

COMMITTEE REPORT

Date: 28 November 2023 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 23/00420/FUL
Application at: 3 - 7 Coney Street York
For: External works to include extensions to the roofs to create an additional storey, partial demolition of no.5 Coney Street to form a walkway connection to the rear and new shopfronts in association with the creation of commercial, business and service floorspace (Class E), 7 no. residential units (Class C3).
By: Helmsley Securities Limited
Application Type: Full Application
Target Date: 6 December 2024
Recommendation: Approve

1.0 PROPOSAL

Site Location

1.1 This application seeks planning permission for development at a terrace of three Grade II listed buildings 3, 5 and 7 Coney Street. The works include extensions to the roofs to create an additional storey, the formation of 7 no. residential units (Class C3) on the upper floors, the partial demolition of no.5 Coney Street to form a walkway to the riverside, works to the public realm at the rear and new shopfronts in association with the creation of commercial, business and service floorspace (Class E). The units are currently occupied by JD Sports (3), Lush (5) and Mango (7). The site is located on the western side of Coney Street just to the south of St Helen's Square. The River Ouse lies to the west, separated from the development site by the City Screen building.

1.2 The location is defined as a primary retail frontage and lies within the Central Historic Core Conservation Area and the Area of Archaeological Importance (AAI). It is also within Flood Zone 1 and is 25m northeast of the River Ouse with Flood Zones 2 and 3 adjacent to the site. The site lies within Character Area 11 (Central Shopping Area) of the Central Historic Core Conservation Area Appraisal. It also lies within Primary Shopping Area (PSA), which is defined as the area where retail development is concentrated and covers all primary shopping frontages and those secondary shopping frontages that are contiguous and closely related to the primary shopping frontage.

Building Heights and Floor Areas and Site Levels

1.3 The existing buildings fronting Coney Street are generally three storeys plus basements and have flat roofs with parapets. To the rear is a mix of single and two storey wings with a combination of flat and pitched roofs. There is a level difference between Coney Street and the rear of the site of approximately 2.5 metres. To the rear of the site adjacent to the City Screen building is an open storage area, which has become unkempt and unsightly due to uncontrolled spread of refuse and other paraphernalia from surrounding commercial outlets.

1.4 Nos. 3 and 7 are large retail units circa 9m wide and 33m long, no.5 in the middle is much smaller at only 5m wide and extending only circa 15m to the rear. The land slopes down to the river at the rear and nos.3 and 7 have lower ground floor as well as ground floor retail areas.

Scheme Proposals

1.5 The ground floor of no.5 is proposed to be opened up to create a new pedestrian walkway from Coney Street to the City Screen development on the riverside. The new walkway would run between nos.3 and 7 and ramp down to 4 new sets of steps just to the rear of the City Screen development. Only circa half of the width of the former shopfront to no.5 would be used for the walkway entrance, the other half would form part of a new shopfront to no.3. Retail uses would be retained in the front areas of the ground floors in nos.3 and 7 with the rear areas of these properties being converted to form two restaurants, both at two levels (ground and lower ground floor).

1.6 A terraced seating area would be created next to 4 new sets of steps at the rear of no.7, this would serve the new restaurant at the property. This area at the rear of no.7 that the new steps and terrace would be located in, is currently used as a storage area for various items, including beer barrels and refuse bins. A further terraced seating area would be formed to the rear of no.3, this would run alongside the new ramped walkway and would serve the new restaurant at the rear of no.3. New shopfronts would be provided to nos.3 and 7 including a new shopfront surround to the right-hand side of the walkway entrance on Coney Street.

1.7 A new floor would be added to the top of the buildings via the provision of two new pitched roofs; one to nos.3/5 and one to no.7. The new roofs will include dormers to front and rear. The upper floors of the buildings, including the new 3rd floor, would be converted into 7no. apartments. Cycle parking and bin storage for the flats will be provided on the ground floor of no.3 to the rear of the retained retail unit; access to these would be achieved via the new walkway.

1.8 Access to the flats will be provided between ground and second floor via the provision of new stairs in nos.3 and 7 and the retention of an existing 17th century staircase on the second floor of no.7 and an existing 18th century staircase on the first and second floors of no.5. In addition, a lift will be introduced at the rear of no.3

to serve ground, first and second floors. The works will, however, involve the removal of a modern staircase between the ground and first floor at the rear of no.5 and the introduction of the lift will require the excavation of a pit in the basement of no.5, which will have an archaeological impact.

Demolition Works

1.9 In terms of demolition/loss of fabric the scheme involves:

a) The removal of a modern shopfront to no.5 together with part of the ground floor and basement; these being the main elements required for removal to help create the new walkway.

b) The removal of a two storey mid-20th century rear extension to the rear of no.3

c) The removal of parts of the side walls of nos.3 & 7, where they face onto the proposed walkway (in the frontal area of the properties)

d) The removal of a three storey mid-20th century rear extension to the rear of no.3; this is to be replaced by a two-storey flat roofed extension that would be occupied by the new restaurant operation, it would have large windows and glazed entrance facing onto the new walkway

e) Further to the rear of no.5 an existing detached 20th century plant room would be removed as would some external steps to the rear of no.7.

f) There would be some removal of internal partition walls in the rear of nos.3 and 7.

g) There would also be the removal of some internal walls at first and second levels to help create the new apartments.

h) Part of a late 19th century plant room at first floor level would be removed from the rear of no.7.

1.10 During consideration of the application, amended plans were received which have been used as the basis for determination.

Councillor Call-in

1.11 The application has been called in for a planning committee decision by Cllr R Melly on the grounds of public interest of access, street scene and accessibility.

2.0 POLICY CONTEXT

2.1 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material

considerations indicate otherwise. Section 66 (1) 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 (LPA) 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 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the exercise of an LPA's planning function with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

National Planning Policy Framework

2.2 The National Planning Policy Framework (NPPF) December 2023 sets out the Government's overarching planning policies and is a material consideration in planning decisions.

2.3 The key relevant sections and paragraphs of the NPPF are as follows.

Chapter 2 – Achieving Sustainable Development

2.4 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, these being:

- a) an economic objective – to help build a strong, responsive and competitive economy
- b) a social objective – to support strong, vibrant and healthy communities
- c) an environmental objective – to protect and enhance our natural, built and historic environment including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

Chapter 6 – Building a Strong, Competitive Economy

2.5 Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Chapter 7 – Ensuring the Vitality of Town Centres

2.6 Paragraph 90 states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Chapter 9. Promoting Sustainable Transport

2.7 Paragraph 108 c) states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Chapter 12 – Achieving Well Designed Places

2.8 Paragraph 135 states, inter alia, that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

2.9 Paragraph 136 states, inter alia, that trees make an important contribution to the character and quality of urban environments and that existing trees should be retained wherever possible. Paragraph 139 states that development that is not well designed should be refused.

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change.

2.10 Paragraph 157 states, inter alia, that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

Chapter 15 – Conserving and Enhancing the Natural Environment

2.11 Paragraph 180 advises that planning policies and decisions should contribute to and enhance the natural and local environment and in 180 (d) that they should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Chapter 16 – Conserving and Enhancing the Historic Environment

2.12 Paragraph 195 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 200 advises that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

2.13 Paragraph 203 advises that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of a listed building and putting it to a viable use consistent with its conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

2.14 Paragraph 205 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.

2.15 Paragraph 206 advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

2.16 Paragraph 208 states 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.

2.17 Paragraph 212 states that Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Draft Local Plan (2018)

2.18 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. Formal examination hearings have now taken place and a response from the

Inspector is awaited. The Draft Plan policies can be afforded weight in accordance with Paragraph 48 of the NPPF. The following policies are relevant to this application:

2.19 Policy SS3: York City Centre states that the streets, places and spaces of the city centre will be revitalised, and key commercial developments will be delivered and that it is identified as a priority area for a range of employment uses and is fundamental to delivering the plans economic vision. During the plan period it will be the principal location for the delivery of economic growth in the tourism, leisure and cultural sectors and will account for the majority of the employment growth identified in these sectors. Within the city centre it outlines that a number of development types are acceptable in principle, these include retail, food and drink and dwellinghouses, in particular the reuse of upper floors for residential use is encouraged. It also states that a number of principles will be taken into account when considering city centre development proposals, these include.

