



## Notice of a public meeting of

### Planning Committee B

**To:** Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell and Perrett

**Date:** Wednesday, 8 June 2022

**Time:** 4.30 pm

**Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

**1. Declarations of Interest**

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

**2. Minutes** (Pages 1 - 8)  
To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 28 April 2022.

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is **5:00pm on Monday, 06 June 2022.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

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During coronavirus, we have made some changes to how we are running council meetings. See our coronavirus updates [www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

### **4. Plans List**

This item invites Members to determine the following planning applications:

#### **a) Land To The Rear Of Mill House, North Street, (Pages 9 - 50) York [20/02421/FULM]**

Erection of a six storey hotel, associated works and infrastructure.  
[Micklegate Ward]

### **5. Planning Appeal Performance and Decisions (Pages 51 - 68)**

This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2022.

### **6. Urgent Business**

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

Democracy Officer:  
Jane Meller

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Committee Minutes

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Meeting	Area Planning Sub-Committee
Date	28 April 2022
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Craghill, Daubeney, Fisher, Galvin, Melly, Orrell, Waudby, Perrett and Looker (Substitute for Cllr Webb)
Apologies	Councillor Webb

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**69. Declarations of Interest**

Members were invited to declare, at this point in the meeting, any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests that they might have in the business on the agenda.

For item 4b, Cllr Fisher noted a prejudicial interest in that a close relative lived close to the site of the application. He therefore withdrew from the meeting for the duration of the item.

Prior to the start of item 4b, Cllr Waudby noted a personal, non-prejudicial interest in the item as she knew the applicant.

**70. Minutes**

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 14 April 2022 be approved and signed by the Chair as a correct record.

**71. Public Participation**

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

**72. Plans List**

Members considered a schedule of reports of the Development Manager, relating to the following planning applications,

outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

**73. Former B and M Stores Site, Stirling Road  
[21\_02220\_FULM]**

Members considered an application to construct 5 units in employment use and a drive through coffee shop with associated parking on the former B and M Stores site at Stirling Road York YO30 4WZ.

The Development Manager gave a presentation on the application and provided an update to Members regarding the following amendment to condition 21 (which specified the required highway works):

- Tactile paving to link the internal/external footpaths
- Give way markings where the access road meets Stirling Road.

The Development Manager and Development Case Officer responded to questions from Members and confirmed that the security fencing marked the boundary of the site which was marked in red on the plans.

The agents were present to respond to Members questions and confirmed that the proposed landscaping scheme was in addition to the highways verge outside of the security fence line. They also confirmed that the café would accommodate walk in customers in addition to the drive through arrangements.

Members were advised by Officers that during the application process, the plans had been revised to take into account the Arboricultural Method Statement and that Condition 3 remained in place to protect the existing trees.

Following debate, the Officers recommendation for approval was accepted and proposed by Cllr Crawshaw. This was seconded by Cllr Fisher. Cllr Craghill missed the presentation and therefore did not vote. Members voted unanimously in favour of the proposal and it was therefore:

Resolved: That the application be approved subject to the conditions in the report and the updated amendment to condition 21 which specified the required highway works.

Reason: The National Planning Policy Framework (NPPF) makes it clear that substantial weight should be given to the value of using suitable brownfield land within settlements for development needs. While the site is a windfall, there is an identified need for employment land within the city and the site sits within the urban area in proximity to similar uses and other facilities. Issues related to the impact on the Tree Preservation Order (TPO) trees on site have been resolved and other matters related to landscaping, ecology, amenity and highways can be secured via condition.

**74. Land Comprising Field At 463582 452080 Murton Way [21/00415/FULM]**

Members considered a full application from Louise Pink the change of use of field from rough grazing to green burial area with landscaping at 463582 452080 Murton Way, York.

The Development Manager gave a presentation on the application. He then updated Members with the revised plan and an additional submission by the applicant.

The Development Manager and the Case Officer clarified that:

- Most of the field was located in flood zone 1, zones 2 & 3 were near the houses.
- Groundwater had been found at 1.4m below ground level and the Internal Drainage Board (IDB) identified a high water table.
- The Environment Agency had five minimum requirements that must be met before permission would be given for human burials.
- Bodies may contaminate waterways, this depended on how the water from the principal aquifer was used.

Public Speakers

The Chair and a Councillor from Osbaldwick Parish Council, Cllr Mark Warters and Cllr Rebecca Russell, spoke on behalf of the applicant in support.

In response to questions from Members they reported that:

- It was a complex ownership situation. The Parish Council needed to secure planning permission before being able to get access to the land for a Tier 2 survey.
- The width of the access lane was 14' 7".

Following questions from members the senior solicitor clarified that:

- Imposing a negatively worded 'Grampian' condition was at the discretion of Members. These types of conditions should not be used where there was no prospect at all of the action in question being performed within the time limit imposed by the permission. She advised that this was a material consideration for the Committee.

Planning officers clarified that:

- The Environment Agency (EA) regulate burial grounds and provide licenses. They require a minimum of 1m above and 1 m below the coffin or shroud, totalling 2.5 m. The EA would grant the final go ahead to carry out burials on the site.
- The use of the land as a burial ground was the decision of the Local Planning Authority (LPA).
- A low risk ground water area did not require a permit for fewer than 10 burials per year. However, the five minimum groundwater protection requirements needed to be met regardless of the number of burials.
- Officers believed, based on their existing knowledge of the ground water levels in the area that two of the EA requirements could not be met. They felt that there was insufficient evidence that a Tier 2 survey could be implemented.

Following debate, Cllr Galvin moved to approve the application subject to appropriate conditions as raised during the debate. The motion was seconded by Cllr Orrell.

Members voted 9 in favour of the motion and 1 against, it was therefore:

Resolved: That the application be approved subject to the conditions, including a 'Grampian' condition regarding groundwater testing, with the final wording delegated to officers in consultation with the Chair and Vice-Chair.



Reason: The site is appropriate development within the Green Belt with no identified harm to openness and permanence, fulfilling Green Belt aims. There is a need for additional burial ground in the Parish, and with landscape, ecological and amenity benefits, and appropriate access, the principle of the site for the intended use is acceptable. Other issues including flood risk and drainage mitigation and the need for groundwater testing and approval before any development can commence can be dealt by planning condition.

**75. Church House, 10 - 14 Ogleforth, York YO1 7JG  
[21/00601/FULM]**

Members considered an application to convert Church House, formerly used as an office, to 11 apartments with associated external works and landscaping, including 2 additional windows, new roof lights, new ramped access and refuse/bicycle store.

The Development Manager gave a presentation on the application.

Public Speakers

Johnny Hayes, a local resident, spoke in support of the application and welcomed the affordable housing. He raised some general concerns regarding Section 106 agreements and highlighted Financial Viability Assessments as a particular area for concern, he requested that these were examined more widely by a Scrutiny Committee or the Audit and Governance Committee.

Alexander McCallion, the applicant, spoke in support of the application. He explained that the Church House development was part of the emerging plan to provide income for the Minster to help offset the day to day running costs. He highlighted the affordable housing element of the plans and that there would be no holiday lets in the development.

Following Members questions, it was noted that:

- Tenancy agreements would last for 3 years.

- That there were plans for a future development that would include holiday lets.
- The rent set for the affordable units would be controlled by City of York Council (CYC), there would be no service charge on these units.

The Development Manager provided an update to Members outlining the additional consultation responses relating to education and lifelong learning and leisure. Two additional representations had also been received, one requesting a condition that would prevent holiday letting of the apartments and the other regarding the lack of an affordable housing contribution as per the original report of January 2022. Open space contributions were considered reasonable and necessary and could be secured through a Section 106 planning obligation totalling £11,124.

Following debate, Cllr Crawshaw moved approval of the application. This was seconded by Cllr Daubeney. Members voted unanimously in favour of the motion and it was therefore:

Resolved: To APPROVE the application subject to the completion of a Section 106 agreement and the conditions as set out in the Officer's report.

Reason: The proposal was for the change of use of Church House from offices to 11no. flats with external alterations in the form of replacement windows, new ramped access, car park suitable for two electric vehicles and bin and cycle store. The revised proposals were found to be in accordance with the Submission Draft Neighbourhood Plan which identified Church House for residential use. The design was appropriate and picked up on the character of the building and the part of The Minster Precinct and secured a good level of amenity for future residents both in terms of the conversion and external space. No harm had been identified to any designated heritage asset. Affordable housing was provided in accordance with the NPPF and policy H10. The proposals were thus found to be in accordance with sections 5, 12 and 16 in the NPPF 2021. The scheme was also in accordance with D2 Landscape and setting, D4 Conservation Areas, D5 Listed

Buildings and D11 on alterations to existing buildings in the Publication Draft Local Plan 2018. Finally it was also found to be in accordance with the Draft York Minster Precinct Neighbourhood Plan (April 2021).

Cllr A Hollyer , Chair

[The meeting started at 4.30 pm and finished at 6.08 pm].

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**COMMITTEE REPORT**

**Date:** 9 June 2022      **Ward:** Micklegate  
**Team:** West Area      **Parish:** Micklegate Planning Panel

**Reference:** 20/02421/FULM  
**Application at:** Land To The Rear Of Mill House North Street York  
**For:** Erection of hotel, associated works and infrastructure  
**By:** Mr Reeves  
**Application Type:** Major Full Application  
**Target Date:** 13 June 2022  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The proposal is for a six storey hotel with associated works. The scheme has been revised from the original eight storey proposal. The current scheme includes an amended roof form and set back at the upper floors to reduce massing.

1.2 The site is an existing car park to the rear of Mill House and within the Central Historic Core Conservation Area (Character area 21: Micklegate). Surrounding buildings include commercial properties on George Hudson Street, Micklegate Travelodge and the former Church of St John the Evangelist and vary between one and nine storeys in height. The site is only clearly visible at the access to the car park from North Street between Mill House and The Whippet Inn. The site was cleared in the late 20<sup>th</sup> century and had at that point most recently been used for warehousing and a print works.

1.3 There are a number of listed buildings surrounding the site including the Grade II listed Whippet Inn and properties on George Hudson Street and Grade II\* listed Church of St John the Evangelist. The Grade I listed All Saints Church and St Martins Church sit slightly away from the site. The Park Inn hotel, identified as a detractor in the Conservation Area Appraisal is an eight storey building sitting opposite the entrance to the site on North Street.

**2.0 POLICY CONTEXT**

## National Planning Policy Framework

2.1 The revised National Planning Policy Framework ('NPPF') sets out the government's planning policies for England and how these are expected to be applied.

2.2 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. Paragraph 11 advises that at the heart of the Framework there is a presumption in favour of sustainable development.

## Publication Draft Local Plan 2018

2.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

## 2.4 Relevant Policies

- DP1 York Sub Area
- DP2 Sustainable Development
- DP3 Sustainable Communities
- SS1 Delivering Sustainable Growth for York
- SS3 York City Centre
- EC4 Tourism
- D1 Placemaking
- D4 Conservation Areas
- D5 Listed Buildings

D6 Archaeology  
ENV2 Managing Environmental Quality  
ENV3 Land Contamination  
ENV4 Flood Risk  
ENV5 Sustainable Drainage  
T1 Sustainable Access  
CC1 Renewable and Low Carbon Energy Generation and Storage  
CC2 Sustainable Design and Construction of New Development

### 2005 Development Control Local Plan

2.5 The Development Control Local Plan ('DCLP') was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF albeit with very limited weight.

