

# COMMITTEE REPORT

**Date:** 10 October 2023      **Ward:** Micklegate  
**Team:** West Area      **Parish:** Micklegate Planning Panel

**Reference:** 23/01421/FULM  
**Application at:** York Racecourse Racecourse Road Knavesmire York YO23 1EJ  
**For:** Erection of Pavillion, canopy with covered seating area, single storey extensions to Bustardthorpe stand with associated landscaping and infrastructure following demolition of existing buildings and structures

**By:** York Racecourse Knavesmire LLP  
**Application Type:** Major Full Application  
**Target Date:** 2 November 2023  
**Recommendation:** Approve

## 1.0 PROPOSAL

1.1 York Racecourse lies to the southwest of the City Centre within the Knavesmire. The application site lies within the Racecourse Enclosure, the developed complex of buildings serving the Course to the west of Racecourse Road. The Racecourse Enclosure and its setting including the Grade II\* Listed John Carr stand along with other Listed Buildings, and are set within the Terry's/Racecourse Conservation Area together with the adjoining buildings of the retained Terry's Chocolate Works to the east.

1.2 Planning permission is sought for the erection of a bar pavilion, a covered seating area, demolition of a range of ancillary structures, refurbishment of the Bustardthorpe Stand with a rear extension to consolidate a range of existing functions presently carried out in separate buildings and the provision of a landscaped area with an 8-metre-high open glazed canopy.

### 1.3 Relevant Planning History:

- 13/01320/FUL Erection of Canopy to the John Carr Stand, an Owner's and Trainer's Gatehouse and a Champagne Pavilion

- 18/02218/FUL External Alterations to Allow Formation of New Premier Sports Lounge with Ancillary Racecourse Facilities at the Melrose Stand

## **2.0 POLICY CONTEXT**

### 2.1 Draft City of York Local Plan (2018) Policies:

- EC4 Tourism
- D4 Conservation Areas
- D5 Listed Buildings
- GB1 Development in Green Belt
- D6 Archaeology
- GI4 Trees and Hedgerows
- ENV2 Managing Environmental Quality
- ENV5 Sustainable Drainage
- T1 Sustainable Access

### 2.2 Evidence Base:

- City of York Local Plan Phase 4 Consolidated Policy Map Modifications September 2022.

## **3.0 CONSULTATIONS**

### INTERNAL

#### Public Protection

3.1 Raise no objection in principle to the proposal subject to any permission being conditioned to secure submission and prior approval of details of any plant whose noise would be audible outside of the site, a restriction on the playing of amplified music, the submission of a Construction Environmental Management Plan (CEMP) in respect of the construction phase and a restriction upon construction hours.

#### Highway Network Management

3.2 Raise no objection in principle to the proposal subject to any permission being conditioned to secure the provision of 38 cycle parking spaces associated with the scheme, a method of works statement and a restriction in respect of delivery times to the site.

Design, Conservation and Sustainable Development (Archaeology)

3.3 Raise no objection to the proposal subject to any permission being subject to a watching brief during any ground works.

Design, Conservation and Sustainable Development (Ecology)

3.4 Raise no objection to the proposal subject to any permission being conditioned in respect of the protection of nesting birds and to secure biodiversity enhancements.

Design, Conservation and Sustainable Development (Trees and Landscape)

3.5 Any comments will be reported verbally at the meeting.

Front Line Flood Risk Management

3.6 Any comments will be reported verbally at the meeting.

EXTERNAL

Micklegate Planning Panel

3.7 Support the proposal which would tidy up the southern end of the racecourse and seek the provision of additional landscaping as part of the proposed works.

Yorkshire Water Services Ltd

3.8 Raise no objection to the proposal subject to any permission being conditioned to secure strict adherence to the submitted drainage strategy.

The York Conservation Area Advisory Panel

3.9 Support the proposal on the grounds that the Bustardthorpe Stand believed to be by Walter Brierley would be tidied up and given a proper setting. The character and appearance of the Conservation Area would also be enhanced by the removal of the clutter of small and temporary buildings at the south end of the Racecourse.