- i. Conserve and enhance the existing historic character of York City Centre whilst encouraging contemporary high quality developments that add to the sense of place and create a prestigious and desirable location for thriving businesses.
- ii. Enhance the quality of the city centre as a place and rediscover the outstanding heritage of the city with reanimated and revitalised streets, places and spaces and with improved settings to showcase important assets such as the Minster and Clifford's Tower.
- v. Create a strong evening economy by diversifying the current functions of the city centre to provide more for families and older people and encouraging activities to stay open later in the evening.
- vi. Retain and add to the city centre's retail offer and retain and strengthen independent shops.
- vii. Enhance the setting of the River Ouse and River Foss and their frontages, turning them into attractive, vibrant and bustling environments with improved access to the riverside and linkages to other parts of the city centre.
- ix. Deliver sustainable homes that provide quality, affordability and choice for all ages, including a good mix of accommodation.

2.20 Policy R3: York City Centre Retail states that the vitality and viability of the city centre is supported and enhanced, with the Primary Shopping Area (PSA) as shown on the policies map. The site lies within the PSA where proposals for main town centre uses other than retail (including food, drink and entertainment uses as part of a vibrant evening economy) will be supported where they, inter alia, are complementary to the PSA's retail function and contribute to the vitality and viability of the city centre and would not have a detrimental impact on the overall character and amenity of the PSA. The site also lies within Primary Retail Frontage where the Policy says that proposals involving the loss, by change of use or redevelopment, of ground floorspace class E shops will generally be resisted but that proposals for other uses may be permitted if it can be demonstrated, inter alia, that:

- the proposal has an active frontage and contributes to the vitality and viability of the primary shopping frontage; the proposed uses will provide a service direct to members of the public and can demonstrate a comparable footfall generation to a retail use;
- the proposal will have an attractive shop front which contributes positively to the appearance of the street;
- the proposal would not result in non-retail uses being grouped together in such a way that would undermine the retail role of the street;
- the proposal does not prevent upper floors from being effectively used, including the possibility of independent use; and
- there are not a large proportion of vacant ground floor premises in the immediate street.

2.21 Policy EC4: Tourism states that tourism in York will contribute to a diverse economy and that this will be achieved by supporting proposals that relate to, inter alia, the enhancement of the built environment and public realm, particularly around access to the river and showcasing York's built heritage and the establishment of a more diverse evening economy.

2.22 Policy D1: Placemaking states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment.

2.23 Policy D2: Landscape and Setting states, inter alia, that development proposals will be encouraged and supported where they:

- i. demonstrate understanding through desk and field based evidence of the local and wider landscape character and landscape quality relative to the locality, and the value of its contribution to the setting and context of the city, including natural and historic features and influences such as topography, vegetation, drainage patterns and historic land use;
- ii. protect and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities;
- iii. demonstrate a comprehensive understanding of the interrelationship between good landscape design, bio-diversity enhancement and water sensitive design;
- iv. create or utilise opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces;
- v. recognise the significance of landscape features such as mature trees

2.24 Policy D4: Conservation Areas states that development proposals within or affecting the setting of a conservation area will be supported where they; (i) are designed to preserve or enhance the special character and appearance of the conservation area and would enhance and better reveal its significance; (ii) respect

important views; and (iii) are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood

2.25 Policy D5: Listed Buildings states, inter alia, that proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. Changes of use will be supported where it has been demonstrated that the proposed new use of the building would not harm its significance and would help secure a sustainable future for a building at risk. Harm or substantial harm 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. Substantial harm or total loss of a Listed Building will be permitted only where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

2.26 Policy D6: Archaeology states that development proposals that affect archaeological features and deposits will be supported where:

- i. they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present;
- ii. they will not result in harm to an element which contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled Monument or other nationally important remains will be permitted only where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss;
- iii. they are designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk; and
- iv. the impact of the proposal is acceptable in principle, detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

2.27 Policy D11: Extensions and Alterations advises that development proposals will be supported where, inter alia, they respond positively to the immediate architectural context, local character and history in terms of the use of materials and detailing, scale and proportion, landscape design and the space between buildings and protect the amenity of current and neighbouring occupiers.

2.28 Policy GI2: Biodiversity and Access to Nature states, inter alia, that in order to conserve and enhance York's biodiversity, any development should, where appropriate, achieve net gain in biodiversity in accordance with The Environment Act 2021 (when enforced) and national policy, contributing to the recovery of priority species and habitats and new habitat creation.

2.29 Policy ENV2: Managing Environmental Quality states that development will be permitted where it does not unacceptably harm the amenities of existing and future occupants on the site and in neighbouring communities

2.30 Policy T1: Sustainable Access Development states that development will be permitted where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.

2.31 Policy CC2: Sustainable Design and Construction of New Development states that developments should achieve high standards of sustainable design and construction by demonstrating energy and carbon dioxide savings in accordance with the energy hierarchy, water efficiency and good practice adaptation principles for climate resilience.

2.32 Policy H3: Balancing the Housing Market states, inter alia, that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.

2.33 Policy WM1: Sustainable Waste Management states that sustainable waste management will be promoted by encouraging waste prevention, reuse, recycling, composting and energy recovery in accordance with the Waste Hierarchy and effectively managing all of York's waste streams and their associated waste arisings.

2.34 Policy ENV4: Flood Risk states that new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events.

3.0 CONSULTATIONS

INTERNAL

Design and Conservation - Conservation Architect

3.1 Initial concerns about a lack of detailed historic phasing plans for each floor based and a lack of detailed proposals for repair and alteration. However, further drawing revisions indicated an in-principle retention of historic fabric. In this revised form the officer considered that the harm to the significance of a heritage assets would be considerable but less than substantial harm and would be offset by the public benefits

of restoring the roof form and adaptation of the upper floors for residential use thereby increasing the use of the heritage asset. In terms of the various elements of the scheme the officer's considerations were as follows.

Basement

3.2 Concerns about impact on archaeology but the more nuanced approach taken in revised demolition drawings is welcome.

Ground Floor 'Snickleway'

3.3 Initial concerns over the loss of historic fabric and the width of the proposed passageway at no.5 and how the sloping surface of the walkway would expose internal historic fabric to surface water run-off. However, further information on the existing surface drainage alleviated concerns regarding surface water exposure. The loss of the basement ceiling structures would be largely unavoidable but the resulting heritage impact is likely to be less than substantial and increased connectivity to the river is noted as an opportunity in the conservation area character appraisal and is a public benefit that would outweigh a certain harm to historic fabric.

Alterations to Rear Extensions and Creation of New Rear Terrace

3.4 Initial concerns about removal of wall buttresses and other traces of previous building phases to party walls at nos.3 & 7, removal of windows to the rear extension at no.7, insertion of new stairs to the existing rear extensions of nos.3 & 7, insertion of new doors into the party walls of nos.3 & 7, reduction of hardstanding to the thoroughfare between St Martin's Courtyard and the river due to the new raised terrace to the rear of no.7 and the impact that drainage for the new passage and the raised courtyard terraces would have on the existing basement of no.5 and the existing rear extensions of nos.3 & 7. However, following further submissions the amended design and in-principle approach to retention of historic fabric is supportable subject to conditions.