## **3.0 CONSULTATIONS**

### INTERNAL

#### Public Protection

3.1 Conditions recommended regarding issues related to noise mitigation; noise, vibration and dust during construction; EVCP; and land contamination.

#### Waste Management

3.2 General advice given regarding collection points, provision of sufficient bin storage and retention of access to bins for other nearby businesses during, and after, construction.

#### Design, Conservation and Sustainable Development (Conservation)

3.3 Supportive of the scheme in its revised form. The main changes are a reduction in height to respond to the eaves' levels of the existing context; split floor levels internally to create a stepped massing that bridges the differing levels around the site; reduction in mass of the top floors by setting in these levels from the front

and back facades; and a revised roof form from a simple pitched roof to a saw-tooth roof form in reference to the site's industrial/ commercial history. As well as reflecting the surrounding context the roof also provides a sympathetic location for photovoltaics. Impact on the setting of the Grade II\* former Church of St John the Evangelist and Grade I listed All Saints Church will also now be very limited.

### Design, Conservation and Sustainable Development (Archaeology)

3.4 Comments provided in relation to the proposal as revised. The scheme as currently considered aims to preserve as much archaeology (including Roman and early medieval) in-situ as possible. Impacts on archaeological deposits will occur as a result of construction of foundations, installation of services, and potential changes to groundwater movement through the use of piles through anoxic deposits or by cutting off from the river. The scheme will substantially impact upon medieval archaeological deposits with organic content currently characterised as backyard deposits of medium significance. To allow viable construction to be achieved given the strict constraints above ground on this site development could be accepted under a range of strict archaeological conditions.

### Highway Network Management

3.5 There are 18 spaces, and 2 disabled spaces provided for staff and visitors to Mill House. There are other recent examples of hotels in York with zero parking provision and the principle is acceptable in principle. There are 5 universal access rooms within the hotel and no disabled parking provision in the immediate vicinity of the site; the scheme should therefore include at least one disabled parking space.

Cycle parking provision is in line with guidance however there are issues with the cycle parking and changes should be provided to show the Sheffield stands in the external cycle storage 1.2m apart to allow for non-standard bikes. The doors to the cycle store should be 1.2m wide and automatic.

### Flood Risk Management Team

3.6 To be updated at committee.



## EXTERNAL

### Micklegate Planning Panel

3.7 Rooms are inadequate in size and little evidence is provided that this is a net zero, carbon neutral development. The comments of Historic England are supported; it is not considered that because the site is hidden away that architecture should be mediocre.

### Yorkshire Water

3.8 Details can be dealt with via conditions.

### North Yorkshire Fire and Rescue Service

3.9 No objections at this stage, further comment will be made under Building Regulations consultation.

### North Yorkshire Police

3.10 Following concern expressed around levels of anti-social behaviour, assault and cycle theft in the area and the secluded nature of the site and lack of surveillance, discussions have taken place with the developer. It is agreed that appropriately worded conditions controlling external lighting and agreement of a Designing Out Crime Statement would be sufficient to address issues.

### York Civic Trust

3.11 The Trust object to the scheme as it results in a building which is excessively tall and out of character with the surrounding area. They recognise that the site is currently a detractor in the Conservation Area but consider the proposal out of keeping in terms of size and design. The proposal would have a negative impact on several listed buildings and insufficient assessment has been made of the impact on views of the scheme. Further details on landscaping and the treatment of the car park should be required. Further archaeological investigation should also be required given the importance of the location and likelihood of water-logged deposits dating back to the Roman period. Room sizes within the hotel seem small and raise questions about the quality of accommodation proposed.

### Historic England

3.12 In response to the revised scheme, it is accepted that this goes some way to addressing previous concerns. The lowered height of the revised scheme has reduced its negative impact on the setting of the surrounding heritage assets and its prominence within the wider townscape. A further reduction in height would ensure the new building remains subservient to its historic neighbours and better retain hierarchy and historic character. The landscaping of the site is unchanged and it is considered that the development should make more attempt to enliven this area of car parking by reducing parking to the front of the new building and introducing landscaping.

Additional information has been provided in the form of an archaeological report on coring and test pitting works. This provides a basic level of information about the stratigraphic sequence on site but no information on foundation design, piling or the location of the lift pit. From this it is not possible to establish the degree of harm to the significance of the site and further work is required.

### Environment Agency

3.13 No objections to the submitted Flood Risk Assessment. The development will only meet the requirements of the NPPF if the development is carried out in accordance with the FRA.

### Conservation Area Advisory Panel

3.14 The comments made on the original scheme were considered relevant still to the revised scheme. They express concern about the size of the rooms and the ability of delivery vehicles to manoeuvre in the car parking area. The reduction in height was welcomed but the choice of materials (brick cladding and an aluminium glazing system) was considered inappropriate in the Conservation Area. No mention is made of the presence of archaeology on site.

## 4.0 REPRESENTATIONS

### Neighbour Notification and Publicity

4.1 One letter making general comments has been received from a neighbouring business expressing concern that access is retained for delivery vehicles throughout construction and the lifetime of the development.

4.2 Four letters of objection have been submitted. These raise the following issues:

- North Street is a poor environment with too many cars, poor road surfaces, insufficient infrastructure for cyclists;
- North Street should be improved with parks and seating and the site should be used for public amenity;
- Hotels do not contribute to community and require increased motor vehicle journeys;
- The proposal will be detrimental to the physical and mental well-being of the people of York as a result of these issues;
- Safe access for non-vehicle users cannot be maintained at all times;
- The proposal does not fit with the Council's declaration of a climate emergency, walking-cycling strategy or plans to make the city centre motor-traffic free;
- Light into neighbouring property at Mill House and George Hudson Street will be affected;
- Construction impacts on neighbouring businesses and residents;
- Operational impacts of hotel on neighbouring businesses and residents;
- How will safety be ensured with large numbers of people coming and going;
- There is a right of way covenant on the site which is already being impaired by the applicant;
- Retention of access to existing businesses;
- The site will become a magnet for anti-social behaviour as a result of its location and reduced visibility;
- Parking areas are part of lease agreement with companies already within Mill House and should not be included in the site boundary.

## 5.0 APPRAISAL

### 5.1 Main Issues

- principle of development
- impact on the setting of the listed building

- impact on the character and appearance of the conservation area
- archaeology
- impact on amenity and living conditions of adjacent occupiers
- highways and parking
- drainage and flood risk
- sustainability

5.2 The application site is within the Central Historic Core Conservation Area where Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.3 The general duty with respect to listed buildings in the exercise of planning functions is contained in Section 66 (1) of the Act 1990. This states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Case law has made clear that when deciding whether harm to a conservation area or to a listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases.

## PRINCIPLE OF DEVELOPMENT

5.4 Section 7 of the NPPF states that planning 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 adaption. Policy SS3 (York City Centre) of the 2018 Draft Plan states that within the city centre, as defined on the Proposals Map certain development types, including hotels (use class C1) are acceptable in principle. Policy EC4 (Tourism) of the 2018 Draft Plan also supports proposals that maintain and improve the choice and quality of visitor accommodation to encourage overnight stays.

5.5 The site is currently a car park area within the city centre. The proposal for a hotel is considered an appropriate use in the city centre and complies with policy SS3 of the 2018 Draft Plan. As such the proposal is acceptable in principle subject to other material planning considerations.

## IMPACT ON THE DESIGNATED HERITAGE ASSETS

5.6 The NPPF defines listed buildings and conservation areas as ‘designated heritage assets’. Paragraph 197 of the NPPF states that with regard to the impact of development on the historic environment, in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.7 Paragraph 199 goes on to say 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.8 Paragraph 200 states any harm to, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to:

- a) grade II listed buildings, should be exceptional;
- b) assets of the highest significance, (including scheduled monuments and grade I and II\* listed buildings) , should be wholly exceptional.

5.9 Paragraph 130 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.10 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment.

Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Policies D4 and D5 of the 2018 Draft Plan set out how proposals affecting conservation areas and listed buildings should be considered. Moderate weight can be applied to these draft local policies.

5.11 Due to its central location and the scale of the proposal a number of heritage assets are considered in terms of their significance and the impact of the proposal on their significance. In proximity to the site are Grade II listed Whippet Inn and properties on George Hudson Street and Grade II\* listed Church of St John the Evangelist. The Grade I listed All Saints Church and St Martins Church sit slightly away from the site.

5.12 This is a distinctive part of the Micklegate character area (21) of the Central Historic Core Conservation Area due to its industrial heritage. Mill House is a key example of this legacy and helps to establish the hierarchy along North Street. The proposal site sits between the Grade I listed All Saints Church and the Grade II\* listed former Church of St John. The ecclesiastical palette of ashlar stonework contrasts with the red brick of the historic Mill House and the Grade II listed 1896 The Whippet Inn public house that surround the site. All Saints has a distinctive tall and slender spire that towers above the dense, lower-scale red brick development that surrounds it creating a characterful mix and juxtaposition.

5.13 Prior to the 20<sup>th</sup> century the site had contained small scale buildings but from the beginning of that century North Street became more industrial in character with

warehousing and factories in larger scale buildings becoming more of a feature. Images from the 1920s show a large industrial building on the site, standing proud of neighbouring buildings. The site was cleared in the late 20<sup>th</sup> century and is now a car park and service area for the properties surrounding the site.

5.14 The Central Historic Core Conservation Area Appraisal (Character Area 21) contains little assessment about the character of this area of North Street beyond that it has long been an industrial zone with long continuous building facades. The importance of the medieval churches is noted.

5.15 The existing use of the site as a car park/ service area means that the site itself has a neutral impact on the character and appearance of the Conservation Area. While the site has restricted public visibility the haphazard car parking and retaining walls visible from the entrance on North Street are not attractive and the area appears neglected. The scheme, as revised, relates well to neighbouring properties in terms of its height. Eaves level follows through with the surrounding context and a stepped internal floor level helps to create a massing to the building which addresses the differing levels around the site. A set back at the upper floors helps to reduce the massing of the building and further responds positively to neighbouring properties. The saw tooth roof form proposed references the site's industrial history and reduces bulk at roof level. It is also noted that this provides a sympathetic location for photovoltaic panels to meet the scheme's sustainability ambitions.

5.16 The reduction in the height of the building, compared with the originally submitted scheme, mean that the proposal would have a very limited impact on the setting of the Grade II\* former Church of St John the Evangelist and the Grade 1 listed All Saints Church. Images provided in support of the application indicate that the building would not be seen above the Church of St John when viewed from Bridge Street. The church is the lowest of the buildings surrounding the site indicating that the proposal would have very limited visibility from outside the site. Views would be glimpsed at the access point on North Street and, possibly, travelling south along North Street from Tanner Row.

5.17 The industrial character of the proposal is in keeping with neighbouring buildings, particularly Mill House, and the previous use of the site. Materials are a mix of buff coloured brickwork with angled reveals at the windows. Windows are dark grey finished aluminium clad timber while the roof is a light grey zinc cladding. The entrance to the building is highlighted in a polished concrete cladding. Around

the entrance to the site some landscaping has been added in the form of green walls defining the parking area and pedestrian access. A green wall is added to the side of Mill House to further improve visual amenity.

