



**Notice of a public meeting of
Planning Committee A**

- To:** Councillors Crawshaw (Chair), Fisher (Vice-Chair), Ayre, Hollyer, Kelly, Merrett, Nelson, Steels-Walshaw, Steward, Waudby and Whitcroft
- Date:** Thursday, 6 July 2023
- Time:** 4.30 pm
- Venue:** The Snow Room - Ground Floor, West Offices (G035)

AGENDA

- 1. Declarations of Interest** (Pages 1 - 2)
At this point in the meeting, Members and co-opted 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. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see attached sheet for further guidance for Members].

- 2. Minutes** (Pages 3 - 8)
To approve and sign the minutes of the last Planning Committee A meeting held on 2 March 2023.

- 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 meetings. The deadline for registering at this meeting is **5:00pm on Tuesday 4 July 2023.**

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast, including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

4. Plans List

This item invites Members to determine the following planning applications:

a) T.K.maxx 48 Coney Street York YO1 9ND (Pages 9 - 74)
[23/00059/FUL]

Conversion of existing retail unit (Use Class E) to restaurant and shop (Use Class E) at ground and basement level, and change of use of upper floors from retail (Use Class E) to a 64 key aparthotel (Use Class C1) including provision of additional storey on roof and associated external alterations (amended plans received) [Guildhall Ward]

b) T.K.maxx 48 Coney Street York YO1 9ND (Pages 75 - 86)
[23/00060/LBC]

Internal and external alterations in association with change of use and provision of additional storey on roof (amended plans received) [Guildhall Ward]

**c) Enterprise Rent-a-car, 15 Foss Islands Road, (Pages 87 - 152)
York YO31 7UL [22/01795/FULM]**

Erection of 3, 4, and 5 storey student accommodation building with associated car parking following demolition of existing buildings [Guildhall Ward]

5. Urgent Business

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

Democracy Officer:

Angela Bielby

01904 552599

a.bielby@york.gov.uk

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 (Polish)
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

 **(01904) 551550**

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Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Planning Committee A
Date	2 March 2023
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, D'Agorne, Fenton, Kilbane, Looker, Melly, Hollyer (Substitute for Cllr Fisher) and Rowley (Substitute for Cllr Doughty)
In Attendance	Gareth Arnold (Development Manager) Ruhina Choudhury (Senior Solicitor) Ian Stokes (Principal Development Control Engineer (Planning))
Apologies	Councillors Waudby

45. Declarations of Interest (16.34)

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. Cllr Rowley noted that item 4a [J H Shouksmith And Sons Ltd Murton Way York YO19 5GS [22/00015/FULM] was in his Ward and the application had been discussed at Parish Council meetings for which the Parish Council had no objections to the application. No further interests were declared.

46. Public Participation (16.34)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

47. Minutes (16.35)

Resolved: That the minutes of the meeting of Planning Committee A held on 2 February 2023 be approved and signed as a correct record subject to the addition of recording officers in attendance remotely.

48. Plans List (16.36)

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant policy considerations, and setting out the views of consultees and officers.

49. J H Shouksmith And Sons Ltd Murton Way York YO19 5GS [22/00015/FULM] (16.36)

Members considered a major full application from David Shouksmith for the erection of a three storey office building (use class E) and 2no. two storey light industrial buildings (use classes E, B2 and B8) together with parking and new access arrangements following demolition of existing buildings at J H Shouksmith and Sons Ltd, Murton Way York. The Development Manager outlined the application and gave a presentation on it. He advised that there needed to be an additional condition to protect the hedgerow.

Public Speakers

Cllr Fisher spoke on behalf of his son, who had a business on the same site as the applicant. He supported the principle of the development but had concerns about access and egress, and car parking. He explained that the council needed to reduce car parking on Outgang Lane as a matter of urgency. In response to questions from Members, Cllr Fisher was asked and explained that:

- Cars parked on Outgang Lane were from one or two businesses on the road site and they parked on carriageways, footpaths and verges. He explained why this needed addressing.
- He could not sit on the committee to vote on the application.
- He supported approval of the application and noted that the matter of car parking was a matter for highways.