Upper Floors

3.5 Initial concerns, including lack of survey information about existing historic fabric, fixtures and fittings. However, drawing revisions indicated an in-principle retention of historic fabric, which is supported subject to conditions – including the need for the areas to be surveyed and recorded.

Roofs

3.6 The existing flat roofs of the buildings fronting Coney Street detract from both the significance of the listed buildings and character of the conservation area and the principle of the proposed pitched roofs is therefore welcomed. Initial concerns about

the number of dormers proposed for the front and also about the size of gabled dormers at the rear but an amended design with the dormers on the front reduced from 6 to 5 and the size of the dormers on the rear also reduced addressed concerns sufficiently.

3.7 The above proposal initially included the wholesale replacement of existing ceiling joists and potentially retained historic roof beams and this was considered an unnecessary loss of historic and evidential fabric. However, the plans have been amended to indicate in-principle retention of existing structural elements and the resulting likely heritage impact is therefore low.

Elevations

3.8 Amended plans indicate an intention to repair existing elevations. Condition repairs and specifications and detailed drawings for the proposed shopfronts required.

3.9 Conditions would be required regarding:

- Works to the Basement – including construction drawings for the proposed insertion of a new lift to ensure impact on the historic fabric and archaeological remains is as limited as possible.
- Drainage - including schematic drawings for surface water drainage to the new snickleway and all raised courtyard terraces, as well as construction details for all abutments to existing fabric of walls and basement ceilings.
- External Elevations, Roofs & Landscaping – including drawings for proposed repair and conservation of all elevations, samples of all external materials including matching replacement materials, window repairs, shopfronts including signage and secondary glazing
- Details of Internal Alterations including condition survey of all upper floors and roof spaces, historic phasing plans for all floors and roof spaces and assessment of significance for the extant fabric of the upper floors and roofs. Existing and proposed, internal doors, energy retrofit strategy, M&E design, details for proposed fire separation or fire upgrading of any historic fabric and any structural repairs to historic timbers or masonry.
- Recording - a copy of all existing and all as-built plan and elevation drawings including all repair specifications to be deposited with the local Historic Environments Record within 30 days of completion of works.

Design and Conservation - City Archaeologist

3.10 The site is likely to contain Roman deposits between Coney Street and the riverside below the level of the existing basements. In areas without excavation to basement level, medieval and post-medieval deposits will also survive. At the rear of the buildings, this may relate to reclaimed land and riverside use. The main archaeological impacts are expected to relate to:

- Landscaping and creation of steps to riverside
- Any areas of new build
- Any piling related to new build
- Any foundation strengthening required
- Any deep drainage or attenuation

3.11 A revised statement and accompanying reports have been submitted by the applicant's archaeological consultant. The results of the evaluation confirmed that modern and post-medieval deposits extended to c.2m below ground level. Impacts to the rear of the site should only impact upon post-medieval and later deposits.

3.12 A condition is required for an archaeological watching brief during any works in the basement (including SI works) and any ground disturbing work across the site in general for depths greater than 1m. Where archaeological deposits are encountered that cannot be preserved in-situ (which will be the preference) an excavation will need to be carried out.

Design and Conservation - Landscape Architect

3.13 The Landscape Architect originally had concerns that the proposed steps and hard landscape extend too far into the recommended root protection area of the existing tall, mature Lime tree. However, a revised scheme pulls the paving/steps a bit further away from the Lime tree, which would make a significant difference towards its safe retention. With this revision, and strict adherence to suitable construction details and a comprehensive arboriculture method statement and daily supervision by a suitably qualified arboriculturist during the critical operations, in theory it should be feasible to implement the proposed development without significant harm to the tree's welfare. A condition should be attached relating to a finalised, comprehensive, site-specific Arboricultural Method Statement and scheme of arboricultural supervision.

Design and Conservation - Ecologist

3.14 No objections, subject to conditions relating to the following matters:

- Biodiversity Net Gain (BNG) - It is noted that biodiversity gains will be provided through soft landscaping and roof terraces, it is however recommended that the applicant continues to work with a consultant ecologist to ensure appropriate

planting is provided within these areas, and that the ecological enhancements recommended within the Preliminary Ecological Appraisal are included within the final design.

- Construction Environmental Management Plan (CEMP) - The River Ouse is a candidate Site of Interest for Nature Conservation (cSINC), with the City of York section of the River Ouse being of national and regional importance for migratory fish including Sea Lamprey, River Lamprey and Atlantic salmon. Due to the proximity of the River Ouse to the application site, the provision of a CEMP is considered appropriate to minimise and mitigate the potential impacts of construction works.
- Lighting Plan - An external lighting report has been provided, however, further information will be required to ensure new soft landscaping and biodiversity enhancement features are of use to light sensitive species. A sensitive lighting scheme should be approved prior to any new lighting being installed on site.
- Nesting birds / Hedgehogs – Informatives recommended

Public Protection

3.15 The noise assessment considers existing noise levels and recommends glazing and ventilation measures to ensure that the internal noise levels of the proposed housing meet BS8233:2014 levels. However, the potential noise transfer from ground floor to the flats above needs to be covered by a condition requiring a detailed scheme of noise insulation measures for protecting the residential accommodation from noise generated by the proposed Class E use.

3.16 The applicant has submitted a Solmek Desk Top Study which concludes that further site investigation works are necessary. Officers agree and are satisfied that the appropriate information can be secured through (land contamination) conditions. In addition, conditions are required re:

- Details of any plant/machinery for proposed uses
- Details of any extraction equipment
- Restriction of the hours of demolition and construction works and requiring the submission of a Construction Environmental Management Plan (CEMP)

Flood Risk Management Team

3.17 We can confirm that due to the presence of shallow ground water and natural ground being predominantly clay, soakaways will not work on this site but in summary, the Flood Risk Management Team has no objections to the development in principle and in agreement with the response from Yorkshire Water, if planning permission is to be granted, conditions (and drainage notes) regarding separate systems of drainage for foul and surface and no piped discharge of surface water

from the development prior to the completion of surface water drainage works should be attached.

Waste Services

3.18 Waste Services advised, inter alia, that (if CYC undertook the collection) they only collect waste services from domestic properties. They also advised that suitable rubbish & recycling storage areas are needed to ensure segregation of household waste from commercial waste and that each domestic property would be allocated an 180L refuse bin and that 5 x 240L communal recycling bins would be provided. All doors, alleys and paths must be at least 2m wide to allow for safe manoeuvring of bins and that bin stores need to be large enough to hold all the required bins, with enough space to manoeuvre them in and out freely. In addition, the bin storage areas would need to be located no more than 10m from the collection point of the refuse vehicle and there should be a flat even surface between the bin store and the vehicle collection point (slopes no greater than 1:12).

Carbon Reduction

3.19 The sustainability statement states the ways in which the application aligns with Policies CC1 and CC2. The applicant has stated that “the carbon and water saving measures will be further developed as part of the later design stages. With these strategies, the building will meet or exceed the requirements for energy and carbon reductions”. This suggests that the Applicant will provide further information at later design stages. The following information will be needed in order to verify that the requirements of the draft local plan have been met, Baseline Emissions Rate (BER), Dwelling Emission Rate (DER) or Target Emissions Rate (TER). The Applicant must provide these figures when demonstrating the conditions for the planning application have been met through an AOD (conditions) application. The Applicant will also have to provide a BREEAM Design Stage Assessment Certificate to illustrate the BREEAM requirement has been met.