5.18 It is considered that the proposal does not harm the character and appearance of the Conservation Area or the setting of nearby listed buildings. The existing site is previously developed and does little to enhance the visual amenity of the area, while the proposed scheme does respond positively to the local context in terms of its height, massing and appearance while respecting the more industrial character of this part of the Conservation Area. For this reason it is considered that the proposal maintains the character and appearance of the Conservation Area and setting of nearby listed building and complies with the requirements of Section 16 of the NPPF and policy D4 of the emerging Local Plan.

## ARCHAEOLOGY

5.19 The scheme has been amended to address concerns raised by the City Archaeologist in relation to basement levels and the likely substantial impact on organic archaeological deposits of high significance. In previous revision of the proposal, a basement would have required removal of organic archaeological material between 2-3.7m below the current car park surface. This would have included the removal of Anglo-Scandinavian and possibly Roman archaeological deposits.

5.20 The latest revision has removed the basement level to achieve the desired outcome of preserving as much archaeology in-situ as possible. The below ground impacts of the development on the archaeological deposits will now include foundation, services and lift shafts, and potential impact on groundwater movements and/or drying out of deposits through the use of piles or by cutting off from the river. The formation levels of the building are now expected to impact into medieval and potentially earlier deposits by approximately 1.0m with pile caps extending further. As a result the revised scheme will substantially impact upon medieval archaeological deposits with organic content of a medium significance. The lift pit and pile caps will impact pre-Conquest archaeology of high significance although their full character is currently unknown given the limited level of investigation undertaken and the information provided.

5.21 Footnote 68 to paragraph 200 of the NPPF indicates that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent



significance to scheduled monuments, should be considered subject to the policies for designated heritage assets. Investigation in the area around the site over the past 50 years has demonstrated the presence of nationally significant, well preserved, stratified archaeological deposits dating from the Roman period onwards, many of which are water logged. Deeper deposits (early medieval and earlier) on the site are viewed as designated heritage assets until further characterised and impacts on these should be kept to an absolute minimum.

5.22 The revised scheme allows the Roman and the majority of early medieval remains to be preserved in-situ. There will be some impact on these from piling and construction of the lift shaft. Text associated with policy D6 of the emerging Local Plan identifies that, within the historic core, substantial harm is defined as greater than 5% disturbance to buried archaeological deposits through foundation design and infrastructure development. While a foundation plan has not been submitted, this can be controlled via condition to ensure that 95% of the most significant archaeological deposits are retained in-situ ensuring harm remains at the less than substantial level. In accordance with paragraph 202 of the NPPF such harm should be weighed against the public benefits of the proposal. In this instance, public benefits are identified in regards to the re-use of a brownfield site, economic benefits associated with the provision of the hotel - creating jobs and providing visitor accommodation – and the potential to revitalise this unattractive area in the city centre. These public benefits are considered to outweigh the less than substantial harm identified to the designated heritage asset.

## IMPACT ON NEIGHBOUR AMENITY

5.23 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policies D1 and ENV2 of the 2018 Draft Plan consider amenity.

5.24 The buildings sits within a car park area surrounded by buildings in a mix of uses. To the north sit a range of outbuildings associated with The Whippet Inn; to the east is Mill House, a building in office use; to the west are buildings on George Hudson Street with commercial uses at ground floor and student accommodation above; and to the south is another hotel. The new building is approximately 18m from the rear of the properties on George Hudson Street, which, as student accommodation, would be the most sensitive to any loss of residential amenity.

Given that windows on these existing properties face east, the new hotel would not result in any significant overshadowing. Given the distances involved and existing outlook from the student accommodation it is not considered that the proposals will result in any significant loss of amenity to those residents. Distances between the hotel on Micklegate and the proposal are similar. Windows on the existing hotel are north facing and so would not be overshadowed by the proposal and, given the hotel use, impacts on amenity would not be significant. Similarly, the offices at Mill House would not be significantly impacted by the proposal given their commercial use. The main bulk of the new building is 20m from Mill House. While elements of Mill House are closer, these do not directly look on to the new hotel and will be less impacted.

5.25 No restaurant or bar is proposed within the new hotel and therefore it is considered unlikely that the proposal will result in significant noise or odour disturbance to neighbouring residents. In this busy city centre location the comings and goings of visitors to the site will not be unduly disruptive to neighbouring occupiers, both residential and commercial.

5.26 Concerns were raised by the North Yorkshire Designing Out Crime Officer (DOCO) in regards to how crime prevention measures are incorporated into the scheme. In particular there was concern that there was little activity of natural surveillance in the courtyard area which would make it feel unwelcoming particularly at night. Following a meeting between the architect and DOCO a number of measures have been agreed. External lighting will be designed to ensure all areas of the site used by staff and visitors are well lit, the site will be staffed 24/7 and self check-in desks will be supported by a receptionist to provide the oversight and capable guardianship required by the DOCO report. It has been agreed between the parties that a suitably worded condition would be acceptable now to address these issues. Policy D1 of the emerging Local Plan requires that proposals are designed to reduce crime and the fear of crime, and to promote public safety throughout the day and night. It is acknowledged that this backland courtyard currently has issues with crime however this development has the potential to address these by increasing activity and natural surveillance in accordance with policy D1.

## HIGHWAYS AND PARKING

5.27 Paragraph 110 of the NPPF states that when assessing applications for development, it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.28 Para 111 goes onto say development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.29 Policy T1 of the 2018 Draft Plan states that to provide safe, suitable and attractive access, proposals will be required to demonstrate there is safe and appropriate access to the adjacent adopted highway. Proposals should also create safe and secure layouts for motorised vehicles (including public transport vehicles), cyclists, pedestrians that minimise conflict.

5.30 The application site lies within the city centre and is approximately 1km walking distance from York railway station. There are also a number of bus stops within walking distance on Rougier Street, Micklegate and at the station. No car parking is provided although there are public pay car parks nearby on Tanner Row and Esplanade. Cycle parking is to be provided internally for guests/staff in accordance with Council guidance requirements.

5.31 The proposal is a car free development which, with adequate cycle parking, is acceptable in this location and, subject to conditions, complies with paragraphs 110-111 of the NPPF and Policy T1 of the 2018 Draft Plan.

## DRAINAGE AND FLOOD RISK

5.32 The site lies within Flood Zone 2 with the access off North Street lying within Flood Zone 3.

5.33 Policy ENV4 of the 2018 Draft Plan is in accordance with Paragraph 167 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
- and development is appropriately flood resilient and resistant;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed;
- and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

## SEQUENTIAL TEST

5.34 The LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). The National Planning Policy Guidance ('NPPG') states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken: "the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives".

5.35 The supporting information sets out comparable sites would need to be small in size (the site is 0.116Ha), within a commercial area as appropriate for the intended use and within Flood Zone 1 or 2. A search of the CYC Strategic Housing Land Availability Assessment, estate agents and emerging Local Plan allocations has been made which resulted in size sites which were considered in detail. Further analysis indicated that these sites are either not reasonably available, or suitable alternatives located in lower risk flood zones and the proposal therefore passes the sequential test. As the vulnerability classification of the development is more vulnerable, and the site sits within Flood Zone 2, an exception test is not required.

5.36 The site benefits from the presence of recently upgraded flood defences at North Street Gardens. An effective evacuation plan is appropriate in this location due to the low residual flood risks, the presence of formal flood defence

infrastructure and a mature flood warning service. Emergency access and egress is to be provided from the rear of the building through the car park and on to Micklegate via the passageway to the side of the Travelodge. While this route is not in the ownership of the applicant, they have confirmed that they have right of access.

5.37 Whilst the site is clearly in Flood Zone 2 the residual risk is relatively low - the NPPF guidance recognises that an understanding of residual risk is important behind flood defence infrastructure and it is considered that the applicant has addressed this in their approach.

5.38 The Environment Agency does not have an objection to the application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. In view of the above it is considered that the proposed development passes the exception test. There is adequate evidence that the sequential and exception tests can be passed. The measures within the FRA and the Flood Evacuation Plan would be secured through a planning condition.

5.39 Yorkshire Water have confirmed that the revised drainage strategy is acceptable to them and have recommended a condition. This strategy identifies that sub-soil conditions do not support the use of soakaways and that surface water will therefore discharge to a public combined sewer at a restricted rate.

5.40 Comments from the Council's Flood Risk Management engineer to be updated at committee.

## SUSTAINABILITY

5.41 In terms of general sustainability, the site is in a very sustainable city centre location and is proposed as a car free development. Policy CC1 and CC2 of the 2018 Draft Plan require that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable and non-residential buildings meet BREEAM excellent. The applicant intends that the new hotel delivers exemplar sustainability and energy performance including net zero carbon. The proposal includes PV panels incorporated into the saw tooth roof form and air source heat pumps. Details will be secured via condition.

5.42 The site is brownfield land having been previously occupied by an industrial building. Policy SS1 of the emerging Local Plan encourages that use of previously

developed land where it is viable and deliverable. The NPPF encourages the effective use of land in urban areas and it is recognised that the site is in a highly sustainable location in the city centre.

## 6.0 CONCLUSION

6.1 The proposed redevelopment of the application site for a hotel is considered to be acceptable in principle given the city centre use. The proposal is acknowledged to be in highly sensitive location with a number of designated heritage assets in close proximity, and also being within the conservation area. The proposal, as a result of its design and scale, preserves the character and appearance of the conservation area and the setting of the listed buildings. Furthermore, the scheme provides a sustainable car free development and will help to meet the Council's ambitious climate change targets set out in Policies CC1 and CC2 of the 2018 Draft Plan. The proposal is considered to be a distinctive and positive design solution for the location and acceptable on amenity grounds.

6.2 Paragraph 11(d) of the NPPF states where there are no relevant development plan policies, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This assessment has concluded that, while the proposal will result in less than substantial harm to below ground heritage. Paragraph 202 of the NPPF requires that where a 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. In this instance it is considered that the less than substantial harm is outweighed by economic and regeneration benefits. The proposed conditions would ensure acceptable mitigation.

## 7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location plan

Flood Risk Assessment Rev D

Flood evacuation plan Rev A

Level 00 floor plan 17070-VB-ZZ-00-DR-A-(03)10 P08  
Level 01 floor plan 17070-VB-ZZ-01-DR-A-(03)11 - P06  
Level 02-04 floor plan 17070-VB-ZZ-02-DR-A-(03)12 - P06  
Level 05 floor plan 17070-VB-ZZ-05-DR-A-(03)15 - P02  
Level 06 floor plan 17070-VB-ZZ-07-DR-A-(03)16 - P04  
Roof plan 17070-VB-ZZ-XX-DR-A-(03)19 - P04  
East elevation 17070-VB-ZZ-XX-DR-A-(03)30C - P03  
North elevation 17070-VB-ZZ-XX-DR-A-(03)31C - P03  
West elevation 17070-VB-ZZ-XX-DR-A-(03)33C - P03  
South elevation 17070-VB-ZZ-XX-DR-A-(03)32C - P04

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

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

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

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

4 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 46dB(A) LA90 1 hour during the hours of

07:00 to 23:00 or 38dB(A) 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, 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.

5 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: To protect the amenity of the locality.

6 Prior to the first occupation of the hotel hereby approved, a Designing Out Crime statement detailing how the safety of staff and guests at the hotel will be addressed in both the communal spaces of the hotel, and external to the building, shall be submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be fully implemented prior to first occupation and for the lifetime of the development.

