



Notice of public meeting of

West & City Centre Area Planning Sub-Committee

- To:** Councillors Watson (Chair), Funnell, Galvin, Gillies (Vice-Chair), Jeffries, Looker, Orrell, Reid and Semlyen
- Date:** Thursday, 9 May 2013
- Time:** 3.00pm
- Venue:** The George Hudson Board Room - 1st Floor, West Offices, York

AGENDA

Site visits for this meeting will commence at 10:30am on Wednesday 8 May 2013 meeting at Middleton House, 38 Monkgate

1. Declarations of Interest

At this point, Members are asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which they may have in respect of business on this agenda.

2. Minutes (Pages 5 - 14)

To approve and sign the minutes of the meeting of the West & City Centre Area Planning Sub-Committee held on 18 April 2013.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the working day before the meeting, in this case **5pm on Wednesday 8 May 2013**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the Committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

To determine the following planning applications related to the West and City Centre Area.

**a) Middleton House, 38 Monkgate, York, YO31 7PD
(13/00177/FUL) (Pages 15 - 28)**

Conversion and partial demolition to form 5no. residential apartments, new single storey extension with roof terrace.
[Guildhall Ward] **[Site Visit]**

**b) Middleton House, 38 Monkgate, York, YO31 7PD
(13/00178/LBC) (Pages 29 - 38)**

Internal and external alterations including part demolition and new rear extension in connection with conversion of building into 5no. Flats. *[Guildhall Ward]* **[Site Visit]**

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officers:

Name: Catherine Clarke and Louise Cook (job share)

Contact Details:

- Telephone – (01904) 551031
- E-mail – catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting us by e-mail, please send to both democracy officers named above)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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WEST AND CITY CENTRE AREA PLANNING SUB COMMITTEE

SITE VISITS

Wednesday 8 May 2013

No bus for this visit - Members meet at the site at 10.30

TIME (Approx)	SITE	ITEM
10:30	Middleton House, 38 Monkgate	4a & 4b

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City of York Council

Committee Minutes

MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 APRIL 2013
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, REID, SEMLYEN AND FIRTH (SUBSTITUTE)
APOLOGIES	COUNCILLORS ORRELL

51. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda.

Councillor Firth declared a personal non-prejudicial interest in plans items 4b and c (Racecourse) because he attends the racecourse on a regular basis as a member of the Civic Party.

Councillors Watson and Galvin also declared personal non-prejudicial interests in the same item as they also attend the racecourse frequently.

52. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of the annexes to Agenda item 7 (Enforcement Cases Update) (Minute 57 refers) on the grounds that they contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A

of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

53. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub-Committee held on 14 February be approved and signed by the Chair as a correct record.

54. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the committee.

55. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

55a 38 Hobgate, York, YO24 4HH (13/00273/FUL)

Members considered a full application from Mr Andrew Bradley for a single storey rear extension and dormer to the rear (amended scheme).

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the property and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and

alterations to private dwelling houses'
Supplementary Planning Guidance.

**55b Racecourse, Racecourse Road, Knavesmire, York, YO23
1EJ (13/00090/FUL)**

Members considered a full application from York Racecourse Knavesmire LLP for the demolition of the existing perimeter wall, saddling boxes and Broadcasting Box, construction of a new pre-parade ring and Winning Connections building, erection of new perimeter wall, saddling stalls, washdown area and associated ancillary equine facilities including veterinary accommodation, provision of replacement path and associated landscaping.

Officers advised that condition 8 f) and g) regarding drainage should be varied as this was considered too tight as there would be some ground level raising in Flood Zone 3 b), including in the south west corner of the site, to deliver the development.

Members were informed that the Council's Landscape Officer advised that the proposals would result in the loss of three mature lime trees adjacent to the outside elevation of the existing stables wall. However it was considered that the loss of the lime trees would be acceptable as their loss would be sufficiently mitigated by the replacement planting (10 trees) in light of the benefits of the reorganised stables. The proposed changes would therefore not be significantly detrimental to the public views and experience of the Knavesmire.

With regard to the Pre-Parade Ring officers advised that within the site there was a horse chestnut and sycamore which were good, mature specimens that contribute to the general tree cover and character of the race course complex, and are generally worthy of retention. The applicant proposes to retain the sycamore tree, remove the horse chestnut tree and provide two further trees within the parade ring. The Landscape Officer recommended that the sycamore tree and its root system are suitably protected. The loss of the Horse chestnut is not justified by the works in Phase 1 as the terracing could be kept outside of its rooting zone. Whilst it was noted that the removal of the horse chestnut would be justified in Phase 2, there was no strong justification for the removal of the Horse chestnut in Phase 1.

Officers informed the committee that the applicants have advised that the planning application for Phase 2 is to be submitted imminently. It is intended that the new build (Weigh-in Room) works which would require the removal of the horse chestnut tree as part of Phase 2 would be a priority to finalise the improved equine facilities. In view of the possibility of retaining the tree for a year and the associated protection works, the proposed ground levelling works within Phase 1, it is considered on balance that the loss of the horse chestnut tree would be unfortunate but acceptable.

Members expressed their support for the scheme and acknowledged that the Racecourse had made a commitment to planting.

RESOLVED: That the application be approved subject to the conditions listed in the report.