Highway Network Management

3.20 Following liaison with the applicant’s agents, Highways felt they could still not support the application due to insufficient landings in the walkway, provided to break-up the snickleway gradient, lack of clarity about the width of the walkway either side of the central column, an acceptable step from the walkway to restaurant at rear of no.3, only 7 residential cycle parking spaces whereas 11 required (the applicant should reallocate 8 commercial spaces to the residential with non-residential cycle parking provided elsewhere via a S106), gf apartment entrance to cycle parking is only 1.2m wide and should be at least 1.5m and insufficient space being provided around refuse bins

3.21 The agents responded with revised plans to the effect that:

Application Reference Number: 23/00420/FUL

Item No: 5a

1. the gradients comply with Building Regulations and that due to the need to retain as much of the existing fabric of the listed buildings as possible, the gradients are worked to the “max. permissible” approach.
2. The agents advised that the entrance to the snickleway from Coney Street is 1.8m minimum width and then increases to 2m
3. The step is now a short ramp.
4. The gf cycle parking doorway is now shown as a powered (fob activated), self-closing and locking door.
5. With regard to refuse bins, 240L bins will be used as opposed to larger 1100L bins thereby allowing a greater circulation zone
6. The scheme now provides a total of 15 residential cycle spaces (part GF part LGF) and no commercial spaces. Planning Officers consider that this is an acceptable arrangement.

3.22 Highways accepted the position on items 1-4 but felt that Waste Services needed consulting on the refuse bins issue, that manoeuvring in the LGF cycle parking area would be improved by losing one space and that a S106 should be sought for commercial cycle parking in the city centre.

EXTERNAL

Guildhall Planning Panel

3.23 Generally in favour of the development of the poor and untidy area behind nos. 3-7 Coney Street and the benefit of improved connectivity with the river and the Guildhall, but have some objections:

- (i) The potential connection with the Guildhall Yard is poor and needs more emphasis as the steps down from the new passageway mask its location.
- (ii) The narrow and sloping access to the commercial bin storage is not acceptable, and could lead to rubbish being left outside the narrow passage besides the Guildhall access.
- (iii) The roof treatment to nos. 3-7 Coney Street is odd - the central step change in height does not balance the sloping ends. The zinc dormers on the front are an unacceptable material for Coney Street, and York roofscape generally.
- (iv) The area of public space allocation is too small compared with the areas allocated for outside commercial space. The passage is too narrow and the area of courtyard at the bottom of the steps is too small to be pleasant.
- (v) Access to bike storage is poor.

3.24 Other concerns:

- (i) The noise from existing ventilation fans will make the area unpleasant to be in.

- (ii) All the proposed units are restaurants/bars. Perhaps the units on the passageway could be better allocated for shop use. In addition, they will be near the residential flats and will need noise limits applied in the evening.
- (iii) The additional height of the addition floor and the proposed roofline may impact on Coney Street and the Mansion House setting.
- (iv) Some of the flat layouts are a little odd, and do not reflect the existing upper floor layouts of the listed buildings.

(Case Officer Note: on 03/10/23 the Panel had noted that some of its previous comments had been acted upon.)

Conservation Areas Advisory Panel

3.25 The Panel supports the overall concept of the proposals, welcomes the changes to the reinstated roofs to Coney Street with a reduction in the number of dormers, along with the alterations to the configuration of dormers and balconies at the rear, and considered that these are aspects of the scheme it could support. However, there are several elements over which the Panel had reservations:

- a) The question as to whether the existing top floor ceilings and cornices are still in place is entirely relevant and is symptomatic of a lack of detailed consideration of the value and significance of the surviving fabric.
- b) The pedestrian link to the river frontage involves the partial demolition of the ground floor of no.5 Coney Street, it's not clear whether that justification has been provided and if the harm is less than substantial, any public benefits of the proposals should be stated.
- c) The Panel notes that in the revised proposals, the width of the new 'snickleway' has been enlarged, allowing the partial retention of the existing cross-wall of no.5 Coney Street.

3.26 The Panel supports this application in principle and welcomes the changes that have been made but a much more rigorous approach should have been taken in the Heritage Statement and as it stands it does not comply with the requirements of the NPPF paragraph 206. Consequently, there is no clear evidence provided of heritage values, nor of significance, nor of the impact on significance the proposed interventions will make.

Designing out Crime Officer

3.27 It is pleasing to note that designing out crime recommendations have been taken into consideration in this planning application.

Yorkshire Water

Water Supply

3.28 A supply can be made available under the terms of the Water Industry Act of 1991.

3.29 Pumps and storage are recommended due to the nature of use of the new developments and also the inclusion of residential units in the 3rd floor roof space.

Waste Water

3.30 If planning permission is to be granted, conditions regarding the following should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

- No piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority
- The submitted Drainage Philosophy requires amendments, regarding the means of draining surface water from the development
- Development of the site should take place with separate systems for foul and surface water drainage. The separate systems should extend to the points of discharge to be agreed
- The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

Historic England

3.31 Comments can be summarised as follows:

- The revised form of the glazed dormer balconies, change of glass balustrading at the rear to a brick parapet, and the reduction in size of (a) the rear dormer at no.7, (b) the width of the snickleway (c) the number of dormer windows to the front of no.7 and (d) the number of openings in the 17th century garden wall to no.7 is all welcome.
- The site has archaeological potential for complex waterlogged deposits that should be considered of national importance until demonstrated otherwise. The archaeological work identified as essential in the supporting information should have been carried out in advance of the submission. There is a lack of information about the necessary groundworks, there are no foundation details/proposals, no indication of what structural ground investigation work is required, meaning that it is not possible to understand the full impact. The required investigations should not be secured by planning condition as it is not

possible to understand the significance or impacts on potentially nationally significant archaeology.

- We support the ambition of the proposal, particularly the mix of uses and opening up the riverside to the public. The investment in the shopfronts and new uses for the upper floors of the historic buildings along Coney Street is also welcomed. However, we consider that the applications do not meet the requirements of the NPPF, in particular paragraph numbers 135, 200, 205, 206, 208 and 212. The potential serious damage that could be caused to nationally important archaeology is our primary concern and there is no justification for this potential harm.

Council for British Archaeology

3.32 Comments can be summarised as follows:

- The revisions to the original proposals will greatly reduce the level of harm to the heritage significance of the site and its contribution to the character and appearance of the conservation area.
- There is a lack of detail about the proposed interventions on the upper floors and there are concerns about the cumulative effect of the proposals on the listed building's evidential value. The treatment of no.5 at every floor is barely acceptable for a listed building and the proposed layout for Apartment 2 straddles the first floor of nos.5 and 7, harming their historical significance as two separate buildings. We believe this would cause an unjustified level of harm to the significance of the listed buildings. This could be reduced by creating fewer, quality units but at present NPPF paragraphs 200, 205, 206 and 208 are not met.
- The 'Juliette balconies' are a contemporary architectural form that would be incongruous on the street elevation of Coney Street and setting of St Helen's Square.
- The CBA are also disappointed to see that no further archaeological evaluation of the site has been undertaken to inform these proposals as well as foundations and services at the rear of the site, archaeological evaluation is necessary to determine the best position of a lift shaft.

The Georgian Group

3.33 Comments can be summarised as follows:

- The Group welcome revisions to reduce the width of the proposed 'snickleway', reduce the number and size of openings within party walls and to redesign the proposed front dormers. No objection to the reintroduction of balconies but the design should replicate those visible in historic photographs.
- Maintain concerns regarding the over intensification of use of the upper floors through their formation into an excessive number of apartments which would result in loss of historic fabric and erosion of legibility of historic plan form.