Reason: In the interests of safety and in accordance with paragraphs 92 and 130 of the NPPF.

7 Before the occupation of the development, the specification of the 12 Electric Vehicle Recharging Point(s) proposed shall be approved in writing by the Council. The applicant shall also submit to the Council for approval in writing an 'Electric Vehicle Recharging Point Management Plan' that will detail the management, maintenance, servicing and access/charging arrangements for each Electric Vehicle Recharging Point for a minimum period of 10 years.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

#### Notes

Electric Vehicle Charging Points should incorporate a suitably rated 32A (minimum) 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council.

A written commitment to service and maintain the charge points in line with the manufacturers guidelines, for a minimum period of 10 years, should be provided by



the applicant as part of the 'Electric Vehicle Recharging Point Management Plan'

All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

8 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013, or shall demonstrate that the building is being constructed under the requirements of the 2021 edition of the Regulations.

Prior to above ground construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be 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 policies CC1 and CC2 of the Publication Draft Local Plan 2018.

13 The development hereby permitted shall achieve a BREEAM rating of at least excellent.

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'Excellent' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

14 Prior to the commencement of above ground works details of the proposed green walls shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be limited to, construction and irrigation system, planting and a maintenance plan. The green wall shall be finished and maintained in accordance with the approved details.

Reason: To safeguard the character and visual amenity of the development and the public realm.

15 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 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development above ground level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could 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: So as to achieve a visually cohesive appearance.

16 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

their sensitive location.

17 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

18 No works shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include but not be limited to 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;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing; and
- contact details for the main contractor.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents or the safe and free passage of highway users

19 No part of the development shall be occupied until a Travel Plan, based on the Hotel Travel Plan, 29 May 2020, Version 1.1, has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport.

20 The archaeological scheme comprises 4 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No intrusive investigation or development shall commence until an Archaeological Remains Management Plan (ARMP) has been submitted to and approved by the local planning authority in writing. For land that is included within the ARMP, no intrusive investigation or development shall take place other than in

accordance with the agreed ARMP.

B) All groundworks shall be completed in accordance with the programme set out in the ARMP approved under (A). The ARMP will be updated when necessary.

C) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the approved ARMP and the provision made for analysis, community engagement, 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 ARMP.

D) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be preserved in-situ and, where agreed recorded prior to destruction.

21 No construction shall commence until a foundation design and statement of working methods for identifying and dealing with obstructions to piles has been approved in writing by the Local Planning Authority. The design must not cut off waterlogged deposits from the river. No intrusions other than pile caps, lift pit and piles themselves will be permitted below 8.75m AOD. The foundation design will preserve at least 95% of the most significant archaeological deposits below the level of 8.75m AOD.

This condition is imposed in accordance with Section 16 of NPPF and City of York Historic Environment Policy D6.

Reason: The site lies within an Area of Archaeological Importance which contains significant archaeological deposits. The foundation for the new build must be designed to preserve at least 95% of the most significant archaeological deposits.

22 Wet, organic-rich archaeological deposits survive on and around this site. An archaeological programme of hydrological and water quality monitoring is required to assess the impact on preservation of organic deposits. The archaeological programme comprises 2 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) Installation of hydrological and water quality monitoring devices shall be completed in accordance with the programme set out in Archaeological Remains

## Management Plan.

B) Evidence of provision for regular monitoring of, analysis and reporting on data from the hydrological and water quality monitoring devices during excavation (if required), and for a maximum period of 5 years following construction shall be submitted. The evidence must show how costs will be covered and set-out procedure for submitting annual interim reports, a final analysis report and raw data to the City Archaeologist for inclusion within the Historic Environment Record.

This condition is imposed in accordance with Section 16 of NPPF and the latest guidance from Historic England on in-situ preservation of organic deposits and subsequent monitoring.

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant non-designated heritage asset (waterlogged organic archaeological deposits) which will be affected by development.

23 The buildings shall not be brought into use until evidence for the provision of a report, regarding the archaeological findings, in the form of a suitable publication in an agreed journal/outlet has been submitted to and approved in writing by the Local Planning Authority.

Reason: The publication of the results of the archaeological work will allow further dissemination of information to the wider public of the work undertaken. This is in accordance with Section 16 of the NPPF.

24 Prior to the first use of the hotel details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme.

Reason: To prevent crime, or the fear of crime, and protect neighbouring amenity.

25 Prior to the commencement of above ground development, 1:20 drawings in plan and elevation for any external plant room enclosures shall be submitted to and approved in writing by the Local Planning Authority (LPA) and the works shall be carried out in accordance with the approved details. This shall include a maximum height of any plant equipment within the enclosure.

Note:

For flat roofs, in situations without a solid roof parapet (1m or higher, as shown on permitted drawings), service protrusions are not allowed within 2m of any building edge. Any service protrusions lower than 1m above roof finish level elsewhere are allowed. Any proposals for service protrusions higher than 1m above flat roof level elsewhere are to be submitted to, and approved by, the LPA, but should generally be expected not to be permitted.

For flat roofs in situations with a solid roof parapet (1m or higher, as shown on permitted drawings): service penetrations should not be higher than top of parapet. Any such proposals above parapet level are to be submitted to, and approved in writing by, the LPA.

Permanent external wall fixed equipment used to service the building are not permissible, unless subsequently agreed by the Local Planning Authority through the submission of drawings.

Reason: In the interests of good design and in accordance with NPPF paragraph 127.

26 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

27 No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest

365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site to a minimum 0.5 l/sec for individual residential properties, please discuss any design issues with the City of York Council Flood Risk Management Team.

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties. Details of the future management and maintenance of the proposed drainage scheme shall be provided.



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

28 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) 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:

Requested changes to address issues regarding the impact on the Conservation Area.

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

Agreements as to execution of works (Section 278) -

[development.adoption@york.gov.uk](mailto:development.adoption@york.gov.uk)

Works in the highway (Section 171) - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

#### **3. INFORMATIVE:**

You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

### **Contact details:**

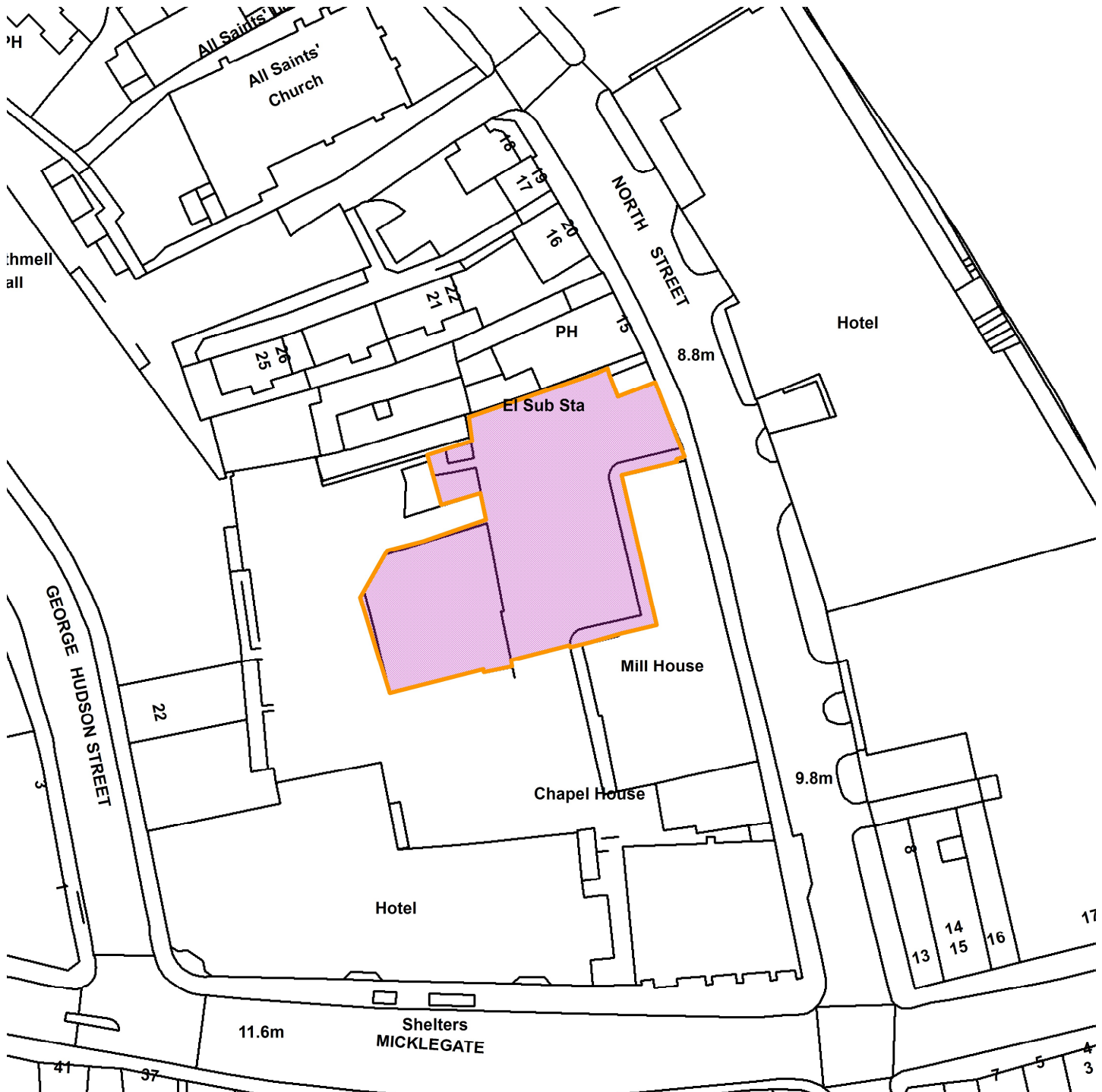
**Case Officer:** Alison Stockdale

**Tel No:** 01904 555730

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# Land to Rear of Mill House, North Street, York

20/02421/FULM



Scale : 1:780

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<b>Organisation</b>	City of York Council
<b>Department</b>	Directorate of Place
<b>Comments</b>	Site Location Plan
<b>Date</b>	23 May 2022
<b>SLA Number</b>	