Amended Condition 8

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

Details to include:

- a) Peak surface water run-off from the proposed development must be restricted to a maximum 5.1 lit/sec.
- b) Site specific details of the flow control device manhole limiting the surface water to the 5.1 lit/sec.
- c) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modeling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- e) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be

raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties or,

f) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans submitted to the Local Planning Authority for approval. Provision shall be made to prevent surface water run-off affecting nearby properties on any part of the development that is raised above the level of the adjacent land.

g) Any raising of levels in the south west corner of the development site (which lies within Flood Zone 3b, functional floodplain) shall be compensated by provision of flood storage elsewhere and shall maintain effective flood routes.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

REASON: The proposal, subject to the conditions listed in the report and the amended conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the function and openness of the Green Belt; the visual impact on listed buildings, the Knavesmire and the wider conservation area; recreational use; protected species; flood risk; sustainability. As such the proposal complies with Policies GP1, GB1, GB10, HE2, HE4, GP9, HE11, GP15a, GP4a, NE6, NE7 of the City of York Development Control Local Plan (2005); national planning guidance contained in the National Planning Policy Framework(2012); and the Central Historic Core Conservation Area Appraisal (2011).

55c Racecourse, Racecourse Road, Knavesmire, York, YO23 1EJ (13/00091/CAC)

Members considered an application for conservation area consent for the demolition of the existing perimeter wall, saddling boxes and broadcasting box.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation area. As such the proposal complies with guidance contained within the National Planning Policy Framework and Policies HE3 and HE5 of the City of York Development Control Local Plan.

55d Robinson Court, Walmgate, York (13/00165/FUL)

Members considered a full application from York Association for the Care and Resettlement of Offenders (YACRO) for the change of use of the ground floor from office (use class B1) to two flats (use class C3) with external alterations.

Representations were received from Michael Pavlovic on behalf of YACRO. He explained the current layout of the building for the benefit of members. He assured members that changes to the fabric of the building would be minimal and that they were needed to ensure the provision of the service YACRO delivers.

Members advised that their main concern had been that they did not want to lose the control/supervision provided by having the office located within the building but agreed they were happy with the arrangements in place.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the use, the impact on the listed building, neighbouring amenity and flood risk. As such the proposal complies with Policies GP1, GP11, and HE3 of the City of York Development Control Local Plan (2005); and national planning guidance contained in the National Planning Policy Framework(2012).

55e Proposed Dwelling Adjacent The Lodge, Minster Yard, York (13/00210/FUL)

Members considered a full application from Mr Mike Green for the conversion and extension of an existing potting shed and basement cellar and generator housing into a two bedroom residential dwelling.

Officers advised that a further condition be added to require the applicant to submit details of foul and service water drainage on the site

Members agreed that this was an excellent scheme which would allow the building to be preserved.

RESOLVED: That the application be approved subject to a Section 106 Agreement, the conditions listed in the report the additional condition listed below.

Additional Condition 10 - Drainage

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

REASON: The proposal, subject to the conditions listed in the report, and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets, amenity and protected species. As such the proposal complies with Policies GP1, HE2, HE3, HE4, HE10, H4a and L1c of the City of York Development Control Local Plan.

55f Proposed Dwelling Adjacent The Lodge, Minster Yard, York (13/00211/LBC)

Members considered an application for listed building consent for the conversion and extension of an existing potting shed and basement cellar and generator housing into a two bedroom residential dwelling.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

55g 3 Little Stonegate, York, YO1 8AX (13/00347/FUL)

Members considered a full application from Arc Inspirations LLP for the use of the highway for placing of tables and chairs in connection with approved bar/restaurant.

Representations were received from Mr Adam Sinclair of Mulberry Hall, Stonegate. He asked that additional conditions are added to protect the buildings and environment around the application site and made the following requests:

1. The applicant clears away litter, broken glass and cigarette ends from the pavement and road by 8.30am the following morning.
2. Measures must be taken to prevent damage to premises in the immediate vicinity including criminal damage and cigarette burns.
3. There is no loud noise from the outside area - we regularly hold customer evenings and don't want these to be spoilt by loud noise. It is important to maintain the character and appearance of the conservation area.
4. The pavement cafe should be closed by midnight.
5. The pavement area must be seated and subject to full waiter/waitress service.

Officers confirmed that issues 3 and 4 were already covered by proposed conditions. Members noted that it was not possible to prevent damage to premises through planning permission and that other issues were covered through the premises licence.

Members commented that it would be useful to have a copy of licence conditions for the premises, where available, at the meeting so they can refer to these when considering the planning application.

With regard to the issue of people stubbing out cigarettes on buildings, Members were advised that this was outside the scope of the planning application. Members however requested that an informative be added, requesting that the applicant looks at measures which could be taken to prevent customers from stubbing out cigarettes on nearby buildings, which could include installing facilities for disposing of cigarettes.

Members expressed the view that condition 5 "There shall be no playing of amplified or recorded music" was not tight enough and expressed concerns that music played inside the building may be heard outside. Officers advised that the condition can only refer to the seating area. Members asked that the condition be changed to state that there should be no playing or performing of live, amplified or recorded music within the application site.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended condition and additional informative below:

Amended Condition 5

There shall be no playing of live or recorded music.

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

Additional Informative

WASTE MANAGEMENT

It is recommend that waste disposal facilities are provided for cigarettes and chewing gum.

REASON: The proposal, subject to the conditions listed in the report and the amended condition and informative above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets, highway safety and amenity. As such the proposal complies with Policies HE2, S6 and S7 of the City of York Development Control Local Plan.

56. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st January to 31 March 2013 and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That the content of the report be noted.

REASON: So that Members can be kept informed on appeals determined by the Planning Inspectorate.

57. ENFORCEMENT CASES UPDATE

Members received a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Committee.

RESOLVED: That the report be noted.

REASON: To update Members on the number of outstanding Enforcement cases within the Sub-Committee area.

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 4.30 pm].

COMMITTEE REPORT

Date: 9 May 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 13/00177/FUL
Application at: Middleton House 38 Monkgate York YO31 7PD
For: Conversion and partial demolition to form 5no. residential apartments, new single storey extension with roof terrace
By: Mr Philip Thake
Application Type: Full Application
Target Date: 9 April 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of 38 Monkgate from offices (Class B1) to five residential units (3 No. 2 bed units and 2 No. one bed units) together with the partial demolition of a flat roofed and mono-pitched extension at the rear and the erection of a two storey extension with roof terrace. Access to the proposed apartments would be from the existing entrance on Monkgate and cycle and bin storage would be provided within the communal garden / courtyard to the rear.

1.2 The property has been vacant for over two and a half years and has been actively marketed both as an office as a whole and as smaller units. Little interest has been generated and a letter from the property agents detailing the marketing undertaken has been submitted with the application.

1.3 38 Monkgate was built as a town house around 1700 however historically it has also been used as a school and more recently for commercial use as a training centre and as an office. Early plans indicate that it was originally L-shaped on plan and of two storeys in height with Dutch Gables. A third storey was added in the late 18th Century resulting in a symmetrical house of 5 bays with the central entrance bay breaking forward. The building is listed at grade 11* and it is situated on a principle approach road into York close to the walled city centre. The site is within the Central Historic Core conservation area.

1.4 Planning and listed building applications for the change of use and associated alterations of 38 Monkgate to an integrated drug treatment centre were withdrawn in 2010.

1.5 A listed building application referenced 13/00178/LBC has also been submitted.

1.6 The application has been brought to Committee at the request of Councillor Watson due to this being a listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 40 Monkgate York YO3 7PF 0935

Listed Buildings GMS Constraints: Grade 2 Star; 38 Monkgate York YO31 7PF 0934

2.2 Policies:

CYE3B Existing and Proposed Employment Sites

CYGP1 Design

CYHE3 Conservation Areas

CYGP4A Sustainability

CYH12 Conversion of redundant offices

CYL1C Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

Conservation Officer

3.1 In principle, support can be given to the proposed conversion of the property. The following matters should however be addressed before the granting of listed building consent and planning permission.

3.2 The proposal to remove and re-set a purlin in room A5 in the attic storey to facilitate construction of the dormer cannot currently be supported. As identified in the FAS report, this is part of the eighteenth century phase of construction. Consideration should be given to amending the scheme so that the purlin can be retained in situ.

3.3 The high level roof lights on the roof slope of the main range are visually intrusive, harming the historic appearance of the building. The application states that they are required as automatic opening smoke vents under part B of the building regulations. Our Building Regulations Officers advise that the need for the vents could be obviated by the use of an active detection system and emergency lighting.

3.4 Glazed screens are proposed to raise the height of the protective stair balustrades to current standards between the first and second floors. This could potentially amount to permanent harm, in addition to the reversible harm to the aesthetic value of the building.

Archaeologist

3.5 This site lies in the AAI and in an area where significant archaeological features and deposits have been recorded. These relate to occupation of this area from the Roman period onwards. Recommend an archaeological watching brief on all groundworks to record any deposits revealed during construction works.

Environmental Protection Unit

3.6 Concerned regarding the expected internal noise levels in the flats as a result of external noise, particularly at night as the measured noise levels in the flats would be well in excess of the levels stated within BS8233. However, with additional secondary glazing measures it would seem that it would be possible to achieve a satisfactory internal standard. A condition specifying internal noise levels is therefore recommended.

3.7 No concerns in relation to air quality.

Communities, Culture and Public Realm

3.8 As there is no on site open space commuted sums should be paid to the Council for;

- a) amenity open space - which would be used to improve a local site such Monk Bridge Gardens
- b) play space - which would be used to improve a local site such as Clarence Gardens, only applicable for 2 or more bed flats
- c) sports pitches - would be used to improve a facility within the North Zone of the Sport and Active Leisure strategy.

EXTERNAL

English Heritage

3.9 English Heritage is content in principle with the proposed use of this building. Given the age of the property and the surviving interior features, the conversion will need to be carefully detailed in order to fully maintain the significance of the building. Original or early interior details should be retained in situ wherever possible. The fine historic staircase will need particularly careful thought and treatment, and the impact of the proposed glass balustrade will need to be evaluated. The proposed

insulation of the ceilings will also need to be assessed, in order to retain historic ceilings and cornices in situ.

3.10 We request that the above issues are addressed and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

Guildhall Planning Panel

3.11 No objections

Third Party Representations

3.12 A letter of support has been received from the occupants of the adjacent property on the basis that the residential accommodation will bring the use of the building back in line with the rest of the block of residential Georgian Town Houses on the southern side of Monkgate. The York Conservation Trust has engaged with us about preliminary concerns, including sound proofing, disturbance to foundations and security. Therefore on the basis of assurances provided by YCT and the continued willingness of YCT to minimise the impact of the development works, we support this application.