Cllr Warters reiterated the points raised by Murton Parish Council. He suggested that the proposed building was too tall and out of character for the area. He expressed concerns regarding car parking on Outgang Lane. He asked why there was only 66 carparking spaces for the no of staff on the site. Concerning the planting he requested that the perimeter hedge way be maintained to 6ft as a minimum. In response to questions from Members he explained:

- Why the perimeter hedge way should(?) be maintained to 6ft as a minimum

- That the trees would not act as a screen to the frontage to the building and he explained why the building would be out of character for the site.
- The actions Ward Councillors had taken to address the problematic car parking.
- There had been damage from car parking on the Osbaldwick and Murton War Memorial.
- He would have preferred a red brick building to reflect Heritage House.
- That Parish Councillors and Ward Councillors were supportive of the Shouksmith development on the site.

The Applicant, David Shouksmith, spoke in support of the application. He explained the history of the company. He explained that the present office was coming to the end of its lifespan and the company was in the position to redevelop the office. He added that further industrial units were proposed and that the application had received support from the council economic growth team. He was asked and responded to Member questions noting that:

- There wasn't currently a hedge at the start of the industrial estate.
- The company owned nine units at the back of the site.
- They were looking at a phased plan for the construction.
- Access had been made safer by the in and out u shape and the existing access had been kept for the offices. The development did not have a detrimental effect on parking on the road.
- There was a number of office and site based staff and not all 100 staff were included for site wide employment. The number of parking spaces had been agreed with highways at the council.
- The possibility of arrangements with park and ride could be considered.
- The picnic tables outside the building were for staff.
- The applicant was open to having continued dialogue with Ward Councillors.
- EV charging points were planned to be installed. They would also consider putting in charging points for electric bikes.
- There was a number of different building types on site and the building was a flagship building, set back from the frontage with screening.

Members then asked officers further questions to which they responded that:

- With reference to policy site S59 (which included 600 houses) in the Local Plan, there were access points to the north and it was assumed that the forward plan team would have commented had they

considered that there was an issue with the application and that the sites worked side by side.

- Regarding cycling, the building would not impact on sight lines.
- Concerning the scope for an LTN 1/20 compliant cycle path, this would mean losing the verge.
- Members were shown a picture of Outgang Lane in response asking whether it was wide enough for two way traffic. Officers advised that parking outside the application was not a planning consideration for this application.
- It was clarified that the application met cycling and car parking requirements.
- It was confirmed that there was a CEMP and that the possibility of parking issues creating a bottleneck for construction traffic was not a consideration for the application.
- Regarding a potential permitted development right change of use from office to residential should Members wish to make this permanent, they could delegate the wording of a condition to Officers.
- The nearest building of similar height was a three storey residential block. The application building had a maximum 10m ridge height.
- The Development Manager undertook to check with colleagues on how much grade A office space there was in the city centre.
- It was confirmed that TROs could be introduced to address parking issues and it was explained how visibility at the access was calculated.

Cllr Pavlovic moved the officer recommendation to approve the application with additional conditions regarding hedge protection (with the wording delegated to officers) and the removal of permitted development rights for the future use of the building. This was seconded by Cllr Fenton. Following a vote with eight Members voting in support of the motion and two against, it was:

Resolved: That the application be approved subject to the conditions listed in the report and additional conditions regarding hedge protection (with the wording delegated to officers) and the removal of permitted development rights for the future use of the building.

Reason:

- i. The proposal is for the erection of 1no. three storey office building (use class E) and 2no. two storey light industrial buildings (use classes E, B2 and B8) together with parking and new access arrangements following demolition of the existing buildings in the southern portion of the site on Murton Way in Osbaldwick. Both the

town centre and flood risk sequential tests are passed, as is the exception test for flooding. The design and landscaping is considered appropriate for the site, and good design of a new head quarter's building for this well-established company with a long history in York. Six new industrial units to assimilate with the existing units in the estate are proposed. Access and parking provision is acceptable and there is no harm to neighbour amenity, subject to details to be submitted by condition.

- ii. As such the proposals are found to be in accordance with relevant sections of the NPPF 2021 including 6, 11, 12 and 14. It is also found to be in accordance with emerging policies in the Publication Draft Local Plan 2018, particularly DP2 Sustainable development, DP3 Sustainable communities, ENV4 Flood risk, D1 Placemaking and T1 Sustainable access.

50. Planning Appeal Performance and Decisions (18.00)

The Development Manager presented a report which provided information on the planning appeal decisions determined by the Planning Inspectorate between 1 April and 30 June 2022.

In response to a question from Members, the Development Manager explained the date period of the report. He was asked and noted that there was no identified underlying reasons for the council losing appeals and that he could not see any applications that officers would have made a different decision on. He added that the team discussed cases that had been allowed and they could learn lessons from.

Resolved: That the report be noted.