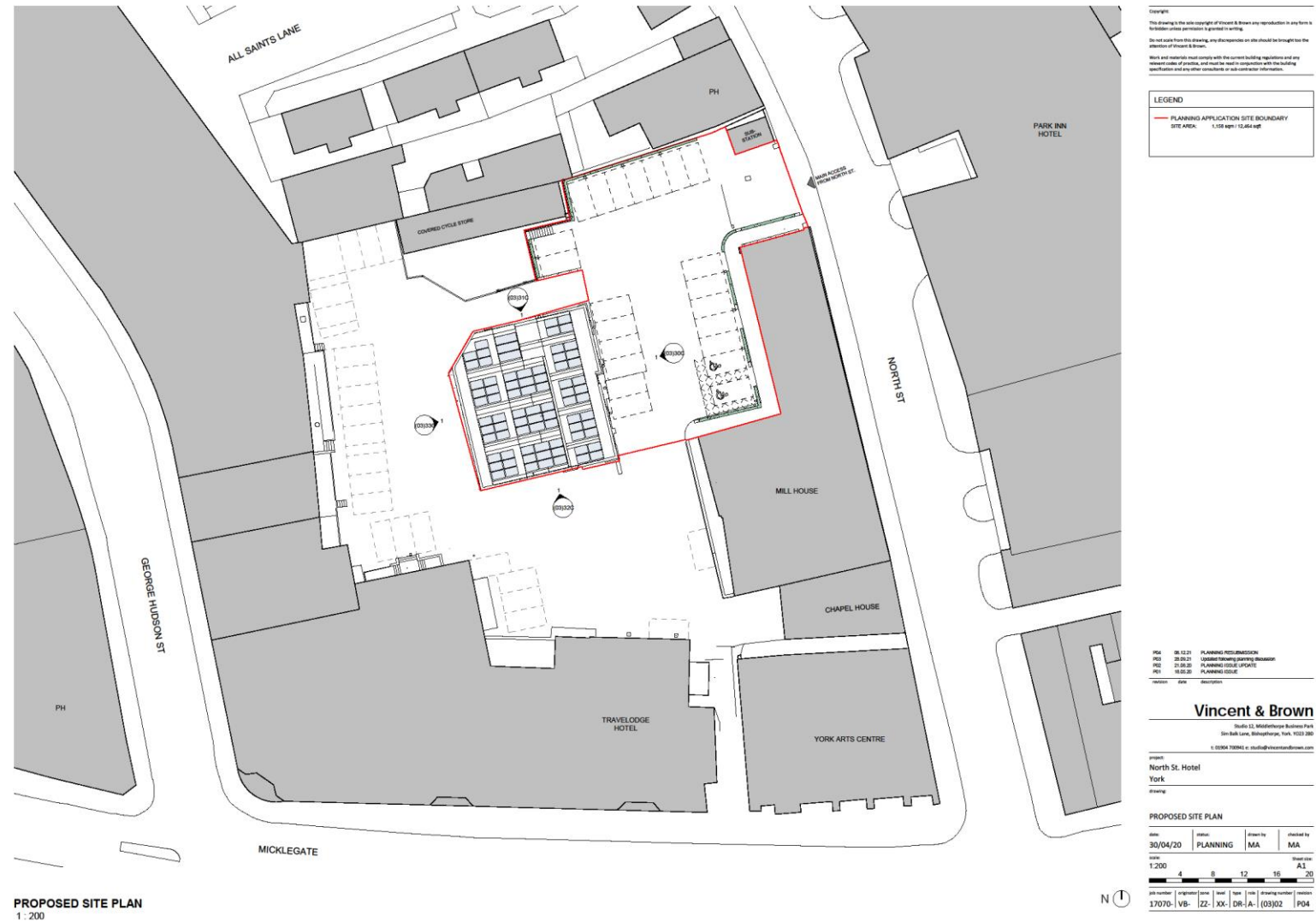
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## Planning Committee B

20/02421/FULM

Land To The Rear Of Mill House North Street



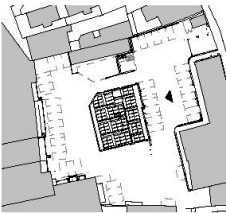
East elevation



EAST ELEVATION - COLOUR  
1 : 100

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MATERIAL KEY	
1	BRICK-FACED GLAZING SYSTEM - BUFF-COLOURED FLEMISH BOND BRICKWORK
2	ANGLED BRICKWORK PANEL
3	ALUMINUM CLAD TIMBER WINDOWS WITH DARK GREY SPANDREL PANELS
4	ZINC CLAD TIMBER CURTAIN WALLING SYSTEM
5	PRE-CAST POLISHED CONCRETE CLADDING
6	ARCHITECTURAL MESH CLADDING
7	GREEN WALL SYSTEM
8	LIGHT GREY ZINC CLADDING
9	LIGHT GREY ZINC ROOF WITH PHOTOVOLTAIC PANELS OVER



P03	06.12.21	PLANNING RESUBMISSION
P02	26.09.21	Updated planning planning discussion
P01	18.05.20	PLANNING ISSUE

revision	date	description
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Six Bels Lane, Middlethorpe, York, YO23 8BD  
t: 01904 700941 e: studio@vincentandbrown.com

project:  
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York

drawing:

**EAST ELEVATION - COLOUR**

date:	status:	drawn by:	checked by:
30/04/20	PLANNING	MA/SB	MA

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1:100	A1



job number	originator	date	type	revision	drawing number	revision
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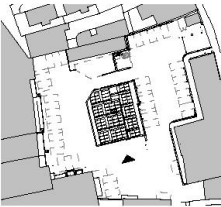
South elevation



SOUTH ELEVATION - COLOUR  
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MATERIAL KEY	
1	BRICK-FACED CLADDING SYSTEM - DUFFY-COLOURED FLAMING SOND BRICKWORK
2	ANGLED BRICKWORK PANEL
3	ALUMINIUM CLAD TIMBER WINDOWS WITH DARK GREY SPANDREL PANELS
4	ZINC CLAD TIMBER CURTAIN WALLING SYSTEM
5	PRE-CAST POLISHED CONCRETE CLADDING
6	ARCHITECTURAL MESH CLADDING
7	GREEN WALL SYSTEM
8	LIGHT GREY ZINC CLADDING
9	LIGHT GREY ZINC ROOF WITH PHOTOVOLTAIC PANELS OVER



P04	06.12.21	PLANNING RESUBMISSION
P03	20.05.21	Updated Planning planning discussion
P02	31.03.21	Planning Revision
P01	10.05.20	PLANNING ISSUE

revision	date	description
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t: 01904 702941 e: studio@vincentandbrown.com

project:  
North St. Hotel  
York

drawing:

SOUTH ELEVATION - COLOUR

date	status	drawn by	checked by
30/04/20	PLANNING	MA/SB	MA

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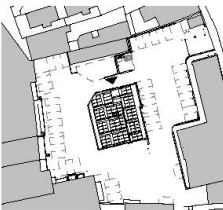
North elevation



NORTH ELEVATION - COLOUR  
1 : 100

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9	LIGHT GREY ZINC ROOF WITH PHOTOVOLTAIC PANELS OVER



003	06.12.21	PLANNING RESUBMISSION
002	20.09.21	Updated following planning discussion
001	16.05.20	PLANNING ISSUE
revision	date	description

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project:  
North St. Hotel  
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drawing:

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30/04/20	PLANNING	MA/SB	MA	
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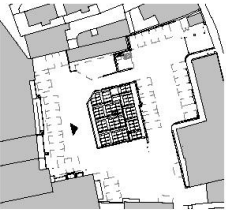
West elevation



WEST ELEVATION - COLOUR  
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7	GREEN WALL SYSTEM
8	LIGHT GREY ZINC CLADDING
9	LIGHT GREY ZINC ROOF WITH PHOTOVOLTAIC PANELS OVER



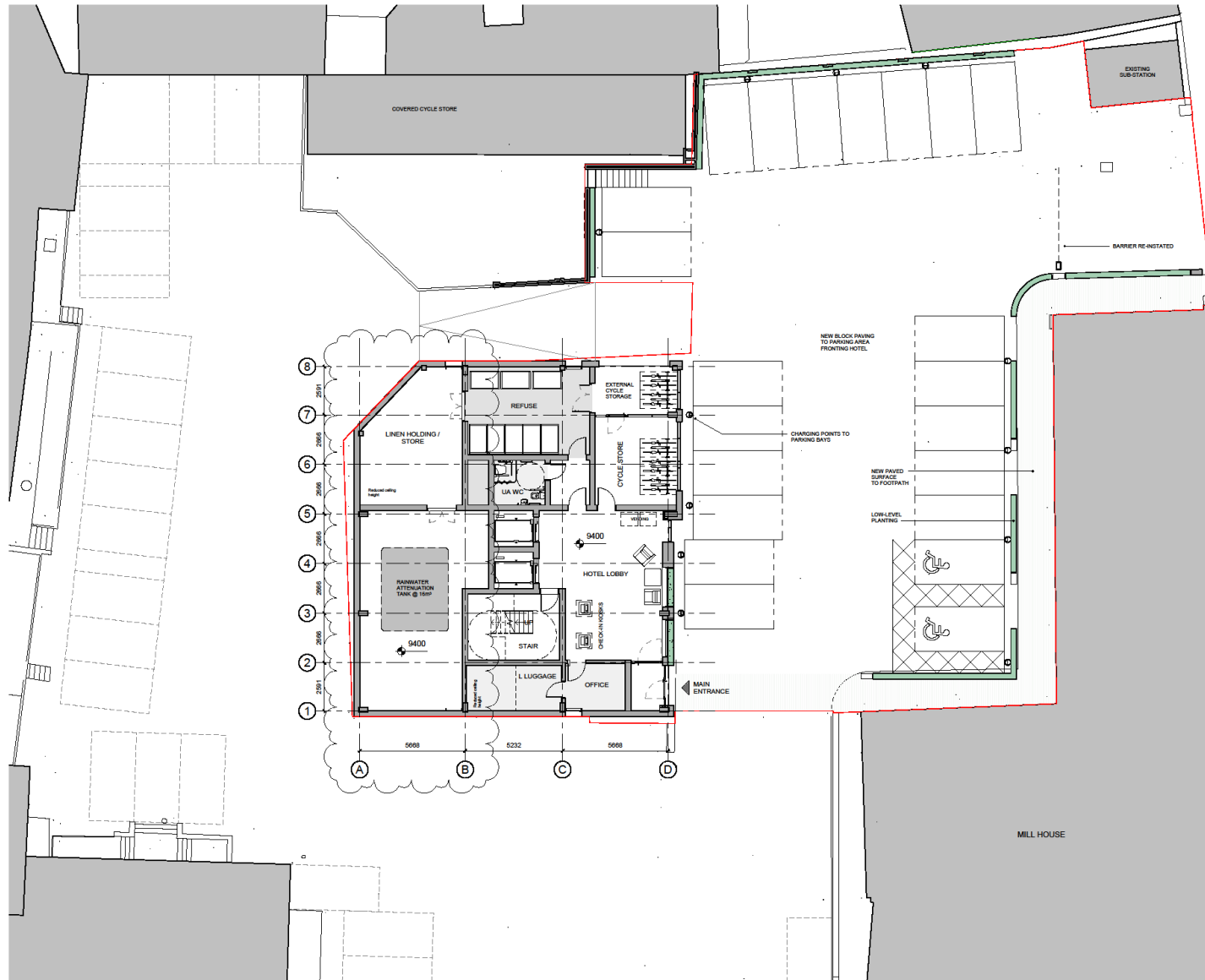
PO1	06.12.21	PLANNING RESUBMISSION
PO2	26.05.21	Updated following planning discussion
PO3	10.05.20	PLANNING ISSUE
revision	date	description

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project:  
North St. Hotel  
York  
drawing:

WEST ELEVATION - COLOUR									
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**LEVEL 00 FLOOR PLAN**  
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LEGEND	
<span style="color: red;">---</span>	PLANNING APPLICATION SITE BOUNDARY