4.0 APPRAISAL

4.1 KEY ISSUES

- Loss of office space
- Whether the application site is an acceptable windfall site for housing
- Impact on the conservation area
- Amenity of future occupants and surrounding occupants
- Sports, Play and Open Space Facilities

LOSS OF OFFICE SPACE

4.2 The National Planning Policy Framework makes a presumption in favour of sustainable development. It advises that applications should be approved unless they conflict with an up to date local plan, or they are contrary to policies within the framework.

4.3 The host building is within the city centre, as defined in the Local Plan. The National Planning Policy Framework recognises town centres as the heart of communities and Local Planning Authorities are expected to pursue policies to support their viability and vitality; this involves allocating adequate space for offices. The Framework also recognises that residential development can play an important

role in ensuring the vitality of centres and it should be encouraged on appropriate sites. Within paragraph 51, the Framework advises that local planning authorities should normally approve planning applications for change to residential use where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

4.4 Policies E3b and H12 of the Local Plan seek to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intentions of these policies do not conflict in principle with the NPPF, however recent appeal decisions have concluded that there is no evidence of an under supply of office premises in the city.

4.5 The host building is currently vacant and was last in use as offices two and a half years ago. The property has been marketed since September 2010 to which there has been limited interest, which the letter from the Surveyor explains, is a direct reflection of the state of the office market in York as a whole.

4.6 In the context of the NPPF, which advises that such applications should normally be approved unless there are strong economic reasons as to why such development would be inappropriate, and the consideration that this is a relatively small office building and is not Grade A office space, it is considered that it would be difficult to resist the proposal on the basis of loss of office space. It is recognised that the proposal would help to secure the future of this Grade II * listed building and as such the re-use of the building is welcomed.

WHETHER THE APPLICATION SITE IS AN ACCEPTABLE WINDFALL SITE FOR HOUSING

4.7 The National Planning Policy Framework seeks to boost housing supply. It requires that Local Planning Authorities establish housing need and annually identify a deliverable 5-year supply.

4.8 The site is not allocated for housing in either the Draft Local Plan or the SHLAA (Strategic Housing Land Availability Assessment). York's SHLAA provides for an allowance of 168 windfalls a year (based on an analysis of 10 year trends of windfalls by type and location) to assist in meeting housing need in the city.

4.9 In determining applications for housing windfalls Local Plan policy H4a states that proposals for land not already allocated on the proposals map will be granted permission where: the site is within the urban area and is vacant, underused or it involves infilling, redevelopment or conversion of existing buildings; the site has good accessibility to jobs, shops and services; and it is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features.

4.10 The proposal complies with Policy H4a as it involves the conversion of an existing building and proposes efficient use of an existing building in a sustainable city centre location. In this respect residential development of the site is considered to accord with the principles of the National Planning Framework and policy H4a of the Draft Local Plan.

IMPACT ON THE CONSERVATION AREA

4.11 The National Planning Policy Framework advises that it is desirable that proposals sustain or enhance the significance of heritage assets and put them to viable uses, consistent with their conservation. Any loss or harm to conservation areas requires clear and convincing justification. Local Plan Policy HE3 states that within Conservation Areas, proposals will only be permitted where there is no adverse effect on the character and appearance of the area.

4.12 Over the 19th and 20th centuries significant extensions have been added to the rear of 38 Monkgate to enable the building to be reused for a variety of purposes. These are mainly single storey and are considered to be of an unsubstantial and poor build quality compared to the original parts of the building. These ground floor extensions create a very deep plan and as a result central areas do not have any natural daylight. To address this issue, the proposal involves the demolition of the flat roofed extension at the eastern side of the rear of the property and its replacement with a smaller extension and a roof terrace above. The existing lean to extension to the west is in a poor condition and is not considered suitable for conversion. It is proposed that this is demolished and replaced with a new two storey extension with narrower footprint.

4.13 The plot originally associated with 38 Monkgate has been severely truncated to the rear and a high brick boundary wall separates its yard from the adjacent car park. Views of the rear elevation can be gained from this car park which is a private car park associated with County House Mews and County House. The extensions proposed for demolition are not worthy of retention and the proposed external works to the rear elevation respect the historic and aesthetic interest of the building. The external appearance of the building onto the street would not alter except for minor changes to the treatment of the windows to accommodate secondary glazing. In accordance with Policy HE3, the proposed external alterations are therefore not considered to be harmful to the character and appearance of the Conservation Area.

ARCHAEOLOGY

4.14 No.38 Monkgate lies in the AAI and in an area where significant archaeological features and deposits have been recorded. These relate to occupation of this area from the Roman period onwards. An archaeological evaluation was carried out at 40 Monkgate in 2005 in advance of the submission of a proposal for redevelopment of

the site. The evaluation demonstrated the presence of 19th century structural remains, medieval agricultural soils, a large number of features including post-holes, a ditch, a gully and two pits or wells and other deposits which dated to the Roman period. It is probable that similar features will be preserved on the site of 38 Monkgate. As the proposed rear extension will reveal or disturb these deposits, an archaeological watching brief condition is therefore recommended.

AMENITY OF FUTURE AND SURROUNDING OCCUPANTS

4.15 The National Planning Policy Framework requires that proposals secure a good standard of amenity for existing of future occupants of land or buildings. Local Plan policy GP1 requires developments provide and protect amenity space; provide space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures. H12 also requires that residential conversions do not have an adverse effect on amenity.