York Civic Trust

3.34 Comments can be summarised as follows:

- The proposals regarding the first floor and above are largely positive, reinstating the pitched roof and renovating the front elevation and the internal and rear works. The revised elevations are a welcome improvement and the third-floor rear balconies are much less intrusive.
- The Juliette balconies across both nos.3 and 5 would obscure their vertical differentiation as two separate buildings, impeding the legibility of their historic form.
- The provision of 7 flats into the upper floors necessitates significant reconfiguration of the internal layout, impeding the legibility of the building's historic plan. Six larger flats would require far less internal alteration and be preferable. In addition, there is a failure to undertake proper archaeological or architectural investigation.
- The small convenience of a slightly more direct route (ie. the new passageway) does not justify the partial demolition of a Grade II listed building. The harm to the heritage asset is not outweighed by the public benefit and runs the risk of setting an unwelcome precedent for the creation of passageways through listed buildings.

York & North Yorkshire Chamber of Commerce

3.35 Support the application for the following reasons:

- These plans will help to regenerate this part of the City Centre and represents a major investment in York that will benefit residents, visitors, and businesses.
- The new riverside access along with retail and leisure destinations will vastly improve the public realm.

- The plans will provide significant economic benefits including the creation of jobs and increased economic opportunities and will act as a catalyst for further investment and improvements,
- These plans will fully utilise currently underutilised buildings.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Four representations received in support of the application; comments can be summarised as follows:

- The creation of a new route connecting Coney Street to a new riverside walkway, will enhance connectivity and accessibility within central York and will create a much-needed public space.
- The inclusion of residential apartments into the unused upper floors of buildings will bring new life to the area.
- The development will attract more visitors to the area and encourage them to explore the riverfront which is currently hidden. The new restaurants and/or cafes with external seating will provide additional amenities for the city and improve the visitor experience and create new jobs and investment.
- The proposal offers a long-term plan to the future growth potential of York's key trading streets and the benefits outweigh the loss of listed building fabric.
- Support the proposal for providing spaces but concern as to who might be renting the spaces and but the applicant should provide a range of uses that do not include Air BnB and the like.

4.2 One representation received objects to the application for the following reasons:

- The Christmas markets in York lock out residents due to the tourism crowding, the proposed snicket leaves Coney Street vulnerable to clogging up to the detriment of people of disability and partial sight.
- The proposed gap also has no clear foundation of historic significance as a feature compared to existing riverside access only metres away.
- Appreciate the attraction of refreshing this shopping street but transforming it into mostly living space is not what a high street is for and a new alleyway doesn't add vitality.

5.0 APPRAISAL

5.1 The key issues in assessment of this scheme are:

- Principle of Uses
- Internal and External Alterations and Extensions

- Archaeology
- Landscape
- Biodiversity
- Sustainability
- Waste
- Drainage
- Flood Risk
- Access and Sustainable Transport Modes

Principle of Uses

5.2 Although the proposal involves the loss of a small retail unit at no.5, the retention of two shops on the frontage at nos.3 and 7 will maintain the retail presence on the street, whilst the creation of two restaurant units to the rear will diversify the current use and add to the vibrancy and attractiveness of the city centre and generate footfall that is comparable to retail. The walkway will provide additional access to the river and improve urban realm by creating external restaurant seating areas and removing externally stored refuse material. The introduction of residential use into the upper floors in this city centre location is to be welcomed. It maximises the use of the properties, adds to the activity and vibrancy of the city centre and helps secure the maintenance and long-term future of these listed buildings.

5.3 In this respect it is considered that the proposal is in line with NPPF Paragraphs 85 and Paragraph 90. It is also in line with the following Draft Local Plan Policies SS3, EC4, R3, ENV2, T1, SS3 and H3.

Impact on Conservation Area and Listed Buildings

5.4 The site lies within Character Area Eleven - Central Shopping Area of the Central Historic Core Conservation Area Appraisal, which states (p.249) that Coney Street is a corruption of King Street which probably indicates that the route led to the palace of the tenth century Northumbrian rulers, on the site of the present Museum Gardens. In the early 14th century, it was considered the city's principal street no doubt due to its proximity to the River Ouse. The deep plots and surviving water lanes reveal the long-standing and profitable river trade once conducted from the warehouses along the banks. Coney Street's important status was confirmed by the re-building of the Guildhall there in 1449-59. Landmark buildings in the Guildhall and Mansion House (both Grade I listed buildings) lie just to the west and north of the site, respectively. No.9 Coney Street is a Grade II listed building and St Martins Church (Grade II*) is just to the south beyond 11 Coney Street (a modern two storey non-listed building). Immediately to the southeast lies the City Screen development (Building of Merit), a cinema and bar/restaurant complex that involved the refurbishment of the former Yorkshire Press printing works and now provides a riverside walkway with external

seating areas, which is accessed via a gap between St martins Church and no.13 Coney Street.

5.5 The central shopping area has a huge variety of building styles due to the pressure for development in the commercial heart of the city. Most buildings were purpose built with shops on the ground floor (CAA p.262). Commonly, the buildings are of load-bearing masonry, of three to four storeys and follow the same building line (CAA p.263). The CAA notes that there is intermittent access to the riverside is part of the historic character of the area. However, there are certain places where intervention could create more riverside public spaces similar to that by the City Screen Cinema (p.271).

5.6 The listing for nos.3, 5 and 7 Coney Street advises that they were originally four houses, one pair and two single (amalgamated to form department store) with a garden wall attached to rear, between nos. 5 and 7. There are early C18 with C19 rear extensions with alterations and shopfront c.1960. They are all 3-storey on the front and there is a plain parapet to all three buildings. A garden wall from 2m to 4m in height is noted to the rear between nos.5 and 7 and the RCHM records plaster ceilings surviving on ground floor of No.5 (underceiled) and at rear of first floor of No.7, with nos.3 and 5 also having C18 staircases.

Listed Building Works

5.7 In terms of the impact of the proposals on the significance of the heritage assets, it is considered that the applicants have provided sufficient information to make a comprehensive assessment. The works to the frontage, apart from the removal of the shopfront to no.5, are mainly related to repair and maintenance.

5.8 The implementation of the scheme will involve the removal of historic fabric, including the ground floor of no.5, although it should be noted that the shopfront and the staircase between ground and first floor of no.5 are modern structures. It also involves creations of openings in the ground floor side elevations of 3 & 7 (in the frontal area of the properties). However, these have been reduced from the original submissions, which included the creation of 9 openings in the side elevation of no.7.

5.9 The scheme will also involve the creation of openings on the upper floors to create the residential accommodation, however, it retains an existing 17th century staircase on the second floor of no.7 and an existing 18th century staircase on the first and second floors of no.5. Historic ceilings in nos. 5 & 7 are also retained. The listing refers to an historic staircase in no. 3 but the conservation architect did not see such a staircase on site and it is assumed that it must have been removed at some point following the listing. The historic ceiling over No. 5 is not currently visible, its condition is unknown and it will be covered up again, however, it is considered that a condition should be imposed to safeguard its continued presence and the conservation of the historic fabric.

5.10 A lift will be introduced at the rear of no.3 to serve ground, first and second floors. This will require the excavation of a pit in the basement of no.5, but it is considered a condition can be imposed to mitigate the impact on archaeology. There are other works but these are considered to be fairly minor in terms of their potential impact, including the removal of an existing detached 20th century plant room to the rear of no.5, some external steps to the rear of no.7, part of a late 19th century plant room at first floor level to the rear of no.7 and some internal partition walls in the rear of nos.3 and 7.

5.11 The scheme originally involved creating openings in the rear wall to no.7 (i.e. facing no.5). This includes, in part, the garden wall referred to in the listing. These openings have been removed from the scheme following negotiations with officers thereby safeguarding the future of this historic element.