ROOM SCHEDULE				
	DOUBLE ROOM	TWIN ROOM	UA ROOM	TOTAL
LVL 00	0	0	0	0
LVL 01	11	3	1	15
LVL 02	12	3	1	16
LVL 03	12	3	1	16
LVL 04	12	3	1	16
LVL 05	12	1	1	14
LVL 06	4	1	0	5
<b>TOTAL</b>	<b>63</b>	<b>14</b>	<b>5</b>	<b>82</b>



revision	date	description
P00	04.05.22	Services Plan Resubmitted
P07	10.03.22	Alteration Turn Asset
P08	03.03.22	Level Change Floor Level Revised
P05	05.12.21	PLANNING RE SUBMISSION
P04	28.03.21	Updated following planning discussion
P03	21.03.21	Meeting Revision
P02	21.05.20	PLANNING ISSUE UPDATE
P01	15.05.20	PLANNING ISSUE

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project:  
**North St. Hotel**  
York  
drawing:

### LEVEL 00 FLOOR PLAN

date	status	drawn by	checked by
30/04/20	PLANNING	MA/SB	MA

scale	Sheet Size
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job number	originator	zone	level	type	date	drawing number	revision
17070-VB-	ZZ-	00-	DR-A-	(03)10	P08		





**LEVEL 01 FLOOR PLAN**  
1:100

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#### LEGEND

— PLANNING APPLICATION SITE BOUNDARY

#### ROOM SCHEDULE

	DOUBLE ROOM	TWIN ROOM	LIA ROOM	TOTAL
LVL 00	0	0	0	0
LVL 01	11	3	1	15
LVL 02	12	3	1	16
LVL 03	12	3	1	16
LVL 04	12	3	1	16
LVL 05	12	1	1	14
LVL 06	4	1	0	5
<b>TOTAL</b>	<b>63</b>	<b>14</b>	<b>5</b>	<b>82</b>



PO6	04.03.22	Services Part Fabricated
PO5	06.12.21	PLANNING RESUBMISSION
PO4	20.03.21	Updated following planning discussion
PO3	21.03.21	Missing Revision
PO2	21.08.20	PLANNING ISSUE UPDATE
PO1	10.05.20	PLANNING ISSUE

revision date description

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t: 01904 702941 e: studio@vincentandbrown.com

project:  
North St. Hotel  
York

drawing:

#### LEVEL 01 FLOOR PLAN

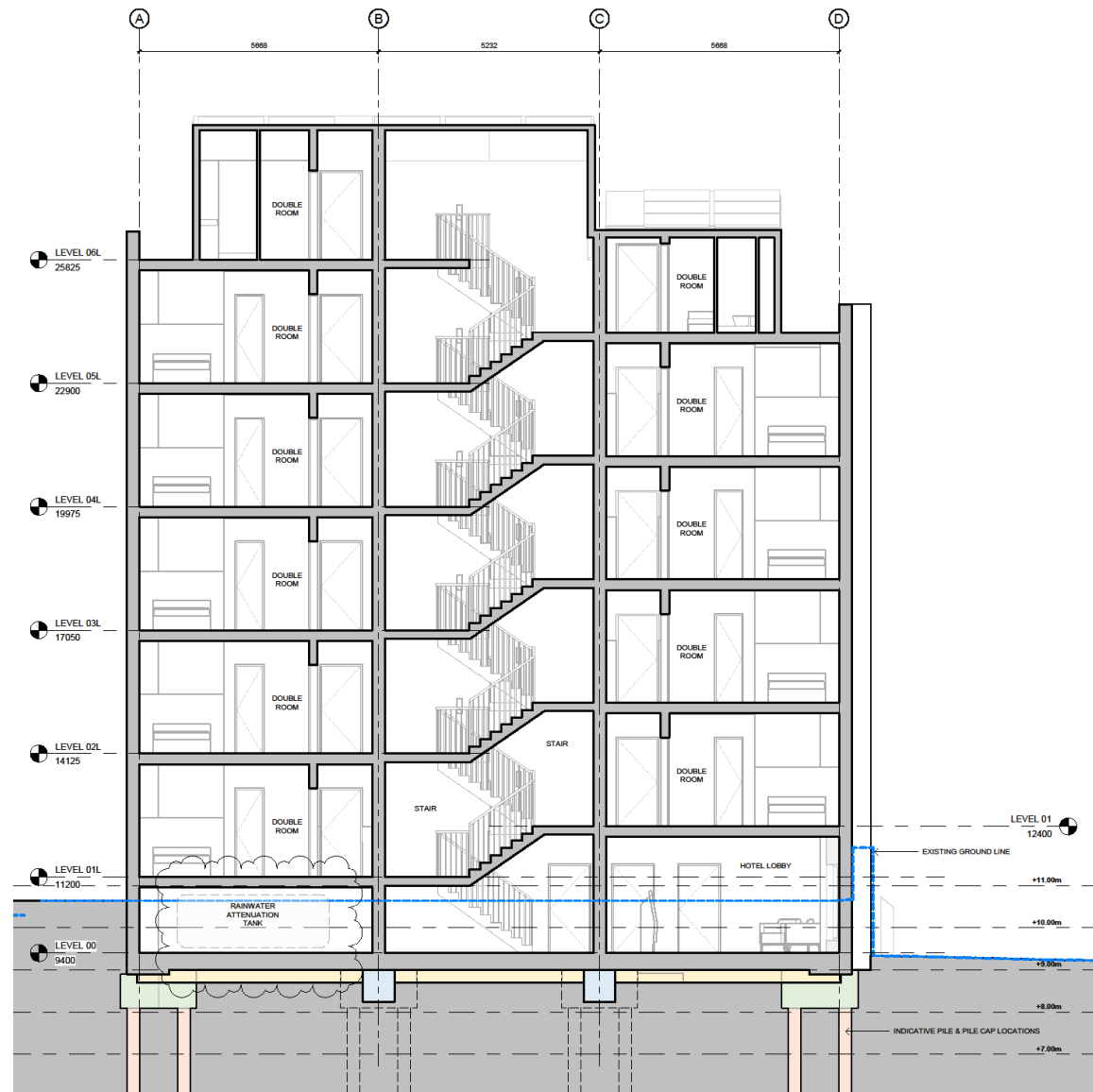
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30/04/20	PLANNING	MA/SB	MA

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**BUILDING SECTION E/W**  
1 : 50

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PD1 04.05.22 Services Plant Relocated  
revision date description

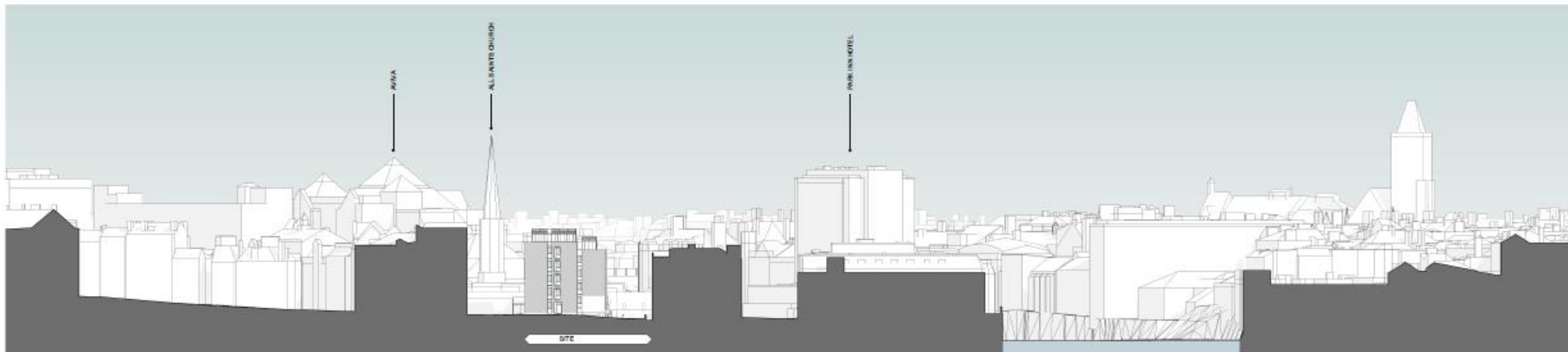
**Vincent & Brown**

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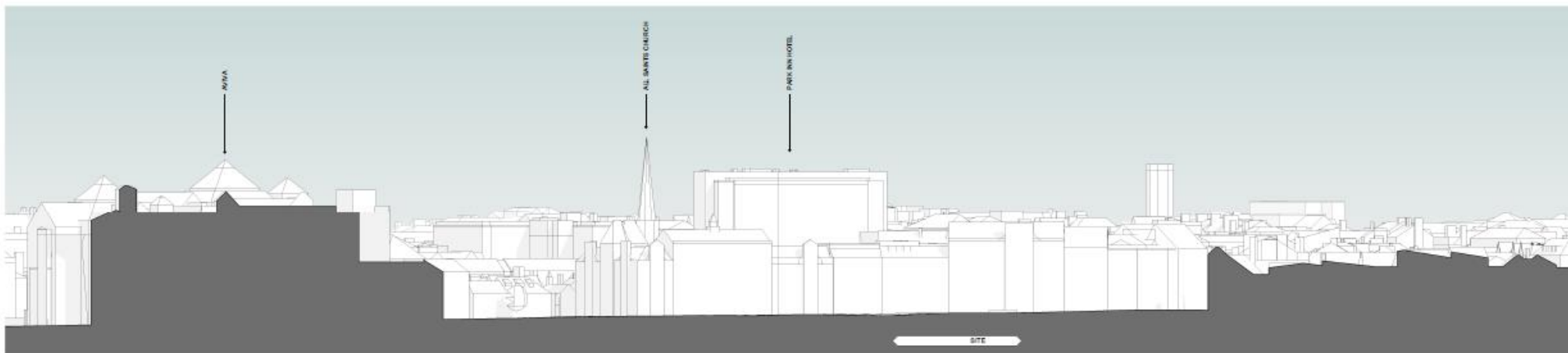
project:  
North St. Hotel  
York  
drawing:

**BUILDING SECTION E/W**

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type DR-	role A-	drawing number (03)53	revision P01



**CONTEXT SECTION A - NORTH VIEW**  
1 : 500



**CONTEXT SECTION B - EAST VIEW**  
1 : 500

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**Planning Committee A**

**9 June 2022**

**Planning Committee B**

**8 June 2022**

### **Planning Appeal Performance and Decisions**

- 1 This report informs Members of planning appeal decisions determined by the Planning Inspectorate between 1 January and 31 March 2022. A summary of each decision is provided in appendix B and a list of outstanding planning appeals in appendix C.
- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly and annual basis. The Government use the statistical returns as one of a number of measures to assess the performance of local planning authorities. To assess the quality of decisions, this is based on the total number of decisions made by the Local Planning Authorities that are subsequently overturned at appeal. The threshold whereby a Local Planning Authority is eligible for designation as under-performing is 10% of the Authority's total number of decisions on major, non-major and "county-matter" (generally minerals and waste proposals) applications made during the assessment period being overturned at appeal.
- 3 Table 1 shows results of planning appeals decided by the Planning Inspectorate for the quarter 1 January to 31 March 2022 for all types of planning appeals such as those against the refusal of planning permission, against conditions of approval, listed building applications and lawful development certificates.

**Table 1: CYC Planning Appeals Last Quarter Performance**

	<b>01/01/22 to 31/03/22</b>
Allowed	5
Split decision	0
Dismissed	10
Total Decided	15
<b>% Allowed</b>	<b>33%</b>

- 4 There were no appeal decisions received during the quarter relating to the refusal of an application for a “major” development.