## **4.0 REPRESENTATIONS**

4.1 No representations received.

## **5.0 APPRAISAL**

### **KEY CONSIDERATIONS**

#### **5.1 KEY CONSIDERATIONS**

- Principle of the Development
- Impact upon the Character and Appearance of the Terry's /Racecourse Conservation Area.
- Impact upon the Setting of Adjoining Listed Buildings
- Impact upon the Open Character and Purposes of Designation of the York Green Belt
- Impact upon Deposits of Archaeological Importance
- Impact upon the Amenity of Neighbouring Properties
- Impact upon the Safety and Convenience of Highway Users
- Impact upon the Local Pattern of Surface Water Drainage

### **NATIONAL PLANNING POLICY FRAMEWORK**

5.2 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to 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, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

### **DRAFT LOCAL PLAN**

5.3 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in

February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

## PRINCIPLE OF THE DEVELOPMENT

5.4 The Racecourse has occupied its current site within the Knavesmire since the late 18<sup>th</sup> Century and provides a venue for flat race meetings between May and October with the August Ebor Meeting one of the principally recognised national flat racing events. In addition to race meetings the racecourse hosts a range of concerts and exhibitions of regional significance. The applicant states that course has in the region of 300,000 visitors during racing events and contributes around £58 million per annum to the City's economy. The full time equivalent of 1,300 jobs are supported by the site.

5.5 The Racecourse has undergone a progressive programme of refurbishment beginning with the construction of enclosed new stands in 1996 and 2002 followed by improvements to the course surface in 2008 and modernisation of the facilities at the northern end of the Enclosure in 2015 and 2018. The current application proposes the refurbishment of the southern end of the spectator facilities for the course surrounding and incorporating the Bustardthorpe Stand which has not had significant investment since the 1970s. It would involve the rationalisation of the storage and "back of house" facilities with the rationalisation of a range of storage, food kiosks and a betting kiosk to be replaced by a landscaped and canopied seating area with a lightweight timber frame pavilion bar replacing an existing temporary demountable facility. The legibility of the interior of the Enclosure would also be improved with access routes presently being confusing.

5.6 The Bustardthorpe Stand which dates to the early 20<sup>th</sup> Century would also be refurbished with the existing single storey extension which dates to the 1960s and is constructed in inappropriate materials removed with a new single storey rear extension incorporating the storage and preparation along with food kiosk facilities presently included within the detached buildings scattered around the site. The existing bar within the base of the stand would be refurbished and a new light weight timber framed pavilion would be erected to house a replacement for an existing temporary bar used during special events and larger race meetings. The new extension which would also house a betting kiosk would cover some 543 square metres There would be a total increase in built footprint of 378 square metres including the new bar pavilion. A new staging area specifically for photographs would be constructed facing the new landscaped areas.

5.7 The proposal aims to bring the standard of accommodation for the southern edge of the course up to a common level with the remainder refurbished in recent years along with incorporating a high level of sustainability within the design with the refurbished Bustardthorpe Stand having solar arrays along the length of its north-eastern roofscape. The existing reliance on temporary buildings during the larger race meetings and special events would also be significantly reduced.

5.8 Policy EC4 of the Draft Local Plan 2018 states that proposals which support the retention and growth of existing visitor attractions as well as maintaining and improving the choice and quality of existing business, conferencing and event facilities will be supported. The current proposals seek to improve the quality of the existing accommodation to a consistent standard rather than being an expansion and seek to secure the long-term viability and future of the racecourse as a major source of investment into the City's economy. As such the principle of the proposal is compliant with Policy EC4 of the Draft Local Plan.

#### IMPACT UPON THE CHARACTER AND APPEARANCE OF THE TERRY'S/RACECOURSE CONSERVATION AREA

5.9 Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Preservation in this context means not harming the interest in the building, as opposed to keeping it unchanged. As this section imposes a statutory duty, it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission as outlined in paragraph 199 of the NPPF.

5.10 In addition to the statutory duty, central Government planning policy as outlined in section 16 of the National Planning Policy Framework is also to be applied. The NPPF classifies listed buildings and Conservation Areas as "designated heritage assets". The NPPF advises on heritage assets as follows:

- Paragraph 199 states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be" ... "As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."
- Paragraph 202 states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this

harm should be weighed against the public benefits of the proposal, including securing its optimum use."

5.11 Policy D4 (Conservation Areas) states that proposals within a conservation area, will be supported where they preserve or enhance those elements which contribute to the character or appearance of the Conservation Area; would enhance or better reveal its significance or would help secure a sustainable future for a building; and would safeguard important views.

5.12 Policy D5 (Listed Buildings) states that proposals affecting the setting of a Listed Building will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. Harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.