Reason: To keep Members informed of the current position of planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Cllr C Cullwick, Chair

[The meeting started at 4.30 pm and finished at 6.04 pm].

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COMMITTEE REPORT**Date:** 6 July 2023**Ward:** Guildhall**Team:** East Area**Parish:** Guildhall Planning Panel**Reference:** 23/00059/FUL**Application at:** T.K.maxx 48 Coney Street York YO1 9ND**For:** Conversion of existing retail unit (Use Class E) to restaurant and shop (Use Class E) at ground and basement level, and change of use of upper floors from retail (Use Class E) to a 64 key aparthotel (Use Class C1) including provision of additional storey on roof and associated external alterations (amended plans received)**By:** Harrowells (No. 221) Ltd**Application Type:** Full Application**Target Date:** 10 July 2023**Recommendation:** Approve**1.0 PROPOSAL**

1.1 48 Coney Street is a retail unit located in the city centre and is Grade II Listed. It was designed by the Boots company architect MV Treleaven in 1907 and built in two stages as the premises expanded to incorporate the adjoining plot. Attached to the north east elevation is 8-10 Market Street, which forms part of the listing however is noted as a detractor in the Conservation Area Appraisal. Both have active frontages along Coney Street and Market Street and form part of the Primary Shopping Frontage (PSF). The application site spans these two buildings and both lie within the Central Historic Core Conservation Area (Character Area 11 Central Shopping Area). The site is within the Primary Shopping Area (PAS) in the Draft Local Plan (2018). The area is of Archaeological Importance.

1.2 Planning permission is sought for the conversion of an existing retail unit (previously occupied by T.K.Maxx – use class E) to a restaurant and shop (use class E) at ground floor level and basement level. It is proposed to change the use of the upper floors from retail (use class E) to a 64 key aparthotel (use class C1). The proposal involves the erection of an additional storey on the roof and external alterations to facades. The planning application

is accompanied by a listed building application, reference 23/00060/LBC. Pre-application advice was sought on the proposal.

1.3 During consideration of the application, amended plans were received and as such have been used as the basis for determination. The revisions were to overcome the concerns raised by the Conservation Officer and Environmental Health Officer. The application is presented to Planning Committee A as the proposal is non-residential development, including extensions and changes of use, of over 3000m² gross floorspace.

1.4 The following planning history is of note:

10/01808/FUL - Replacement roof level ventilation and air conditioning plant. Application permitted: 09.11.2010.

10/01313/LBC - Internal and external alterations including refurbishment of Coney Street shop front, new Market Street shopfront. Application permitted: 04.08.2010.

08/02626/FUL – New shopfront. Application permitted: 03.02.2009.

08/01929/FUL - Part change of use from retail to restaurant (use class A3) at Ground floor and basement level (market street frontage). Application permitted: 23.12.2008.

08/02051/LBC - Internal and external alterations including new facade replacing the existing Market Street elevation, including a raised articulated roof; and alterations to the elevation on Coney Street including the shop front (resubmission). Application permitted: 19.11.2008.

08/02049/FUL - New facade replacing the existing three storey Market Street elevation, including a raised articulated roof (resubmission). Application permitted: 30.10.2008.

08/01551/FUL - New facade replacing the existing three storey Market Street elevation, including a raised articulated roof; and alterations to the three storey elevation on Coney Street. Application withdrawn: 06.08.2008.

08/01728/LBC - Internal and external alterations including new facade replacing the existing Market Street elevation, including a raised articulated roof; and alterations to the elevation on Coney Street including windows and shop front. Application withdrawn: 06.08.2008.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 Key chapters and sections of the NPPF are as following:

- Achieving sustainable development (chapter 2)
- Decision-making (chapter 4)
- Building a strong, competitive economy (chapter 6)
- Ensuring the vitality of town centres (chapter 7)
- Promoting healthy and safe communities (chapter 8)
- Promoting sustainable transport (chapter 9)
- Making effective use of land (chapter 11)
- Achieving well designed places (chapter 12)
- Conserving and enhancing the natural environment (chapter 15)
- Conserving and enhancing the historic environment (chapter 16)

PUBLICATION DRAFT LOCAL PLAN (2018)

2.2 The Publication 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. The following policies are relevant to this application;

- DP2 – Sustainable Development
- DP4 – Approach to Development Management
- SS3 – York City Centre
- EC4 – Tourism
- R1 – Retail Hierarchy and Sequential Approach
- R3 – York City Centre Retail
- D1 – Placemaking
- D4 – Conservation Areas
- D5 – Listed Buildings
- D6 – Archaeology
- D9 – City of York Historic Environment Record
- D11 – Extensions and Alterations to Existing Buildings
- D12 – Shopfronts
- D13 – Advertisements