**Table 2: CYC Planning Appeals 12 month Performance**

	<b>01/04/21 to 31/03/22</b>	<b>01/04/2020 to 31/03/21</b>
Allowed	7	10
Split decision	1	3
Dismissed	33	41
Total Decided	40	54
<b>% Allowed</b>	<b>17%</b>	<b>18.5%</b>

- 5 For the 12 months period 1 April 2021 to 31 March 2022, 17% of CYC appeals decided were allowed. Nationally, provisional figures show that 25% of appeals were allowed over the same period.
- 6 Using the assessment criteria set out in paragraph 2 above, 0.4% of the total CYC decisions made in respect of non-major applications and 0% of total decisions made in respect of major applications in the period 1 April 2021 – 31 March 2022 were overturned at appeal. There were no appeals in respect of county-matter applications during the period. These figures are provided for illustrative purposes, the DLUHC collate figures over a rolling two year period.
- 7 A list of the planning appeals determined between 1 January and 31 March 2022 are included in Appendix A. Summaries of the decisions are included in Appendix B. One no. appeal was determined following a decision to refuse permission made by the sub-committee/committee.

**Table 3: Appeals Decided 01/01/2022 to 31/03/2022 following Refusal by Committee / Sub-Committee**

Ref No	Site	Proposal	Appeal Outcome
20/01498/ FUL	The Jubilee PH, Balfour Street	Conversion of roofspace and part first floor to 3no. flats, retention of public house on ground floor and part first floor	Allowed

- 8 The list of current appeals is attached at Appendix C. There are 19 appeals of all types awaiting determination.

### **Consultation**

- 9 This is an information report for Members and therefore no consultation has taken place regarding its content.



## **Council Plan**

- 10 The report is relevant to the “Well-paid jobs and an inclusive economy,” “Creating homes and World-class Infrastructure,” “A Greener and cleaner city,” “Getting around sustainably” and “Good Health and Wellbeing” city outcomes of the Council Plan.

## **Implications**

- 11 Financial – There are no financial implications directly arising from the report.
- 12 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 13 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 14 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

## **Risk Management**

- 15 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

## **Recommendation**

- 16 That Members note the content of this report.

## **Reason**

- 17 To inform Members of the current position in relation to planning appeals against the Council’s decisions as determined by the Planning Inspectorate.

## **Contact Details**

### **Author:**

Gareth Arnold  
Development Manager,  
Development Management

### **Chief Officer Responsible for the report:**

Becky Eades  
Head of Planning and Development  
Services

**Report  
Approved**



**Date** 25.05.2022

**Specialist Implications Officer(s)** None.

**Wards Affected:**

**All** ☒ Y

For further information please contact the author of the report.

**Appendices**

Appendix A	Planning Appeals decided between 1 January and 31 March 2022
Appendix B	Summaries of Planning Appeals decided between 1 January and 31 March 2022
Appendix C	Outstanding Planning and TPO Appeals as at 25 May 2022

# Appendix A

## Planning Appeals decided between 1 January and 31 March 2022

App number	Proposal	Site	Decision	Officer rec	Rec'n Acc'd	Decision type
20/01474/LBC	Single storey rear extension	44 Clifton York YO30 6AW	Appeal Dismissed	Refuse	Accepted	Delegated
21/01503/FUL	Dormer to rear and 2no. rooflights to front	Rushbrooke 21A Holyrood Drive York YO30 5WB	Allowed	Refuse	Accepted	Delegated
21/01387/FUL	Variation of condition 2 of permitted application 21/00199/FUL to reduce height of extension	30 Cherry Wood Crescent York YO19 4QN	Appeal Dismissed	Refuse	Accepted	Delegated
20/01498/FUL	Conversion of roof space and part of first floor to 3no. flats and retention of public house on ground floor and part first floor (resubmission).	The Jubilee Balfour Street York YO26 4YU	Allowed	Approve	Overtaken - refused	Sub Committee
21/01719/FUL	Two storey side and single storey rear extension	33 Walney Road York YO31 1AH	Appeal Dismissed	Refuse	Accepted	Delegated
21/01670/FUL	Rendering of Eastfield Crescent elevation	20 Eastfield Crescent York YO10 5JB	Allowed	Refuse	Accepted	Delegated
21/01339/PAAA	Enlargement of dwellinghouse by construction of 1no. additional storey with new roof height no greater than 3.5 metres above the highest part of the existing roof under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1,	The Lodge Westerly Lake Main Street Wheldrake York YO19 6AH	Allowed	Refuse	Accepted	Delegated

	Class AA					
21/00612/FUL	Erection of stable block, associated yard area and access track (resubmission)	2 Scoreby Lane Scoreby York YO41 1NW	Appeal Dismissed	Refuse	Accepted	Delegated
21/00692/FUL	Single storey side/rear extension in connection with use of house as a C4 House in Multiple Occupation - resubmission	15 Yarburgh Way York YO10 5HD	Appeal Dismissed	Refuse	Accepted	Delegated
21/01901/FUL	Single storey side and rear extension - Costs Refused 21.3.22	46 Markham Street York YO31 8NR	Appeal Dismissed	Refuse	Accepted	Delegated
21/00194/FUL	Erection of detached dwelling with associated access, landscaping and air source/ground source heat pump.	Proposed Residential Development Site Shilton Garth Close Earswick York	Allowed	Refuse	Accepted	Delegated
21/01614/FUL	Replacement of existing timber single glazed vertical sliding sash windows with uPVC double glazed vertical sliding sash windows to front and rear elevations	18 Priory Street York YO1 6EX	Appeal Dismissed	Refuse	Accepted	Delegated
21/01211/FUL	Single storey rear extension	9 New Lane Bishopthorpe York YO23 2QS	Appeal Dismissed	Refuse	Accepted	Delegated
19/01454/FUL	Proposed change of use from office to residential to include demolition and replacement of existing rear extension and installation of dormer to rear	Mudd And Co 5 Peckitt Street York YO1 9SF	Appeal Dismissed	Refuse	Accepted	Delegated
19/01455/LBC	Proposed internal and external alterations in association with change of use from office to residential to include demolition and replacement of existing rear extension, installation of dormer to rear, reinstatement of internal wall and repositioning of doors	Mudd And Co 5 Peckitt Street York YO1 9SF	Appeal Dismissed	Refuse	Accepted	Delegated

## Appendix B

### Summaries of Planning Appeals decided between 1 January and 31 March 2022

Case number		Description	Address	Outcome
21/00037/REF		Dormer to rear and 2no. rooflights to front	Rushbrooke 21A Holyrood Drive York YO30 5WB	Appeal Allowed

#### Notes

The application was refused on the grounds that the rear dormer by virtue of its size and design was detrimental to the character and appearance of the host property and the character of the area. The Inspector considered that whilst dormers are not an established feature of the rear roofscape there is a notable absence of rhythm due to the presence of mixed roof forms and differing alignment of properties which provide opportunity for alterations without causing harm to character and distinctiveness of local area. The Inspector notes that the Householder SPD does not seek to prevent rear dormers even where there are no rear dormers and considers that the dormer is not overly large or dominant and would therefore not have an unacceptable impact on the property or group of properties from public vantage points.

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Case number		Description	Address	Outcome
21/00038/REF		Variation of condition 2 of permitted application 21/00199/FUL to reduce height of extension	30 Cherry Wood Crescent York YO19 4QN	Appeal Dismissed

#### Notes

The application was refused on the grounds of harm to visual amenity, the roof design of the proposed extension would be at odds with the form of the main roof in a prominent position within the streetscene. The extension would have an undue prominence and appear awkward, incongruous and out of keeping with the appearance of the dwelling. The extension would project beyond the building line established by nearby properties. The Inspector dismissed the appeal, agreeing with the Council as to the incongruity of the proposed extension. They did not find harm in regard to the building line on this part of Cherry Wood Crescent, as the extension would significantly exceed it and a similar projection had already been approved. They considered there to be some

variety in the building line on this part of the street.

Case number		Description	Address	Outcome
21/00041/REF		Alterations and conversion of part of first floor and all of the roofspace of the public house building to 3no. self-contained apartments and retention of public house on ground floor and altered function room on first floor (resubmission).	The Jubilee Balfour StreetYorkYO26 4YU	Appeal Allowed

#### Notes

Sub Committee Decision – officer recommendation to Approve. The appeal related to the refusal of the change of use of part of the vacant and dilapidated Jubilee Public House to three flats, retaining part of the function room on the first floor and the majority of the pub on the ground floor along with a beer garden. The application was refused primarily because it was considered that the loss of staff accommodation and the introduction of self contained flats would undermine the viability of the pub and lead to the loss of part of the pubs community provision. A similar proposal was refused in 2018 and dismissed at appeal. The main change between the two applications was that the current appeal scheme retained a function room on the first floor. The Inspector allowed the appeal stating that the proposed changes to the pub would not unacceptably harm what could be provided for the local community. In assessing the proposal the Inspector agreed with the previous Inspector that there was nothing compelling relating to the proposed changes that would mean that the pub could not remain viable. The Inspector included a number of conditions on the decision including the need for the pub areas to be fully restored prior to the occupation of the second flat and removing permitted development rights to subdivide the reformatted function room or use it for ancillary living accommodation.

Case number		Description	Address	Outcome
21/00044/REF		Two storey side and single storey rear extension	33 Walney RoadYorkYO31 1AH	Appeal Dismissed

#### Notes

The application was refused on the grounds of harm to visual amenity, with the scale and position of the proposed extension in

relation to the side boundary and the adjacent street constituting an overbearing presence and eroding the spacing within the streetscene, of specific importance given the prominence of the corner site. The design of the extension was also considered to be out of keeping with the distinctive gable ended design of the host dwelling, constituting an addition of unsympathetic design in a prominent location within the streetscene. The Inspector dismissed the appeal, finding that the proposed side extension would be a substantial addition which would unbalance the existing symmetry of the property. No examples of a similar scale were found in the surrounding area, and the scheme was considered to be highly visible given its location, serving to erode the characteristic relationship between properties and their plots that prevails in this part of the street. The Inspector fully agreed with the Council as to the incongruity of the scheme, and found that the proposed hipped roof would interact awkwardly with existing roof forms, appearing unsympathetic in relation to the host property and discordant in the wider area.

Case number		Description	Address	Outcome
21/00039/REF		Enlargement of dwellinghouse by construction of 1no. additional storey with new roof height no greater than 3.5 metres above the highest part of the existing roof under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – Schedule 2, Part 1, Class AA	The Lodge Westerly Lake Main StreetWheldrakeYorkYO19 6AH	Appeal Allowed
<b>Notes</b>				
The appeal related to a prior approval application. The application was refused because the extra storey would result in a development that would visually encroach into open land around Wheldrake in contrast to the discreet and unassuming appearance of the existing dwelling. The property is located within the Green Belt, however, the prior approval process does not allow the impact on Green Belt openness to be assessed. The Inspector allowed the appeal, stating that the dwelling would be more visible in the landscape, but did not consider that this would detract from the setting of the village. In considering this, the Inspector gave regard to the existing trees that partly screened the building, its separation from agricultural land and the existence of views where the dwelling would be seen adjacent to development in the village.				