Surrounding occupants

4.16 The proposed conversion of 38 Monkgate would not be considered to impact on the living conditions of the adjacent residential properties or on the occupants of No.1 County House Mews which is located to the rear. The proposed roof terrace would have a parapet wall measuring 1.3 metres high and the gable end window of No.1 County Mews which faces onto the rear elevation of 38 Monkgate is located approximately 17 metres away.

Future Occupants

Noise

4.17 A noise impact assessment was provided with the application which raised concerns with respects to the internal night time noise levels and indicated that compliance with the Leq and maximum levels would be impossible to achieve with the current window construction. The measurements were taken with windows closed and with the existing secondary glazing being in place. The Environmental Protection Unit requested the submission of additional information to demonstrate that a window construction could be implemented that would provide an additional sound insulation of at least an additional 10 dBA above what currently exists.

4.18 In response to the comments from EPU, the applicants have sourced a company with experience of designing schemes for listed buildings for road facing habitable rooms, who confirm that it will be possible to significantly improve on the 10dB reduction. Given that the treatment of the windows would vary according to their location, proposed use and their characteristics, such as the depth of the reveals, it is considered appropriate to require such details through a condition.

Air Quality

4.19 The property is located outside of the Air Quality Monitoring Area (only the carriageway is included in this location) and whilst a roof terrace is proposed, this is towards the rear, away from Monkgate and well elevated. There are no concerns with respects to air quality.

Other Issues

4.20 Secure and covered cycle and bin storage for the occupants of the 5 No. units would be provided within the rear yard.

LOCAL EDUCATION, SPORTS, PLAY AND OPEN SPACE FACILITIES

4.21 In accordance with policy L1c of the Draft Local Plan, the applicant / developer would also be required to make a contribution towards children's equipped play space, informal amenity open space and outdoor sports facilities. Based upon the City of York Commuted Sum Payments document, the contribution for this development would be £4196.

4.22 The applicant has agreed to provide the contribution towards open space.

5.0 CONCLUSION

5.1 In the context of the National Planning Framework, which advises that such applications should normally be approved unless there are strong economic reasons as to why such development would be inappropriate, and the consideration that this is a relatively small office building and is not Grade A office space, it is considered that it would be difficult to resist the proposal on the basis of loss of office space.

5.2 With respects to the proposed residential use of the building, the proposal involves the conversion of an existing building and proposes efficient use of an existing building in a sustainable city centre location. It also secures a use for this Grade II * listed building. In this respect residential development of the site is considered to accord with the principles of the National Planning Framework and policy H4a of the Local Plan.

5.3 The scheme is considered to respect the historic and aesthetic interest of the building and in accordance with Policy HE3, is not considered to be harmful to the character and appearance of the Conservation Area. The application is therefore recommended for approval subject to the following conditions and the prior completion of a unilateral undertaking to provide a financial contribution of £4196 towards the provision of off-site open space.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Drawings received 31.1.2013;

G3649-D-110 (Ground Floor GA Plan Proposed)
G3649-D-460 (Front Elevation Proposed)

Drawings received 14.3.2013;

G3649-D-105-01 (Ground Floor Plan Strip Out & Enabling Works)
G3649-D-470-01 (Rear Elevations East _ West As Proposed)

Drawings received 16.4.2013;

G3649-D-490-02 (Section C-C As Proposed)

Drawings received 25.4.2013;

G3649-D-015-02 (Roofscape Analysis)
G3649-D-205-02 (First Floor Plan Strip Out & Enabling Works)
G3649-D-210-02 (First Floor Plan As Proposed)
G3649-D-305-03 (Second Floor Plan Strip Out & Enabling Works)
G3649-D-310-03 (Second Floor Plan As Proposed)
G3649-D-410-03 (Roof Plan As Proposed)
G3649-D-465-03 (Rear Elevation South As Proposed)
G3649-D-480-02 (Section A-A As Proposed)
G3649-D-485-03 (Section B-B As Proposed)

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

3 ARCH2 Watching brief required -

4 Prior to the development commencing, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the

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Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads.

5 A scheme shall be submitted and implemented prior to the first residential occupation of this development demonstrating that the building envelope shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45 dB LAm_{ax} (23:00 - 07:00) in bedrooms and 35 LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut.

Reason: To ensure that an acceptable standard of living accommodation is provided for future residents given the environmental noise levels in Monkgate. This is in accordance with paragraph 17 of the National Planning Policy Framework.

6 VISQ8 Samples of exterior materials to be app -

7 A sample panel of the brickwork to be used on this building 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 commencement of building works. This panel 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 sensitive location.

8 Full details of the rooflights 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. The rooflights shall be fitted flush with the roof covering.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the Conservation Area.

9 Full details of the proposed method of obscuring the window on the second floor (front elevation) 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. Any proposed film should not be applied directly to the window.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the Central Historic Core Conservation Area.

10 Full details of the proposed secondary glazing to the windows to improve the internal noise levels of the property shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The details shall include large scale plans of windows where secondary glazing is proposed.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the building and the Conservation Area.

11 Full details of the design and position for all external flues, vents and extracts for new kitchens, bathrooms and toilets 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.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the visual amenity of the building and conservation area.

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:

- principle of conversion / loss of employment land
- design / impact on the conservation area/archaeology
- residential amenity
- impact on existing open space provision

As such the proposal complies with the National Planning Policy Framework and Policies HE3, H4A, E3B, GP4A, GP1, H12 and L1C of the City of York Development Control Local Plan.