5.13 ASSET SIGNIFICANCE: The Terry's/Racecourse Conservation Area Character Appraisal identifies the special character of the complex incorporating the mix of racecourse buildings set within the wider parkland setting of the Knavesmire. The Knavesmire is bounded by tree lined roads separating built development from open landscape beyond and provides a large important recreational open space popular for events whilst lying close to the City Centre. Within the Racecourse the John Carr stand is Listed Grade II\*, the Clock Tower and Indicator Board by Brierley and Rutherford from 1922, the County Stand from 1840 and the Press Stand from 1890 are all Listed Grade II. Directly to the east of the site lie the retained buildings of the Terry's Chocolate Works which are Listed Grade II for group value.

5.14 THE PROPOSAL: The proposal envisages the clearance of a number of brick sheds and kiosks dating from the Post War period and which are used for storage, as food vending kiosks and a betting kiosk. On the cleared site a canopied landscaped sitting out area is proposed together with a stage for photography. The associated canopy would be approximately 8 metres high with a glazed roof set upon thin section colour coated steel structural members. At the same time a lightweight timber framed bar area would replace an existing temporary structure erected for major race meetings and special events. The 1960s extension to the Bustardthorpe Stand would be demolished and replaced with a new more sympathetic design that would allow for the refurbishment of the existing bar area and also rationalise the range of activities taking place in single buildings in the surrounding area in one place. The Bustardthorpe Stand would also be re-roofed with solar panels provided on its north-eastern roof slope.

5.15 ASSESSMENT OF IMPACT: The Bustardthorpe Stand has been identified as being a positive contributor to the significance of the Conservation Area in the Conservation Area Character Appraisal as well as having been attributed to William Brierley the regionally important Edwardian Arts and Crafts Architect. Its relationship with the remaining historic elements of the racecourse complex has to a great extent been severed by the irregular pattern of brick-built sheds which crowd around it to the south and east. It has further been harmed by the highly unsympathetic flat roof part timber part brick conservatory style extension directly to the rear. Other positive buildings identified within the Character Appraisal lie close by specifically the Melrose and Knavesmire Stands. These are of modern construction but their harmonious architectural form and palette of materials create a clear theme and rhythm for the spectator facilities also picked up with the refurbished Listed County and John Carr stands further to the north.

5.16 The proposal envisages the removal of a series of ancillary buildings and the construction of a larger extension to the Bustardthorpe Stand consolidating all the functions into a single structure. This would reflect the design form adopted by the previous refurbishments associated with the Listed stands to the north. At the same time the area cleared would be used to form an informal sitting out area and meeting space with the re-configuration in built footprint re-establishing more of a harmonious visual relationship with the northern area of the development. The glass roofed canopy whilst substantial in height would be constructed in thin section white painted structural members which would not detract from views into and across the site when seen against the background of the higher stands to the west and southwest.

5.17 With the loss of the various ancillary buildings and the creation of a clear landscaped area it is felt that the requirements of the statutory preserve or enhance test within Section 72 of the Act have been complied with. At the same time in the context of paragraph 202 of the NPPF and D4 of the draft Local Plan it is felt that there would not be any harm arising to the significance of the Conservation Area.

## IMPACT UPON THE SETTING OF ADJOINING LISTED BUILDINGS

5.18 Section 66 of the 1990 Planning (Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. As this is a statutory duty it



must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

5.19 ASSESSMENT OF IMPACT: The Listed stands and 1922 Brierley racecourse clock tower and indicator board form a distinct grouping centrally within the racecourse with the Bustardthorpe Stand lying a short distance to the southwest. The site layout as currently arranged with a host of irregularly placed brick sheds gathering around the Bustardthorpe Stand severs the visual relationship between the buildings and overall harms the wider setting to the grouping of Listed Buildings creating a sense of them being overwhelmed. The proposal which involves their removal and the consolidation of the accommodation lost in one larger extension with creation of a landscaped area on the cleared site, would recreate a functional link with the remainder of the principal racecourse buildings and enhance their setting. The high-level glazed canopy would not give rise to any harm to the setting of the nearby Listed Buildings. The requirements of Section 66 of the Act would therefore be complied with, the public benefit test within paragraph 202 of the NPPF is not required and the proposal complies with policy D5 of the draft Local Plan

## GREEN BELT

5.20 The York and Humber Regional Spatial Strategy (the RSS) sets out the principles in respect of the Green Belt around York and established its 'general extent' in Policies YH9C and Y1C. In 2013 the RSS was largely revoked, however, Policies YH9 and Y1C, along with the key diagram, were retained. Policies YH9C and Y1C set the expectation that the detailed inner boundaries of the Green Belt should be established in the Local Plan

5.21 A court judgement (Wedgewood) considered how a decision maker should deal with a site which is located within the general extent of the Green Belt for RSS purposes. It provides the principles to apply in reaching a conclusion as to whether the land should be considered to be within the Green Belt itself, on an individual site by site basis. Concluding that a planning judgement must be exercised based on the RSS, any draft/emerging local plan policy and by site specific considerations.