Case number		Description	Address	Outcome
21/00036/REF		Erection of stable block, associated yard area and access track (resubmission)	2 Scoreby Lane Scoreby York YO41 1NW	Appeal Dismissed

### Notes

The application was refused because it was inappropriate development in the Green Belt. The Planning Inspector agreed that the proposal failed to preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment and as such was inappropriate development in the Green Belt. The Inspector considered that the private benefits to the appellant and the benefits to animal welfare to have limited weight and did not not outweigh the harm to the Green Belt

Case number		Description	Address	Outcome
21/00034/REF		Erection of detached dwelling with associated access, landscaping and air source/ground source heat pump.	Proposed Residential Development Site Shilton Garth Close Earswick York	Appeal Allowed

### Notes

The proposal related to the erection of 1no. 4-bedroom dwelling on land within the built up area of Earswick village. Planning permission was refused due to the conflict with policies ENP1 and ENP2 of the Earswick Neighbourhood Plan, which seek to meet the needs of the parish for smaller 2 and 3 bedroom homes. Outline planning permission for the erection of two dwellings on the site had been granted in 2018. The key issue identified by the Inspector was whether the proposed development would provide adequate accommodation to meet local housing needs. The Inspector acknowledged the conflict with policies ENP1 and ENP2, but stated that the threshold would only be exceeded by one bedroom and in respect of a single dwelling. He noted that the parish council had indicated that the policy was not created with the intention of precluding the development of single dwellings. He considered that the development would deliver social and economic benefits, and the sustainable from of construction would result in environmental benefits. In addition, the Council could not demonstrate a 5-year supply of housing land. Crucially, the Inspector referred to paragraph 14 of the NPPF, which indicates that in relation to the provision of housing, a Neighbourhood Plan (NP) only carries weight if it formed part of the Development Plan for a period of two years or less prior to the decision being made. Whilst this was the case when the decision was made by the Council, the two year period had lapsed at the point the appeal was



determined, thus the NP was deemed to be out of date in this respect. In allowing the appeal, the Inspector concluded that the provision of a 4-bedroom dwelling rather than a 2 or 3 bedroom dwelling would result in limited harm, which would be outweighed by the benefits of the proposal. He concurred with the Council that the other impacts of the development were acceptable.

Case number		Description	Address	Outcome
21/00028/REF 21/00029/REF		Proposed change of use from office to residential to include demolition and replacement of existing rear extension and installation of dormer to rear Planning and Listed Building Consent applications	Mudd And Co5 Peckitt StreetYorkYO1 9SF	Appeal Dismissed
<b>Notes</b>				
<p>The proposal involved a change of use from office to residential, part removal and rebuild of existing substandard rear kitchen, installation of dormer to rear roof plane and internal alterations. Planning and Listed Building Consent applications were submitted. It was refused on the grounds that the existing rear extension was of important heritage and aesthetic value and demolition would result in harm to the significance. No convincing evidence had been provided to indicate that the structure was at risk of collapse. The applicant suggested that the site is at risk from flooding to justify removal but the Council's Senior Flood Risk Engineer advised that this was not the case. The existing extension adds greatly to the character of the listed building, whereas the proposed extension was notably taller and wider and would appear awkward and the proposed rear dormer would create an incongruous feature within the roofscape. The details of the proposed internal door on the ground floor were considered to be crude and the loss of an existing on the second floor would mean that the original circulation pattern could not be read. The Inspector considered that the removal of the rear extension would result in the loss of features of special interest that contributed to the overall significance of the listed building and would cause clear harm to the heritage asset. The proposed replacement would be of a greater height and width and would be conspicuous and appear as a discordant addition thereby diminishing its significance. The proposed rear dormer window was clumsy and would harm the character and appearance of the conservation area. In terms of flooding there was little evidence that the identified deficiencies could not be adequately addressed by a comprehensive scheme of repairs by a suitably qualified conservation specialist. With regard to the internal doors these were minor matters that could be dealt with via condition. No evidence presented to suggest that the property would become vacant in the event that the appeal failed</p>				

Case number		Description	Address	Outcome
21/00043/REF		Single storey rear extension	9 New Lane Bishopthorpe York YO23 2QS	Appeal Dismissed

### Notes

The planning appeal related to the refusal of householder application 21/01211/FUL for a single storey rear extension. The proposed extension was considered to have a detrimental impact on the character and appearance of both the host dwelling and the row of terraced properties it forms part of. In particular, the design and length of the extension was deemed to be at odds with the main house and it was felt that the extensions overall appearance did not respect the existing dwelling or the character of the area. In addition to this, the extension was also considered to cause a detrimental impact on the amenity of the occupiers of both No.8 and No.10 New Lane with regards to loss of outlook and dominance. The extension was deemed to be overbearing and oppressive due to its length and height along the shared boundaries. The Inspector dismissed the appeal agreeing with both reasons for refusal.

Case number		Description	Address	Outcome
21/00035/REF		Rendering of Eastfield Crescent elevation	20 Eastfield Crescent York YO10 5JB	Appeal Allowed

### Notes

The application was for light-brown render to be applied to the north elevation of a two storey semi-detached dwelling. The application was refused on the grounds of harm to visual amenity, the proposed render being considered incongruous and out of keeping with the brick-built character of the host dwelling, its semi-detached partner and other dwellings along Eastfield Crescent. The Inspector allowed the appeal. They acknowledged that the proposed rendering would be a change in finish to the existing brickwork of No 18 and No 20, but judged that the proposed light brown (mink) colour would be sympathetic and not dissimilar in colour to the existing brickwork of the 2 dwellings. So although different, the proposal would not be incongruous in character or

appearance and would not result in visual harm. The ‘key determining factor’ in the Inspector’s decision was the similarity in colour between the render and the existing brickwork. Because of this, they considered the proposal not to be contrary to the expectations of the ‘House Extensions and Alterations’ SPD, and consistent with the NPPF’s requirements for developments to be sympathetic to local character and of good design, despite the render being ‘different’ to the existing character.

Case number	Appeal by	Description	Address	Outcome
21/00030/REF	Mr And Mrs Cleaver	Single storey side/rear extension in connection with existing use of house as a C4 House in Multiple Occupation - resubmission	15 Yarburgh WayYorkYO10 5HD	Appeal Dismissed
<b>Notes</b>				
<p>The application was refused on the grounds that the proposal would result in a significant expansion of the HMO without properly addressing issues relating to car and cycle parking and refuse bin storage.</p> <p>In dismissing the appeal the Inspector stated that the parking fell substantially short of the 3.6 metre width the Council sought to achieve and there would therefore be insufficient space to facilitate the day-to-day practicalities of loading and unloading that comes with the more intense use generated by residents of a HMO. In addition the configuration of the parking layout, was not practical, as it would be extremely difficult for vehicles to park in the manner proposed. He commented that the surrounding streets are already heavily parked and it was likely that these parking pressures would be further exacerbated at peak times of the day owing to the proximity of the nearby school and parade of shops. The proposal made no provision for secure cycle storage or parking and there was no space to the side of the property to allow for the passage of cycles and refuse bins from the rear of the property to its front. Consequently, it was likely that wheeled refuse bins, recycling boxes and cycles would be stored to the front of the property. Not only was this likely to discourage a sustainable form of transport, but this would also introduce unsightly clutter to the front of the property, impeding the proposed parking layout and harmful to the character and appearance of the area.</p>				

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## Appendix C

### Outstanding Planning and TPO Appeals

Date report run: 25-May-2022

Ward	Appeal Case number	Proposal	Address	Officer name
Copmanthorpe	22/00011/REF	Conversion of 2no. buildings to form holiday letting accommodation with alterations to existing vehicular access (resubmission, revised scheme)	125 Temple Lane Copmanthorpe York YO23 3TE	Erik Matthews
Dringhouses And Woodthorpe	22/00010/REF	Erection of 60no. retirement apartments with care, communal facilities, parking, landscaping and associated amenity space following demolition of existing 3no. bungalows.	1 Cherry Lane York YO24 1QH	Erik Matthews
	22/00018/REF	Single storey side extension	3 The Grove York YO24 1XD	Matthew Parkinson
Guildhall	22/00017/REF	Rebuilding of roof with dormer to rear, 3no. rooflights to front and 1 lantern light to ridge	8 Portland Street York YO31 7EH	David Johnson
Haxby And Wigginton	22/00012/REF	Conversion of existing house into two dwellings with single storey rear extension, side and rear dormers, rear extension, demolition of garage and erection of new dwelling to rear	Cedar House 29 Station Road Haxby York YO32 3LU	Matthew Parkinson
Heworth	22/00003/REF	Erection of 1no. dwelling to rear of No.62 Heworth Road and conversion of outbuilding to dwelling with single storey extension following demolition of detached garage (resubmission)	62 Heworth Road York YO31 0AD	Simon Glazier
	22/00004/NON	Change of use from dwelling house	28 Heworth York YO31	Paul Edwards

		(use class C3) to House in Multiple Occupation (use class C4)	1AF	
Hull Road	21/00050/TPO	Fell 1no. Cedar; crown lift Lime tree by 2m protected by Tree Preservation Order No.: 52	The Quadra Garrow Hill York YO10 3HL	Brian Williams
Huntington/New Earswick	21/00032/NON	Outline planning permission with all matters reserved except access, for circa 300 residential dwellings, associated landscaping, public open space, and the formation of two new vehicle accesses from New Lane	Huntington South Moor New Lane Huntington York	Jonathan Kenyon
	21/00033/NON	Outline planning application with full details of means of access for residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road	Site To The West Of The A1237 And South Of North Lane Huntington York	Neil Massey
	22/00015/NON	Erection of 8no. dwellings with associated works following demolition of existing buildings	The Wilberforce Trust Wilberforce House 49 North Moor Road Huntington York YO32 9QN	Victoria Bell
Micklegate				
	21/00045/NON	Erection of extra care accommodation including no.70 apartments and decked car park with associated private amenity space, landscaping, substation and vehicular access alterations	Chocolate Works Residents Parking Bishopthorpe Road York	Erik Matthews

	21/00051/HH	High hedge investigation	Field House 2 St Georges Place York YO24 1DR	Ed Bainbridge
	22/00006/CON	Installation of louvres, 2no. doors and external Amazon lockers, provision of plant and machinery and changes to previously approved store opening and delivery hours.	David Wilson Homes Limited Marketing Suite Hallmark House Joseph Terry Grove York YO23 1PX	Erik Matthews
	22/00009/REF	Change of Use from Class C3 Dwellinghouse to Serviced Holiday Apartment and installation of new external door to rear elevation at basement level	75 The Mount York YO24 1AX	Erik Matthews
Rawcliffe And Clifton Without	22/00005/REF	Two storey extension to side and rear with canopy porch to front (revised scheme, resubmission)	9 Holyrood Drive York YO30 5WB	Sam Baker
	22/00007/REF	Two storey side extension	2 Hendon Garth York YO30 5ZB	Joseph Bourke
Rural West York	22/00013/TPO	Fell Monkey Puzzle tree protected by Tree Preservation Order no. CYC9	23 Nursery Road Nether Poppleton York YO26 6NN	Brian Williams
	22/00014/REFC PD	Certificate of lawfulness of proposed development comprising: removal of existing railway carriage; erection of workshop/wood store, potting shed and boundary fencing; and construction of swimming pool	Cherry Tree Cottage Millfield Lane Nether Poppleton York YO26 6NX	Matthew Parkinson

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