5.12 A considerable benefit is the construction of the pitched roofs to nos.3 to 7, which will help restore the original form of the buildings. In addition, the rear extensions to the properties have become somewhat run down and are something of an eyesore. The proposed works will revitalise the rear of the properties and improve the setting of the listed buildings immeasurably.

Conservation Area

5.13 In terms of the frontage, the reinstatement of the historic outline, by the construction of the pitched roofs, together with refurbishment of the front elevations, will enhance the street scene in the longer views and the appearance of the upper levels when viewed from the riverside.

5.14 The new walkway with steps down to the rear of the City Screen development will provide a new attractive thoroughfare down the river with external seating to the new restaurant sat the rear adding to the vibrancy of the location. The concerns about the width of the walkway have been addressed by extending the ground floor retail area at no.3 partly across the walkway in the frontal area. It is considered that the external alterations on the frontage will now complement the townscape qualities of the location and be a significant draw to the public as a result of improving access to the riverside, in line with the suggestion in the CAA.

5.15 At the rear a rather run-down existing 2 storey rear extension to no.3 will be replaced by a new two storey extension that will, together with the maintenance of a retained two storey extension further to the rear of the property, enhance the external appearance of the building and the visual amenities of the location. A new raised terrace at the rear of no.7, for external seating for a new restaurant, will also add to the vibrancy of the location.

5.16 The proposed works to the rear of the site are considered to be one of the most significant aspects of the scheme in terms of the improvements that will be realised

result of the works. The rear part of the site is currently a considerable eyesore and has a major adverse impact on the character of the conservation area. The removal of old incongruous extensions, refuse bins, beer barrels etc. and unauthorised structures (storage hut and AC unit) and their replacement with newly paved public realm and external seating for restaurants will transform the character and ambience of the location and give a much need boost to the Authority's ambitions to expand access to the riverside. The works to the buildings will be beneficial to the character of the Conservation Area and will enhance the setting of nearby listed buildings, particularly the Grade I listed Guildhall.

Summary

5.17 Although the removal of historic fabric is considerable it needs to be balanced with the benefits of the proposals, which include improved access to the riverside, enhanced public realm between 3-5 Coney Street and the rear of the City Screen development, the introduction of residential use, the reintroduction of pitched roofs to nos.3-7 and the addition of new restaurant uses. In addition, the improvement to the external areas between the application site and the City Screen development will give a be a welcome boost to this riverside location and will considerably increase footfall in the area, thereby showcasing York's built heritage to the public and adding to tourist attractions.

5.18 Overall, in this respect, it is considered that the benefits outweigh the harm that would be caused and that the scheme is in line with NPPF Paragraphs 135, 195, 200, 203, 205, 206, 208 and 212. It is also in line with Draft Local Plan Policies SS3, EC4, D1, D4, D5, D11, ENV2 and EC4.

Archaeology

5.19 The proposals have been scrutinised in detail by the City Archaeologist and, following discussions with the applicant's agents, a revised archaeological statement and accompanying reports were submitted. The results of the further evaluation confirmed that modern and post-medieval deposits extended to circa 2m below ground level and that impacts to the rear of the site should only impact upon post-medieval and later deposits. On the basis of the information provided officers are content that archaeological issues can be addressed by a condition requiring an archaeological watching brief during any works in the basement (including SI works) and any ground disturbing work across the site in general for depths greater than 1m. the condition would also need to specify that where archaeological deposits are encountered that cannot be preserved in-situ then an excavation will need to be carried out.

5.20 In this respect it is considered that the proposal is in line with NPPF Paragraphs 200, 205 and 206. it is also in line with Draft Local Plan Policy D6.

Landscaping

5.21 The main issue in respect of landscaping relates to a mature Lime tree located at the rear of the site. The Landscape Architect originally had concerns that the proposed steps and hard landscape extend too far into the recommended root protection area of this tree. However, a revised scheme pulls the paving/steps further away from the Lime tree making a significant difference towards its safe retention. A condition would need to be imposed relating to a finalised, comprehensive, site-specific Arboricultural Method Statement and scheme of arboricultural supervision.

5.22 In this respect it is considered that the proposal is in line with NPPF Paragraph 180 and with Draft Local Plan Policy D2.

Biodiversity

5.23 The applicants have provided an Ecological Appraisal with the submission, which outlines that biodiversity gains will be provided through soft landscaping and roof terraces. It is considered, however, that the applicant needs to continue to work with a consultant ecologist to ensure appropriate planting is provided within these areas, and that the ecological enhancements recommended within the Preliminary Ecological Appraisal are included within the final design. Also, the provision of an Construction Environmental Management Plan ; Biodiversity is considered appropriate to minimise and mitigate the potential impacts of construction works as the River Ouse is a candidate Site of Interest for Nature Conservation (cSINC), In addition, further information is required in respect of external lighting to ensure new soft landscaping and biodiversity enhancement features are of use to light sensitive species. These aspects should be covered by condition with an Informative attached to the decision notice in respect of nesting birds and hedgehogs.

5.24 With these conditions it is considered that the proposal would be in line with NPPF Paragraph 180 (d) and with Draft Local Plan Policy G12.

Sustainability

5.25 The applicant has provided a sustainability statement which outlines ways in which the application aligns with Draft Local Plan Policy CC2. It states that the development will use an energy hierarchy to identify what elements of the project should be considered and at what stage to obtain maximum value. It states that the energy hierarchy:

- Reduces building loads with passive design techniques.
- Controls and schedules the systems effectively to only serve the loads when needed
- Use highly efficient building services to meet the loads

- Maximises the use of additional renewable energy systems

5.26 The applicant has also stated that carbon and water saving measures will be developed as part of later design stages and that with these strategies the building will meet or exceed the requirements for energy and carbon reductions. For conversions and changes of use policy CC2 as modified seeks BREEAM Non-Domestic refurbishment and Fit-out “Very Good” and BREEAM domestic refurbishment “excellent”. , Proposals relating to heritage assets should demonstrate the maximum BREEAM score that can be achieved having balanced issues of significance and value to the historic environment with wider benefits to the economy and to the environment as appropriate.

5.27 The requirements of the draft Local Plan can be secured by condition.

Waste

5.28 A bin store accommodating 6 x 240L refuse bins is to be located on the ground floor immediately to the rear of the retail unit fronting no.3 to serve the residential units. Storage for refuse bins associated with the commercial uses is to be located in the lower ground floor area at the rear of no.3 with space for 18 x 1100L bins. The requirements outlined by Waste Services above refer to a situation where the Council would be collecting the refuse bins. However, the Transport Statement advises that the refuse will be collected by a private contractor and the agents have advised that the proposed layout and gradients are suitable for such an arrangement. The bins would be collected from Coney Street, and this would be done once a week separately for general waste and recycling collections, as set out in the submitted Transport Statement and as agreed for Zone 2-4 (Coney Street). Officers consider that the capacity that is being provided is sufficient for both residential and commercial uses and that the access arrangements for both refuse areas are acceptable.

5.29 In view of this it is considered that the proposal is in line with NPPF Paragraph 8 (c) and with Draft Local Plan Policy WM1.

Drainage

5.30 A Drainage Philosophy Statement submitted with the application states that the parts of the site in close proximity to the River Ouse are likely to consist of loamy and clayey floodplain soils with naturally high groundwater.

5.31 Officers are content that a soakaway scheme will not work on this site but conditions regarding separate systems of drainage for foul and surface and no piped discharge of surface water from the development prior to the completion of surface water drainage works would need to be imposed.

5.32 Subject to the imposition of such conditions it is considered that the proposal would be in line with NPPF Paragraph 157 and with Draft Local Plan Policy ENV4.

