listed Buildings

5.20 Nos 27, 29 and 31 George Hudson Street are three houses with shops dating from circa 1860 listed at Grade II for their Group Value. Draft policy D5 states that changes of use of listed buildings will be supported where it has been demonstrated that the proposed new use would not harm its significance. Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.

5.21 The significance of the listed buildings is as houses with shops, c1860, their special interest deriving from the historic interest of the buildings embodied in the surviving 19th century fabric and their aesthetic, design interest. There are no substantive alterations to the basement floor of the listed buildings. On the ground floor of 31, a modern opening in the rear wall would be in-filled and rear portion of this floor would be partitioned off to form a refuse area. This floor has been gutted and consequently introducing the partition does not harm the significance of the building, and closing off the modern opening in effect reinstates the original form. On the first and second floors, only minor changes to some kitchen and bathroom layouts are indicated. On the third floor of No's 27 and 31, partitions would be inserted to form a lobby for fire separation and to provide bathrooms.

5.22 The alterations would not result in any harm to the significance of the assets, providing the routing of services and ventilation can be handled sensitively (precluding venting through the front elevation or roof slope). The proposed alterations result in no harm to the significance of the listed buildings, preserving their character and their setting. The proposals are considered to be in accordance with the NPPF and policy D5 of the Draft Local Plan.

AMENITY

5.23 In Paragraph 135(f) of the NPPF seeks to achieve a good standard of amenity for all existing and future occupants. DLP policies D1 and D11 seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.24 In terms of amenity, the area around the site mainly serves as night economy uses, with late night opening hours. In this context, being a busy street where there

are a mix of uses, normal comings and goings from the serviced apartment use should not result in such harm to any adjacent neighbours.

5.25 Policy ENV2: “Managing Environmental Quality” of the Publication Draft Local Plan states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust, and light pollution without effective mitigation measures. NPPF paragraph 193 states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

5.26 Harm was acknowledged to amenity for future occupants of the serviced apartments due to the location of the proposed development and the nature of the proposed development. It is considered that impacts exist in relation noise and air pollution. However the impacts can be mitigated using planning conditions to allow for a suitable level of amenity to be achieved which will safeguard future occupants of the building. Consideration has been given to the compatibility of the night club and the serviced apartment use, in terms of the future of the night club not being compromised by the serviced apartments above. A Noise Impact Assessment was carried out which has been considered by the Public Protection team. Subject to mitigation secured through planning conditions the two land uses should be compatible.

HIGHWAYS AND SERVICING OF THE PREMISES.

5.27 The NPPF advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic, cyclists, and pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Allow for the efficient delivery of goods and access by service and emergency vehicles.

5.28 The NPPF also states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.29 Policy T1 of the Draft Local Plan states that development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users such that it maximises the use of more sustainable modes of transport.

5.30 The application site lies within the city centre and has no on-site parking. The site currently appears to be serviced direct from both George Hudson Street and Tanner Row. There are public parking facilities within the immediate vicinity of the site and the application site is within walking distance of both the bus interchange on Rougier Street and the railway station. The serviced apartments are likely to require

some level of additional servicing (cleaning, laundry, refuse removal etc) over and above the existing use, however it is not considered that this would give rise to unacceptable highway safety issues, nor severe impacts on the safe and efficient flow of traffic on the surrounding highway network.

6.0 CONCLUSION

6.1 The application site is within the Central Historic Core Conservation Area and includes three no. Grade II listed buildings. The proposed extension and change of use will not harm the character and appearance of the conservation area or the special interest of the listed buildings. The proposal complies with sections 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policies D11, D4 and D5 of the DLP in this respect.

6.2 The serviced apartments are acceptable in principle in this city centre location; the partial loss of the existing night club use is contrary to policy D3 of the DLP but on balance considering the applicant's submissions, the retention of a smaller night club is considered acceptable.

6.3 Subject to planning conditions noise and air quality impacts on the serviced apartments are acceptable and the serviced apartments should not adversely impact on the functioning of the retained night club.

6.4 On balance the proposal complies with the policies of the National Planning Policy Framework and the policies of the Draft Local Plan 2018.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Proposed Basement Floor Plan - Drawing No.109 Rev P01

Proposed Ground Floor Plan - Drawing No. 110 Rev P01

Proposed First Floor Plan - Drawing No. 111 Rev P00

Proposed Second Floor Plan - Drawing No. 112 Rev P00

Proposed Third Floor Plan - Drawing No.113 Rev P00

Proposed Fourth Floor Plan 25 Tanner Row accessed from third floor 23 Tanner Row - Drawing No. 113.5 Rev P00

Proposed Fourth Floor Plan - Drawing No.114 Rev P00

Proposed Roof Plan - Drawing No.120 Rev P00

Existing and Proposed Ground Floor Plans - Drawing No.210 Rev P00

Existing and Proposed First Floor Plans - Drawing No.211 Rev P00

Existing and Proposed Second Floor Plans - Drawing No.212 Rev P00

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Existing and Proposed Third Floor Plans - Drawing No.213 Rev P00