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

In considering the application, the Local Planning Authority has implemented the

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requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- addressed issues relating to noise mitigation and the use of conditions

3. INFORMATIVE: Control of Pollution Act 1974

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 manufacturer's 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

Contact details:

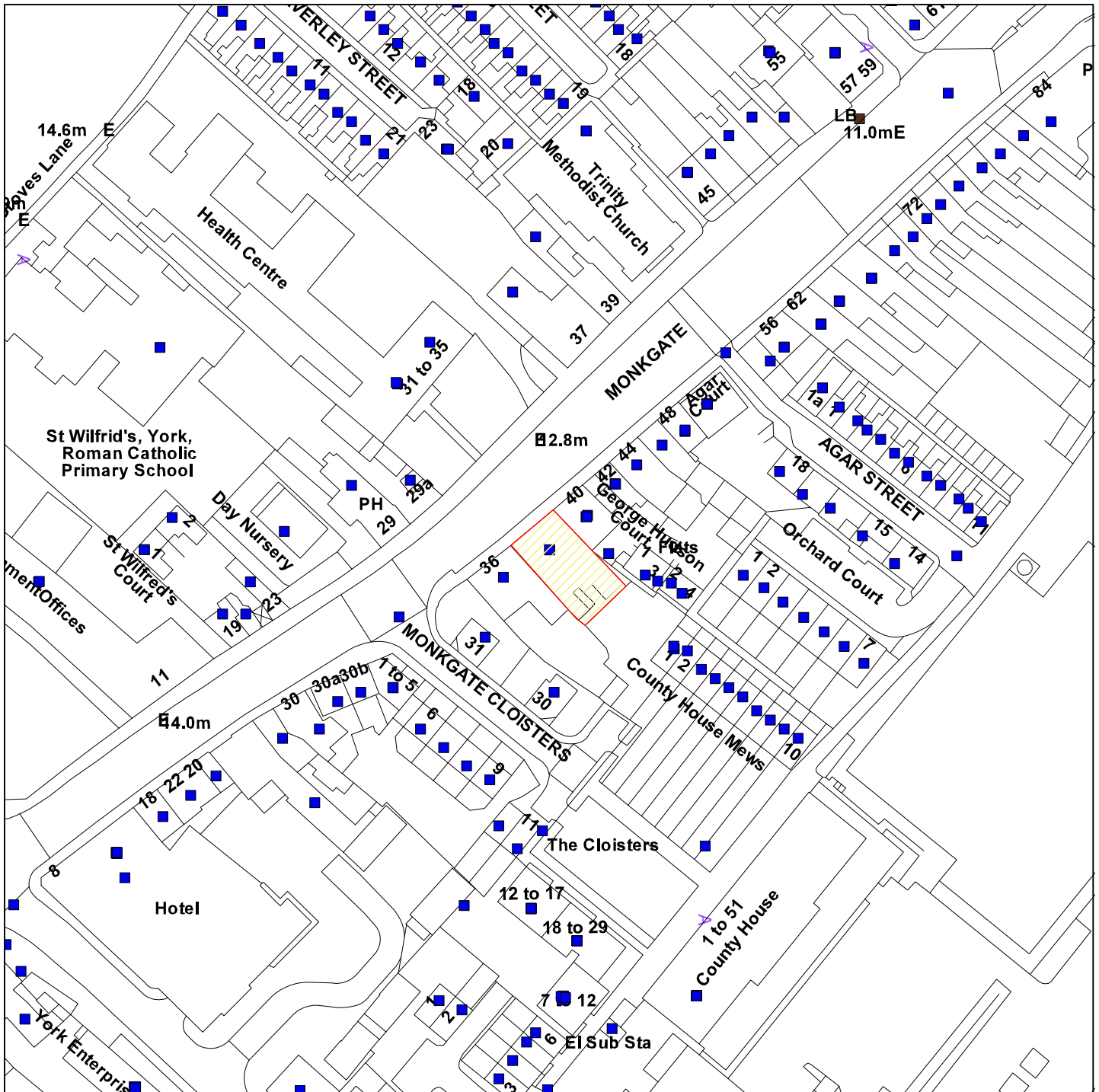
Author: Rachel Tyas Development Management Officer (Tues - Fri)
Tel No: 01904 551610

13/00177/FUL

Middleton House,



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	29 April 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 May 2013
Team: Major and Commercial Team
Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 13/00178/LBC
Application at: Middleton House 38 Monkgate York YO31 7PD
For: Internal and external alterations including part demolition and new rear extension in connection with conversion of building into 5no. flats
By: Mr Philip Thake
Application Type: Listed Building Consent
Target Date: 9 April 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 Listed Building Consent is sought for internal and external alterations at 38 Monkgate to include the partial demolition of a flat roofed and mono pitched extension at the rear and the erection of a two storey extension with roof terrace.

1.2 No.38 Monkgate was built as a town house around 1700 however historically it has also been used as a school and more recently for commercial use as a training centre and as an office. Early plans indicate that it was originally L-shaped on plan and of two storeys in height with Dutch Gables. A third storey was added in the late 18th Century resulting in a symmetrical house of 5 bays with the central entrance bay breaking forward. The building is listed at grade 11* and it is situated on a principle approach road into York close to the walled city centre. The site is within the Central Historic Core conservation area.

1.3 The proposed internal and external alterations are associated with a proposal for the change of use of the premises from offices (Class B1) to five residential units. This application is referenced 13/00177/FUL.