Flood Risk

5.33 A Flood Risk Assessment outlines that the upper floors of the scheme will not be impacted by flooding and that the vulnerability classification is assessed on the uses of the lower floors. The analysis concludes that the risk of flooding from all sources to the proposed development is currently low. It also states that the proposals should not increase the flood risk elsewhere off site for the following reasons:

- There will be no significant change to the impermeable surfacing and therefore any change to the flow rate and volume leaving the proposed development will be negligible.
- The impermeable areas within the site will be positively drained via a proposed drainage network to minimise surface water being shed onto adjacent properties

5.34 No mitigation is required in respect of tidal, fluvial, groundwater or artificial (i.e. reservoir) sources. In respect of overland flow and sewers it advises that it is either very low or unlikely and that mitigation can be provided by a positive sewage network that directs flow from low lying areas into positive drainage infrastructure and by drainage being designed in accordance with current best practices. This aspect will be covered via the conditions suggested above in the Drainage section of this report.

5.35 Subject to the imposition of such conditions it is considered that the proposal would be in line with NPPF Paragraph 173 and with Draft Local Plan Policy ENV4.

Access and Sustainable Transport Modes

5.36 The access to the development is via the new ramped walkway. Initial concerns about the width, gradient, landings and a step down to a restaurant use at the rear have now been resolved to the satisfaction of the highways section and officers are content that access for all members of the public to the facilities is acceptable.

5.37 The cycle parking provision has been revised during the application process so that there is now very generous provision for the residential units to encourage the use of this sustainable mode of transport (i.e. 15 spaces for 7 flats and 11 bedrooms. With regard to commercial cycle parking, Policy T1: Sustainable Access recognises that in some circumstances typical policy requirements will not be achievable and it is considered that this is applicable to the application site as it involves change of use and alterations to heritage assets in the city centre. In this respect, the scheme maximises potential residential cycle parking, which is considered to be an acceptable approach, and so an off-site contribution towards commercial cycle parking has not been sought. Given the location of the site and number of residential

flats in the development a Travel Plan is not considered to meet the necessity test for a planning condition and is not recommended.

5.38 6.19 In view of this it is considered that the proposal is in line with NPPF Paragraph 108 (c) and with Draft Local Plan Policy T1.

Public Sector Equalities Duty

5.39 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.40 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.41 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.42 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of the listed buildings and putting them to a viable use consistent with their conservation and the positive contribution that conservation of heritage assets can make to sustainable communities including their economic

vitality, as required by Paragraph 203 of the NPPF. They have also considered the impact it would have on the significance of the heritage assets (listed building and conservation area), as required by Paragraph 205 of the NPPF, and have judged that there will be less than substantial harm. However, as it is considered there will be harm, there is a need to weigh the proposal against the public benefits as outlined in Paragraph 208 of the NPPF. In this respect there are the benefits of bringing the upper floors back into residential use, there are works that will improve the external appearance of the buildings and thereby the contribution that they make to the townscape, there will be an economic benefits of new restaurant uses and there is also improved access to the riverside that will make a contribution to the amenities of the conservation area. In this respect it is considered that the public benefits clearly outweigh the identified harm.

6.2 All other planning considerations as set out in the report are considered to be acceptable or can be mitigated by appropriate planning conditions. The proposals accord with policy and legislation concerning heritage assets. They comply with national planning guidance, as contained in the National Planning Policy Framework December 2023, and policies in the Publication Draft York Local Plan 2018.

7.0 RECOMMENDATION: Approve

1 TIME2

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

Proposed Site Plan	21067-CW-Z1-00-DR-A-0302	09
Proposed Lower Ground & Ground Floor Plans	21067-CW-Z1-00-DR-A-0310	23
Proposed First & Second Floor Plans	21067-CW-Z1-00-DR-A-0311	18
Proposed Third Floor & Roof Plans	21067-CW-Z1-00-DR-A-0312	16
Proposed Sections A-A & B-B	21067-CW-Z1-00-DR-A-0320	15
Proposed Sections C-C & D-D	21067-CW-Z1-00-DR-A-0321	17
Proposed Elevations Sheet 1	21067-CW-Z1-00-DR-A-0330	18
Proposed Elevations Sheet 2	21067-CW-Z1-00-DR-A-0331	14
Demolition Plans LG and G/F	21067-CW-Z1-00-DR-A-1001	08
Demolition Plans 1/F and 2/F	21067-CW-Z1-00-DR-A-1002	05
Demolition Plans Roof	21067-CW-Z1-00-DR-A-1003	05
Listed Building Detailed Works LG	21067-CW-Z1-00-DR-A-0341	06
Listed Building Detailed Works G/F	21067-CW-Z1-00-DR-A-0342	06
Listed Building Detailed Works 1/F	21067-CW-Z1-00-DR-A-0343	06
Listed Building Detailed Works 2/F	21067-CW-Z1-00-DR-A-0344	03
Listed Building Detailed Works 3/F	21067-CW-Z1-00-DR-A-0345	05
Listed Building Detailed Works R/F	21067-CW-Z1-00-DR-A-0346	04

Application Reference Number: 23/00420/FUL

Item No: 5a

Proposed Accessibility Strategy 1	21067-CW-Z1-00-DR-A-0351	04
Proposed Accessibility Strategy 2	21067-CW-Z1-00-DR-A-0352	02
Proposed Landscape Plan	21067-CW-Z1-00-DR-A-0361	08
Proposed Residential Cycle Parking	21067-CW-Z1-00-DR-A-0371	01
Proposed Additional Residential Cycle Parking	21067-CW-Z1-00-DR-A-0372	03
Design and Access Statement	21067-8003	07
DAS Addendum 1	21067-8004	01
DAS Addendum 2	21067-8005	00

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

3 The new walkway and external areas at the rear of the site shall not be used for storage purposes

4 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief and excavation where necessary is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No ground disturbing work including SI works, shall commence 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 ground disturbing work shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and 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 condition (A) 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 evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion of fieldwork 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.

5 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

1:50 existing, demolition and proposed floor plans and 1:20 construction drawings for the proposed insertion of a new lift into the archaeologically sensitive basement

Reason: To ensure the impact on the historic fabric and archaeological remains from the creation of the lift pit is as limited as possible

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

o 1:50 schematic drawings for surface water drainage to the new snickleway and all raised courtyard terraces, as well as and 1:20 (or 1:10 if needed) construction details for all abutments to existing fabric of walls and basement ceilings to ensure that neither would be exposed to the risk of water ingress and that there is no undue visual impact on listed buildings, their setting or the conservation area.

Reason: In the interests of protecting the special historic interest of the buildings and the character of the conservation area

7 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

a) 1:50 drawings of all existing elevations indicating existing condition and proposed repair & conservation together with specifications for all proposed repairs & conservation works including any cleaning

b) 1:50 drawings of all newly exposed elevations following initial demolition works to create the new snickleway and rear terrace as well as the proposed removal of or alteration to rear outbuildings. The agreed principle of retention of existing historic fabric wherever possible must be adhered to. Particular care should be taken not to remove existing currently concealed wall buttresses and other traces of previous building phases to party walls or concealed rear elevations. For clarity, the drawings & specifications should be submitted immediately following the initial demolition and building works should not progress until drawings & specification are approved

c) Detailed window repair schedule

d) 1:20 drawings for proposed shop front including signage

e) 1:20 drawings for proposed entrances from snickleway including new/retained doors, door furniture, light, bells/intercom, signage etc.

f) 1:10 drawings for proposed secondary glazing

Reason: In the interests of protecting the special historic interest of the buildings and the character of the conservation area

8 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used, including vision and any non-vision glazing, and flat or pitched roofs, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Flat roofs shall be either stone ballast finished, paved or green/brown (no exposed single ply membranes).