5.22 Paragraph 138 of the NPPF identifies five purposes of the Green Belt which include to check the unrestricted sprawl of large urban areas; to assist in safeguarding open countryside from encroachment and preserving the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The application site was included within the 2005 York Development Control Draft Local Plan proposals map

as being within the Green Belt and that was carried forward into the 2018 Submission Draft Local Plan. NPPF paragraph 143 states that when defining Green Belt boundaries, plans should not include land which it is unnecessary to keep permanently open; and should define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

5.23 Topic Paper 1 : Approach to defining York's Green Belt Addendum (2021) amends the boundary of the Green Belt to follow the western edge (ie the front of the spectator stands) and southern edge (ie the Enclosure boundary wall) of the built footprint of the Racecourse Enclosure and the eastern edge of the carriageway of Racecourse Road. This amendment is to achieve consistency with Green Belt methodology as set out in the NPPF and means that of the application site would not be Green Belt. The amendment formed part of the Local Plan Policy Map Modifications which were consulted upon in March 2023.

5.24 The site sits at the southern edge of the built-up area of the city, immediately adjacent to and opposite other built development, it is clearly part of the built-up area of the city and contains substantial built development. All boundaries of the site are well defined by physical features. The development would not encroach into open countryside. The proposals also sit within the existing built footprint of the site and so would not give rise to unrestricted urban sprawl. The site does not serve any purposes of Green Belt designation. Having regard to the saved RSS policy, the emerging Local Plan and the physical characteristics of the site it is considered that the application site should not be considered to be within the Green Belt.

## IMPACT UPON DEPOSITS OF ARCHAEOLOGICAL IMPORTANCE

5.25 Policy D6 of the 2018 Draft Local Plan indicates that development proposals will be supported where they would not result in harm to the significance of the site or its setting. The Racecourse lies in an area of potential archaeological sensitivity and when the works were undertaken on the parade ring as part of the refurbishment of the northern area a series of burials dating to the mid-15<sup>th</sup> Century were uncovered. The current application site has been previously developed and so is likely to have a lesser impact. However, it is recommended that any permission should be made subject to a condition covering a watching brief during ground disturbance works.

## IMPACT UPON THE AMENITY OF NEIGHBOURING PROPERTIES

5.26 Central Government planning policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future users. At the same time Policy ENV2 of the 2018 Draft Local Plan indicates that development proposals for uses which are likely to have an environmental impact upon the amenity of the surrounding area including residential amenity, local character and distinctiveness should be accompanied by evidence that the impacts have been evaluated and that the proposal would not result in the loss of character or amenity.

5.27 The application site lies within a closely defined curtilage with Racecourse Road which is 7.5 metres beyond. Beyond that that lie the buildings of the former Terry's Chocolate Works which have been converted to residential use along with the clinic of the Brain Injury Trust giving rise to a potential for loss of residential amenity through noise particularly at anti-social hours. The proposal is however designed to improve and consolidate the existing facilities rather than to act as an intensification of activity. The proposal would gather activity to the rear of the Bustardthorpe Stand at a further distance from neighbouring residential property. It is not felt that the proposed works would materially increase the potential for harm to residential amenity.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

5.28 Central Government planning policy as outlined in paragraph 111 of the NPPF indicates that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual impacts upon the road network would be severe. At the same time Policy T1 of the 2018 Draft Local Plan indicates that development will be supported when it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it.

5.29 The application site is accessed for deliveries from Racecourse Road for which provision exists for closure during large race meetings and special events. Staff and official visitor parking lines the road with a network of temporary coach and car parking areas on land adjoining the site and access may be had by foot path. The proposal does not envisage an intensification of the use but rather a rationalisation of and an improvement in the quality of the existing. There would be no change in the volume of vehicular traffic or service deliveries to the site. As part and parcel of the refurbishment works the applicant has indicated a wish to improve the level of covered and secure cycle parking which may be secured by condition as part of any permission.

## IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE

5.30 Central Government planning policy as outlined in paragraph 167 of the NPPF indicates that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. At the same time Policy ENV4 of the 2018 Draft Local Plan indicates that new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way as to mitigate against current and future flooding events. Policy ENV5 of the Plan indicates that in respect of brownfield sites surface water flow shall be restricted to 70% of the existing run off rate unless it can be demonstrated that it would not be reasonably practical to achieve this reduction in run off. Sufficient attenuation and long-term storage shall be made available to ensure that surface water does not exceed the runoff rate. Such attenuation and storage measure must ensure that a 1 in 30-year storm can be accommodated and the design should ensure that a 1 in 100-year event can be stored on site without damage to people or property.