1.4 The application has been brought to Committee at the request of Councillor Watson due to this being a listed building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2 Star; 38 Monkgate York YO31 7PF 0934

Listed Buildings GMS Constraints: Grade 2; 36 Monkgate York YO3 7PF 0933

Listed Buildings GMS Constraints: Grade 2; 40 Monkgate York YO3 7PF 0935

Schools GMS Constraints: St. Wilfrid's RC Primary 0230

2.2 Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development

3.1 In principle, support can be given to the proposed conversion of the property. The following matters should however be addressed before the granting of listed building consent and planning permission.

3.2 The proposal to remove and re-set a purlin in room A5 in the attic storey to facilitate construction of the dormer cannot currently be supported. As identified in the FAS report, this is part of the eighteenth century phase of construction. Consideration should be given to amending the scheme so that the purlin can be retained in situ.

3.3 The high level roof lights on the roof slope of the main range are visually intrusive, harming the historic appearance of the building. The application states that they are required as automatic opening smoke vents under part B of the building regulations. Our building regulations officers advise that the need for the vents could be obviated by the use of an active detection system and emergency lighting.

3.4 Glazed screens are proposed to raise the height of the protective stair balustrades to current standards between the first and second floors. This could potentially amount to permanent harm, in addition to the reversible harm to the aesthetic value of the building.

EXTERNAL

English Heritage

3.5 English Heritage is content in principle with the proposed use of this building. Given the age of the property and the surviving interior features, the conversion will need to be carefully detailed in order to fully maintain the significance of the building. Original or early interior details should be retained in situ wherever possible. The

fine historic staircase will need particularly careful thought and treatment, and the impact of the proposed glass balustrade will need to be evaluated. The proposed insulation of the ceilings will also need to be assessed, in order to retain historic ceilings and cornices in situ.

3.6 We request that the above issues are addressed and recommend that this application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.

Guildhall Planning Panel

3.7 No objections

4.0 APPRAISAL

Key Issues

- Impact on special architectural and historic importance of the listed building

4.1 The National Planning Policy Framework states that 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. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting.

4.2 The Development Control Local Plan was approved for Development Control purposes in April 2005: its policies are material considerations where they reflect the National Planning Policy Framework. Local Plan Policy HE4 advises that consent will only be granted for internal or external alterations to listed buildings where there is no adverse effect on the character, appearance or setting of the building.

4.3 Significant alterations and additions were made to the rear of 38 Monkgate in the early 19th Century to make it suitable for educational use (Manchester College relocated to York and was housed here from 1803-1811). The principal first floor room was also enlarged by breaking through to include the area over the carriage arch which had originally been associated with No.40 Monkgate. Further alterations have taken place during the 20th Century during its conversion to a club and then for offices; and these include the addition of a large single storey extension within the fore-shortened rear yard, new internal partitions, screens, up-grading of original doors to achieve fire resistance and the provision of some new fire-surrounds.

4.4 A Historic Buildings Assessment prepared by FAS Heritage has been submitted with the application which has guided the detailed design process and determined which areas of the building could be altered. The Design and Heritage Statement

states "the grain of the existing layout has been closely followed, the existing stairs have been retained and the habitable spaces on each floor have been used".

4.5 An assessment of the proposed extensions to the property is included in the report for the planning application (13/00177/FUL). With respects to the remaining proposed internal and external alterations, the original scheme included three elements which caused concern for Officers. These comprised (i) the proposal to remove and re-set a purlin of eighteenth century origin in a room in the attic storey to facilitate the construction of the dormer, (ii) the installation of high level rooflights on the rear roof slope of the main building and (iii) the installation of glazed screens to raise the height of the protective stair balustrades to current standards between the first and second floors. There was concern both from CYC Officers and English Heritage that such screens could potentially amount to permanent harm, in addition to the reversible harm to the aesthetic value of the building.

4.6 Amended plans have been received which (i) remove the proposed dormer window and instead position two rooflights underneath the purlins, (ii) revise the position for the 2No.conservation rooflights so that they would be concealed from view by the existing dormer window and (iii) remove the glass balustrade to the upper section of the stair.

4.7 It is not considered that the rooflights would cause undue harm to the appearance of the listed building or to its setting within the Conservation Area. Furthermore, Building Control does not object to the glass balustrade no longer forming a part of the proposal. On this basis and given that Officers consider that the plans demonstrate that the works will be carried out in such as way as to avoid unnecessary harm to the historic layout and to important aesthetic qualities of the building, it is recommended that listed building consent be granted.

5.0 CONCLUSION

5.1 Officers consider that the plans demonstrate that the works will be carried out in such as way as to avoid unnecessary harm to the historic layout and to important aesthetic qualities of the building. Listed building consent is therefore recommended subject to the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC) -

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

Drawings received 31.1.2013;

G3649-D-110 (Ground Floor GA Plan Proposed)
G3649-D-460 (Front Elevation Proposed)

Drawings received 14.3.2013;

G3649-D-105-01 (Ground Floor Plan Strip Out & Enabling Works)
G3649-D-470-01 (Rear Elevations East _ West As Proposed)

Drawings received 16.4.2013;

G3649-D-490-02 (Section C-C As Proposed)

Drawings received 25.4.2013;

G3649-D-015-02 (Roofscape Analysis)
G3649-D-205-02 (First Floor Plan Strip Out & Enabling Works)
G3649-D-210-02 (First Floor Plan As Proposed)
G3649-D-305-03 (Second Floor Plan Strip Out & Enabling Works)
G3649-D-310-03 (Second Floor Plan As Proposed)
G3649-D-410-03 (Roof Plan As Proposed)
G3649-D-465-03 (Rear Elevation South As Proposed)
G3649-D-480-02 (Section A-A As Proposed)
G3649-D-485-03 (Section B-B As Proposed)

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ7 Sample panel ext materials to be approved -

5 Full details of the rooflights 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. The rooflights shall be fitted flush with the roof covering.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the listed building.