Metal roofs shall be traditional standing seam type.

Samples shall be physical (not photographic) and shall be provided of sufficiently large size to be able to appropriately judge the material (including joints/fixings), and to be provided together where materials are seen together. Brick and pointing samples should be provided in the form of on-site sample panels of at least 1.2m x 1.2m overall for each type. The panel shall represent a minimum standard for the quality of workmanship that the development should achieve, and the panel shall remain on site for the duration of the brickwork package.

Note: Because of limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: In the interests of protecting the special historic interest of the buildings and the character of the conservation area

9 Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

o Detailed condition survey of all upper floors and roof spaces, including all currently inaccessible and concealed areas. For clarity, the latter includes walls and ceilings concealed by mid-C20 or later suspended ceilings or fittings if those are

of low heritage value. For clarity, inaccessible or concealed areas includes the existing flat roof structures to ascertain the presence and condition of any historic timbers. The survey should be recorded to Historic England's Historic Building Survey Level 2.

- o Detailed historic phasing plans for all floors and roof spaces based on above findings and further research if required.
- o Update and review of the detailed assessment of significance for the extant fabric of the upper floors and roofs based on the detailed survey and historic phasing plans.
- o 1:50 drawings of all existing floorplans including all findings from the detailed survey.
- o 1:50 drawings of all proposed floorplans indicating proposed removal or retention, repair & conservation of newly recorded features together with relevant specifications for proposed repairs & conservation works
- o Detailed schedule of internal doors
- o Energy retrofit strategy including detailed proposals for the thermal upgrade of all retained elements including risk assessments for historic fabric
- o 1:50 M&E design including service routes/ penetrations / terminations and their impact on historic fabric;
- o 1:20 (or 1:10 if needed) details for proposed fire separation or fire upgrading of any historic fabric
- o 1:50 Structural design principle as well as 1:20 proposals for: any structural repairs to historic timbers or masonry; new openings in party walls; the proposed insertion of new stairs to existing rear extensions at Nos. 3 & 7. All detailed proposals to include details on treatment of existing adjacent finishes.

Reason: In the interests of protecting the special historic interest of the buildings

10 Prior to commencement of any demolition work, a method statement shall be submitted to and approved in writing by the local planning authority for the protection of the currently concealed historic plaster ceiling to the ground floor at No. 5. This must include the full height of the concealed wall abutment - unless proven otherwise, it should be assumed that the ceiling might be coved similarly to the historic plaster ceiling to the first floor of No. 7.

Once exposed, the historic plaster ceiling and wall abutments are to be laser scanned, photographed and their condition assessed by an ICON accredited plaster

conservator. These records are to be submitted to the HER within 30 days of their completion.

Prior to commencement of any further demolition works to No. 5, proposals for essential conservation as well as proposed fixing details for the new suspended ceiling over the snickleway and ground floor shop are to be submitted and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of protecting the special historic interest of the building

11 A copy of all existing and all as-built plan and elevation drawings including all repair specifications shall be deposited with the local Historic Environments Record (HER) within 30 days of completion of works.

Reason: To ensure a record of works undertaken is kept and available in the future.

12 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the construction of the development. The content of the plan shall include, but not be limited to the recommendations set out in the Preliminary Ecological Appraisal provided by Wold Ecology Ltd. (January 2023). The development shall be carried out in accordance with the approved plan/drawing.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

13 No development shall take place (including ground works, demolition works and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority.

The CEMP shall include (but not be limited to) the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) Details of pollution prevention measures to avoid harm and potential mortality to fish species from pollution.
- e) Details of biosecurity measures to stop the spread of waterborne diseases and Invasive Non-Native Species.
- f) Use of directional lighting during construction and operation.
- g) The location and timing of sensitive works to avoid harm to biodiversity features.
- h) Programme of pre-commencement checking surveys, such as nesting birds.

- i) Responsible persons and lines of communication.
- j) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- k) Use of protective fences, exclusion barriers and warning signs.

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area.

14 Before the commencement of development, including demolition, excavations, and building operations, a finalised, comprehensive, site-specific Arboricultural Method Statement and scheme of arboricultural supervision, monitoring and record keeping, regarding protection measures for existing trees shown to be retained on the approved drawings, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include a schedule of tree works if applicable; details and locations of protective fencing; phasing of protection measures; ground protection; site rules and prohibitions; types of construction machinery/vehicles to be used; specialist construction techniques; locations for stored materials; locations and means of installing utilities. The document shall also include the site operator's methodology and construction details and existing and proposed levels where a change in surface material is proposed within the recommended root protection area of an existing tree. The content of the approved document shall be strictly adhered to throughout development operations. A copy of the document shall be available for reference and inspection on site at all times.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing Lime tree shown to be retained which is considered to make a significant contribution to the amenity and setting of the conservation area and the development

15 Prior to the installation of any new external lighting, a lighting design plan shall be submitted to and approved in writing by the local planning authority. The plan shall: Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificiallightingcompressed.pdf?mtime=20181113114229&focal=none>

Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.

Reason: To protect the habitats of European Protected Species where there might be changes on site in accordance with Section 15 of the National Planning Policy Framework.

16 Prior to development (excluding demolition), a site investigation and risk

assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

17 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

18 Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

19 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of

ground conditions and any risks arising from land contamination.

20 No construction shall take place until a detailed scheme of noise insulation measures for protecting the residential accommodation above this proposed development from noise internally generated by the proposed Class E use has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works the Class E 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.

INFORMATIVE: 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.

Reason: To protect the amenity of people above the proposed use from internally generated noise and in accordance with the National Planning Policy Framework

21 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

22 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

23 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality during the construction of the development

24 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

Reason: In the interests of protecting the amenities of surrounding occupants

25 Details of the foul and surface water drainage for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development.

If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical,

- b) evidence of existing positive drainage to public sewer and the current points of connection, and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

The site shall be developed with separate systems of drainage for foul and surface water. The separate systems should extend to the points of discharge to be approved.

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works

Reason: To ensure that no surface water discharges take place and in the interest of sustainable drainage and in the interests of archaeology and the historic environment.

Drainage notes for the developer

- i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal, and
- ii) The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network.

26 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of bicycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

27 A method of works statement shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority;

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of the safety of highway users.

28 The development hereby permitted shall achieve a BREEAM of:

- a) For the domestic part of the refurbishment - a rating of 'very good' (or equivalent)

b) For the non-domestic part of the refurbishment and fit out - a rating of 'excellent' (or equivalent) as a minimum.

Should the development be unable to achieve the required rating having balanced issues of significance and value to the historic environment, a statement shall be submitted to the Local Planning Authority describing the maximum score/rating that can be achieved. The statement shall be approved by the Local Planning Authority and the development carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policy CC2 of the Draft Local Plan 2018

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) 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:

2. Informative - nesting birds: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent

for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has

been undertaken by a competent ecologist to assess the nesting bird activity on site during

this period and has shown it is certain that nesting birds are not present.

3. Informative - Hedgehogs: Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog. Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006).

<https://www.britishhedgehogs.org.uk/wpcontent/uploads/2019/05/developers-1.pdf>

4. You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980 (or

Application Reference Number: 23/00420/FUL

Item No: 5a

legislation/regulations listed below). For further information, please contact the section(s) named:

Cafe licence (Section 115) - highway.regulation@york.gov.uk

Works in the highway (Section 171) - streetworks@york.gov.uk

5. CEMP INFORMATIVE

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

8.0 INFORMATIVES:

Contact details:

Case Officer: David Johnson

Tel No: 01904 551665