GI2 – Biodiversity and Access to Nature
CC2 – Sustainable Design and Construction of New Development
ENV2 – Managing Environmental Quality
ENV3 – Land Contamination
ENV4 – Flood Risk
ENV5 – Sustainable Design
WM1 – Sustainable Waste Management
T1 – Sustainable Access
T8 – Demand Management
DM1 – Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

CYC ARCHAEOLOGY

3.11 9th February 2023 – Requested further details regarding ground disturbing work in the basement.

3.12 24th February 2023 – The Archaeologist recommends preliminary investigation due to additional risk and uncertainties to the development in terms of cost, timescale and design. The Archaeologist requested small archaeological evaluation in the basement in the area of the proposed lift shafts. This information would then inform the design of the lifts to keep them as shallow as possible. Additional foundations must also keep disturbance to a minimum.

3.13 2nd March 2023 – Without an evaluation, the Archaeologist has to assume that there has been no disturbance beneath the basement slab in these areas and based on location and existing information, that the archaeological resource that will require excavating is of the highest importance and likely of national significance.

3.14 If there is no pre-determination evaluation and or early GI monitoring the Archaeologist recommends the following conditions; watching brief, evaluation in lift shaft area, excavation of platform lift pits and other basement level intrusions and a condition relating to foundation and lift design requesting that no more than 95% of the most important archaeological deposits within the red line boundary are removed through development.

3.15 15th March 2023 – Recommends conditions (full wording of conditions provided).

CYC URBAN DESIGN AND CONSERVATION

3.16 20th March 2023 – Recommends amendments to the roofscape material, market street façade, 48 Coney Street frontage and interior fabric details.

3.17 28th April 2023 – No objections to the amended proposals.

CYC ECOLOGY

3.18 15th February 2023 – No objections but recommends conditions.

3.19 17th May 2023 – No further recommendations to add to the initial response.

CYC HIGHWAYS

3.20 23rd March 2023- expect secure and covered cycle facilities on site for staff.

3.21 Aparthotel requires: 16 car parking spaces and 7 cycle parking spaces.
Café/Restaurant requires: 20 car parking spaces and 30 cycle parking spaces.
Retail requires: 2 car parking spaces and 2 cycle parking spaces.

3.22 No car parking provided but within the footstreets. 39 cycle parking spaces are required in total, therefore there is an under provision of 27 spaces. Under provision could be sought via commuted sums payment.

3.23 Cycle store is too small to store 12 cycles. Recommend details further details for on-site cycle storage.

3.24 Recommend the following conditions; cycle parking details, cycle parking laid out, no gate to open onto the highway, method of works statement and a travel plan.

CYC PUBLIC PROTECTION

3.25 15th February 2023 – The site lies within the Cumulative Impact Area. A red zone has been identified due to the high concentration of licensed premises. The Environmental Health Officer requests further information regarding music, partition

walls, open facades and openable windows. The Environmental Health Officer recommends the removal of bi-folding doors and screening between balconies due to concerns arising from noise generated. Sound proofing will be required.

3.26 14th March 2023 – Concerns regarding the balcony due to noise break out and break in and the proposed stage for buskers. Concerns regarding noise levels and recommends non-openable windows. Recommends conditions in the event the application is approved.

CYC WASTE

3.27 3rd February 2023 - CYC domestic waste collections do not have a remit to collect from commercial sites. Waste must be stored within the boundaries of the site at all times, including collection days. Vehicles undertaking collections should be able to stop for loading in a safe and legal position where they will not obstruct other traffic, pedestrians or access.

3.28 23rd May 2023 – The changes do not affect the comments made in the earlier response.

CYC CARBON REDUCTION TEAM

3.29 1ST February 2023 - In the 'Energy and Sustainability Statement' prepared by eb7 Ltd. It is clear that a thorough assessment has been conducted to ensure carbon emissions are reduced by more than 54% of the baseline model, a commitment to purchasing 100% renewable energy has been made to account for the remaining energy required in operation and a BREEAM "Excellent" standard is expected to be achieved.

CYC FLOOD RISK MANAGEMENT TEAM

3.30 18th April 2023 – Acknowledge the developer is likely able to demonstrate a 30% reduction in surface water run-off would not be practical, therefore the Flood Risk Management Team have no objections.