5.31 The applicant has submitted a detailed drainage strategy and drainage calculations with the majority of the existing site hard paved. The proposal has been accompanied by a detailed surface water drainage layout and associated calculations based upon an attenuated system. Taking account of the overall reduction in hard surfaced area it is felt that subject to any permission being conditioned to require compliance with the surface water drainage scheme then the proposal is acceptable.

## 6.0 CONCLUSION

6.1 The proposal seeks planning permission to remove the present ad hoc arrangement of brick sheds and kiosks at the southern end of the Enclosure. At the same time the facilities provided by the Bustardthorpe Stand would be upgraded to standard matching that of the facilities at the northern end of the site. The site is not considered to be within the Green Belt. The proposal is considered to be acceptable in terms of its impact upon the Terry's /Racecourse Conservation Area and the setting of neighbouring Listed Buildings. It would secure the requirements of Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act by securing the preservation and enhancement of the Conservation Area and securing the setting of the Listed racecourse clock tower and County Stand further to the north. whilst securing the long-term future of an important investor in the wider City economy.

## 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:-

1524 RP001 LANDSCAPE STATEMENT;  
1524 001 LANDSCAPE PROPOSALS PLAN;  
C1074 102 REV 1 PROPOSED TOPOGRAPHY SITE PLAN;  
23110-DR-C-0100-P4 DRAINAGE STRATEGY;  
C1074 101 REV 2 PROPOSED SITE PLAN;  
C1074 050 REV 1 BUSTHARDTHORPE STAND DEMOLITION;  
C1074 105 REV 1 PROPOSED SITE PLAN DEMOLITION;  
C1074 110 REV 1 PROPOSED BUSTARDTHORPE STAND FLOOR PLAN;  
C1074 111 REV 1 PROPOSED BUSTARDTHORPE STAND ROOF PLAN;  
C1074 115 REV 1 PROPOSED ROBERTO BAR PAVILION FLOOR PLAN;  
C1074116 REV 1 PROPOSED ROBERTO BAR PAVILION ROOF PLAN;  
C1074 201 REV 1 PROPOSED BUSTARDTHORPE STAND ELEVATIONS;  
C1074 202 REV 1 PROPOSED ROBERTO BAR PAVILION ELEVATIONS  
C1074 250 PROPOSED SECTIONAL PERSPECTIVE EAST/WEST ELEVATIONS  
C1074251 PROPOSED SECTIONAL PERSPECTIVE NORTH/SOUTH  
ELEVATIONS  
C1074 301 REV 1 PROPOSED SECTIONS BUSTARDTHORPE STAND  
C1074 305 PROPOSED PRELIMINARY SECTION ROBERTO BAR PAVILLION

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

3 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 beyond foundation level. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

4 Large scale details of the items listed below shall be submitted to and

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approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- i) Sectional Details through the proposed extension to the Bustardthorpe Stand at 1:20
- ii) Sectional Details at 1:20 through the proposed glazed canopy
- iii) Sectional Details at 1:20 through the proposed Roberto Bar.

Reason: So that the Local Planning Authority may be satisfied with these details.

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

Reason: To protect the amenity of the locality

6 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

7 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 approved 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.

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

8 All electronically amplified music emitted from the premises shall be played or reproduced through loud speakers and a tamper proof noise limitation device. The

device, the levels set and the installation shall be approved in writing by the Local Planning Authority before the use hereby approved commences. Thereafter the approved levels, equipment, installation, position and type of speakers shall be maintained in accordance with the planning permission; at no time shall they be modified without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring properties and to secure compliance with Policy ENV2 of the Draft City of York Local Plan

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

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

10 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site.

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

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

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

C) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 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 is considered to be an area of archaeological interest. Therefore,

the development may affect important archaeological deposits which must be recorded prior to destruction.

11 Prior to the development commencing beyond foundation level details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

12 The development hereby authorised shall be undertaken in strict accordance with the details shown in Drainage Strategy 23110 DR-C-0100 (Revision P4) Dated 29/08/2023. Unless otherwise approved in writing by the Local Planning Authority.

Reason:- In the interests of safe and satisfactory drainage and to secure compliance with Policy ENV5 of the Draft City of York Local Plan (2018)

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

#### **Contact details:**

**Case Officer:** Erik Matthews

**Tel No:** 01904 551416