Proposed Elevations - Drawing No. 130 Rev P00

Proposed Elevations - Drawing No. 131 Rev P00

Proposed Sections - Drawing No. 140 Rev P01

Proposed Section - Drawing No. 141 Rev P00

Dormer Elevations, Plan Section and Section - Drawing No. 17073-300 Rev P00

Proposed Demolition Basement Floor Plan - Drawing No. 049 Rev P00

Proposed Demolition Ground Floor Plan - Drawing No. 050 Rev P00

Proposed Demolition First Floor Plan - Drawing No. 051 Rev P00

Proposed Demolition Second Floor Plan - Drawing No. 052 Rev P00

Proposed Demolition Third Floor Plan - Drawing No. 053 Rev P00

Proposed Demolition Fourth Floor Plan - Drawing No. 054 Rev P00

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

3 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved serviced apartments C1 use from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is necessary to ensure that the amenity of occupants of the proposed serviced apartment use is suitably protected from externally generated noise and to accord with the National Planning Policy Framework.

4 No development shall take place until a detailed scheme of noise insulation measures for protecting the serviced apartment use above the retained night club use from noise internally generated by the night club use has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works the approved serviced apartment use shall not commence until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is necessary to ensure that the amenity of occupants above the proposed night club use is suitably protected from internally generated noise and to accord with the National Planning Policy Framework.

5 All windows to habitable rooms (bedrooms / living areas) facing George Hudson Street and Tanner Row (up to and including second floor level) shall be non-opening,

with ventilation provided through continuous mechanical supply and extract to the rear of the building. The ventilation scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be installed as so approved prior to the first occupation of the serviced apartments and retained thereafter.

Reason: To reduce exposure of future occupants of the serviced apartments to pollution levels currently exceeding health based standards

6 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the building envelope and the works shall be carried out in accordance with the approved details.

a) Cross Section through the wall head (indicated as 'brick corbelling' on the proposal plan) and stone string course in situ (scale 1:5).

b) Elevation and cross section drawings of new windows at 1:5 through window head, windows and sill including cross sections of joinery details at 1:1.

Reason: In the interests of the character and appearance of the conservation area.

7 Prior to the construction of the third and fourth floor extensions details of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Samples of the materials shall be provided at the development site for inspection by the local planning authority. The development shall be carried out using the approved materials.

Sample panels (1m x 1m) of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the construction of the third and fourth floor extensions. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their conservation area location.

8 All new window heads shall match the existing details on the front elevation in all respects including shape, colour, texture, finish and materials.

Reason: In the interests of the character and appearance of the conservation area.

9 Notwithstanding the proposed dormer details illustrated on drawing 17073-300 P00 prior to their construction elevation and cross section drawings at 1:5 scale shall be submitted to and approved in writing by the Local Planning Authority and the

dormers will then be constructed in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details approved by the Local Planning Authority and in the interests of the character and setting of the Conservation Area.

10 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief on all groundworks and archaeological excavation of the lift pit is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction. This condition is imposed in accordance with Section 16 of NPPF.

11 A programme of archaeological building recording, specifically a written description and photographic recording of the standing building to Historic England Level of Recording 2 is required for this application. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No demolition/development/alteration shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition (ADS) will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report and archive images shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to demolition, alteration or removal of fabric. This condition is imposed in accordance with Section 16 of NPPF.

12 The 17.no apartments shall be used as serviced apartments for short term occupation only within use class C1 and for no other purpose, including any purpose in Class C3 of 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. For the purpose of this condition short term occupation means letting to a person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

Reason: The use of the upper floors as C3 dwellinghouses would have implications in terms of noise and air quality, waste and refuse storage and the provision of cycle storage which would impact on residential amenity and have a potential impact on the retention of the night club use.

13 Prior to the development being brought into first use a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved.

The Management plan shall relate to the following areas:

- a) the management of deliveries and collections (such as waste and laundry) from the premises including the frequency and timing of such movements.
- b) the management of the refuse and recycling facilities.

Reason: In the interests of the proper management of the premises and of highway safety to ensure that the development can be suitably serviced without significant risk to highway safety, the safe and efficient flow of the highway network and the environmental qualities of the area.

14 Except in case of emergency no demolition and construction works or ancillary

operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason. To protect the amenity of local residents

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. CONDITION 3 - NOISE INSULATION - EXTERNAL NOISE

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

3. CONDITION 4 - INSULATION INTERNAL NOISE NIGHTCLUB USE

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). The airborne sound insulation should be capable of achieving NR25 within the residential accommodation based on the music bar source noise level.

4. CONDITION 5 - VENTILATION PROVIDED THROUGH CONTINUOUS MECHANICAL SUPPLY AND EXTRACT

This type of system does not rely on openable windows. Other ventilation systems,

including basic mechanical extract, still rely on windows for background ventilation and thus would not be suitable in this location. The continuous mechanical supply and extract ventilation system should incorporate heat recovery (MVHR), and should be designed to meet current Building Regulations with respect to the provision of fresh air and the extraction of stale air.

5. As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene and standards, health & safety, odour extraction etc.

6. 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

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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