EXTERNAL CONSULTATION

GUILDHALL PLANNING PANEL

3.31 14th February 2023 – Object - The frontage on both Coney and Market Street is not in keeping with the current Historic Core. The ground floor treatment (and bi-fold doors) on Coney Street are out of balance with the current design above. The perforated panel and large glass upper windows are out of proportion and are no improvement to the existing Market Street frontage. The additional storey with a zinc covered shed like roof will detract from the skyline and is an unnecessary addition and an overdevelopment. The number of room proposed, their small size, and the lack of windows and light is a matter of concern. The number of rooms will put additional load on the sewer system of central York. Object to the use of the pavement on this busy pedestrian and vehicle route.

3.32 30th May 2023 – Object - Although the facades on both Market Street and Coney Street have been improved the Panel still feel that their main objections have not been addressed.

- The additional storey remains out of keeping and an overdevelopment.
- the number of rooms is excessive and some of the rooms are windowless.
- the lack of provision of a staffed reception area by the hotel entrance is a security risk.

YORK CONSERVATION AREA ADVISORY PANEL

3.33 17th April 2023 – Support - The Panel supports this application in principle, but there are some aspects of the new design for the Market Street elevation of the proposals, the additional floor and the Coney Street shopfront which, in the opinion of the Panel, could be improved. The following comments are noted:

- Previous comments appear to have been incorporated including recessing the additional storey to Market Street and the visual strengthening of the top façade.
- Roofscape is unlikely to be seen from the adjacent buildings the Panel considered it appeared 'lightweight', it was conceded this might be the result of having to add the further floor onto the existing structure.
- There should be a greater contrast to the elevation of the Aparthotel entrance. Concerns still remain for the Panel regarding the Aparthotel entrance, and perhaps this element could be in a contrasting-coloured brick for the full bay-height, reflecting the narrow bays on the adjacent building, 12-18 Market Street.
- Concerns also remain regarding the appearance of the new additional floor, which appears insubstantial. Perhaps, as has been suggested elsewhere, a slate roof to match surrounding buildings might relieve the monotony of these

volumes clad entirely in zinc sheet and give a greater appearance of permanence and visual compatibility with the surrounding roofscapes.

- Concerns regarding the design and detailing of the sliding shop front to the Coney Street entrance. On the one hand, it seems a good opportunity to open-up the shop front and extend live music performances into the street to add a new and dynamic level of public engagement, beyond just a shop window. But on the other hand, there is the issue of the design and detail of the new shopfront in relation to the rest of the Listed part of the building.

NORTH YORKSHIRE POLICE

3.34 15th February 2023 – Recommendations including CCTV, substation gates, secure doors and windows, controlled lifts, restricted stairwell access and PIN controlled keys/safes.

3.35 22nd May 2023 – Comments made on the 15th February 2023 are still pertinent.

4.0 REPRESENTATIONS

4.1 The application was advertised via neighbour notification and site notices twice (due to receipt of amended plans). The deadline for comments for the first round of public consultation was 1st March 2023. No third-party public representations have been received.

4.2 The deadline for comments for the second round of public consultation was 21st June 2023. At the time of writing this report, no third-party public representations have been received.

5.0 APPRAISAL

5.1 PRINCIPLE OF PROPOSED USE – BASEMENT AND GROUND FLOOR

Policy

5.11 Paragraph 81 of the NPPF states planning decisions should help create the conditions in which businesses can invest and significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Planning decisions

should support the role that town centres play, by taking a positive approach to their growth, management and adaptation (paragraph 86 of the NPPF).

5.12 Policy SS3 of the Draft Local Plan (2018) relates to York City Centre. The City Centre is identified as a priority area for a range of employment uses and is fundamental to delivering the plans economic vision. During the plan period it will be the principal location in the City of York area for the delivery of economic growth in the tourism, leisure and cultural sectors. Policy SS3 states that within the City Centre, it is noted that retail use (class E) and food and drink units (class E) is acceptable in principle within the designated primary shopping area.

5.13 Since 1st September 2020, retail units (previously A1) and restaurants and cafes (previously A3) are now within the same use class (E). A change within the same use class does not require planning permission, unless a previous extant planning condition or legal agreement restricts the use.