6 Full details of the proposed method of obscuring the window on the second

floor (front elevation) 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. Any proposed film should not be applied directly to the window.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building.

7 Full details of the proposed secondary glazing to the windows shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building.

8 A cross sectional drawing (at a scale of 1:2) through the joinery for all new windows and doors 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.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building.

9 Full details of the design and position for all external flues, vents and extracts for new kitchens, bathrooms and toilets 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.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building.

10 Details of the areas of brickwork to be repointed 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.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building.

11 Full details of the proposal to acoustically seal the chimneys 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.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the fabric of the listed building.

12 New partitions shall be scribed around existing details.

Reason: In the interests of safeguarding the fabric and character of the listed 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 the impact on the character and appearance of the listed building. As such the proposal complies with the National Planning Policy Framework and Policy HE4 of the City of York Development Control Local Plan.

Contact details:

Author: Rachel Tyas Development Management Officer (Wed - Fri)

Tel No: 01904 551610

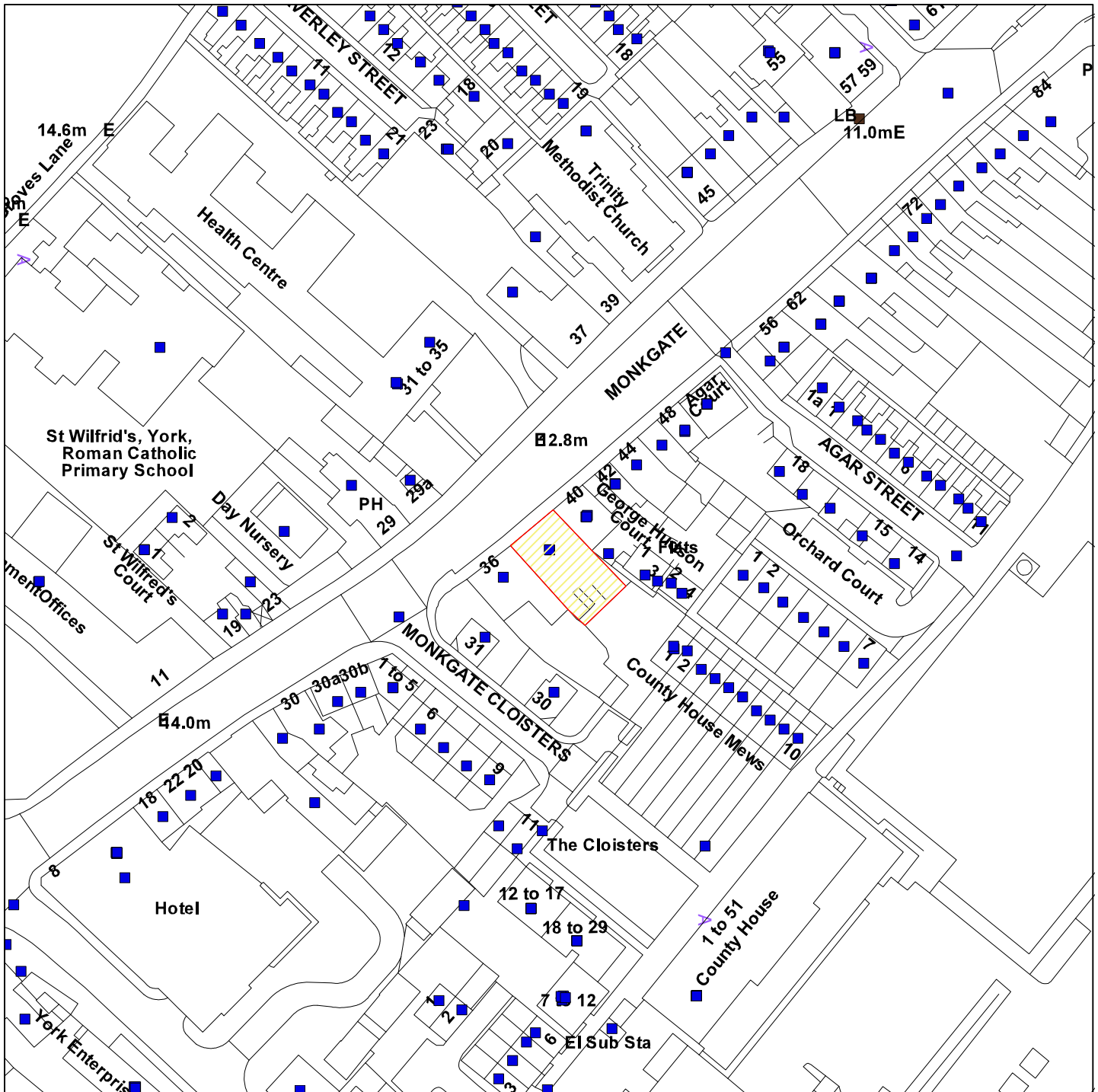
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13/00178/LBC

Middleton House,



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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	29 April 2013
SLA Number	Not Set

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