5.14 The vitality and viability of the City Centre will be maintained and enhanced in line with policy R1 of the Draft Local Plan (2018). Retail provision within York City Centre is protected under policy R3 of the Draft Local Plan (2018). Policy R3 of the Draft Local Plan (2018) states proposals for other main town centre uses (including food, drink and entertainment uses as part of a vibrant evening economy) will be supported where they:

- Are complementary to the PSA's retail function and contribute to the viability of the city centre
- Have active frontages to reflect the character of the PSA and
- Would not have a detrimental impact on the overall character and amenity of the PSA.

5.15 The site lies within the (PSF) and as such consideration must be given to the impact the development would have on this designation. Policy R3 of the Draft Local Plan (2018) states proposals that would involve the loss, by change of use or redevelopment of class E ground floor space (shops) will generally be resisted. However, proposals for other uses may be permitted if it can be demonstrated that:

i. the proposal has an active frontage and contributes to the vitality and viability of the primary shopping frontage; the proposed uses will provide a service direct to members of the public and can demonstrate a comparable footfall generation to retail use;

- ii. the proposal will have an attractive shop front which contributes positively to the appearance of the street;
- iii. the proposal would not result in non-retail uses being grouped together in such a way that would undermine the retail role of the street;
- iv. a minimum of 70% E uses will be required unless it can be demonstrated that it would be beneficial to the vitality and viability of the primary shopping frontage;
- v. the proposal does not prevent upper floors from being effectively used, including the possibility of independent use; and
- vi. there are not a large proportion of vacant ground floor premises in the immediate street.

Assessment

5.16 At present the building is in Class E use, with retail space covering the majority of all floors with ancillary offices to support this use. It is proposed to create a restaurant and shop (class E) at ground floor and basement level. The main shop entrance will be on Coney Street, whilst the restaurant entrance will be off Market Street. The use class will therefore be the same as existing. The retail presence will be maintained on Coney Street, whilst the access from Market Street will form the entrance to the Restaurant.

5.17 The proposed shop and restaurant will add to the city centre's retail offer and create a strong daytime and evening economy within the area by diversifying the current use. The works involve creating new frontages to both Coney Street and Market Street which will add to the vibrancy and attractiveness of the City Centre, in particular the Market Street elevation which is listed as a detractor in the Conservation Area Appraisal. Whilst new uses are proposed other than retail, it is considered the mix will still provide a direct service to members of the public and would generate footfall within the City Centre which is comparable to retail. It would also aid in reducing the number of vacant units within the City Centre and would reveal the basement by bringing it into active use.

5.18 The proposal would not result in non-retail uses being grouped together in such a way that would undermine the retail role of the street. Coney Street and Market

Street host a high percentage of retail units therefore still dominating the retail presence along the PSF. Policy R3 requires a minimum 70% of E use along the PSF. This requirement is met as restaurants are now classed as E use. The layout and design of the frontages allows dual access to ensure the hotel can operate independently of the shop and restaurant.

5.19 Economically, the proposal will create over 100 jobs providing prime employment opportunities within the City Centre. Environmentally the re-use of an existing City Centre building is strongly supported and will add life back to a vacant retail unit in an important position within the City Centre. Overall, the use can be supported and is in line with the principles set out within paragraph 81 of the NPPF, and policies R1, R3 and SS3 of the Draft Local Plan (2018).

5.2 PRINCIPLE OF PROPOSED USE – FIRST FLOOR, SECOND FLOOR AND THIRD FLOOR

Policy

5.21 Policy SS3 states that within the City Centre, hotels (C1) are acceptable in principle. Tourism in York will contribute to a diverse economy. Policy EC4 of the Draft Local Plan (2018) states this will be achieved by supporting proposals that relate to the following:

- maintaining and improving the choice and quality of visitor accommodation to encourage overnight stays, particularly by higher spending visitors;
- the provision of quality visitor attractions including temporary structures throughout the year especially ones with a national/international profile, in locations which are easily accessible by a variety of transport modes and complement York's existing cultural heritage;
- the retention and growth of existing visitor attractions;
- the enhancement of the built environment and public realm, particularly around access to the river and showcasing York's built heritage; and
- the establishment of a more diverse evening economy

Assessment

5.22 An apartment hotel is proposed at first floor, second floor and within the new third floor. The proposal would improve the choice and quality of visitor accommodation by providing a wide range of studio types within the city centre which would encourage overnight stays. The hotel is easily accessible by public

transport and is well located for those wishing to stay within the main City Centre. Visitors would help establish a more diverse evening economy with increased tourist numbers within this area, bringing economic and social benefits to the area. The scheme will provide employment opportunities by way of servicing and maintenance of the hotel.

5.23 Whilst it is acknowledged the proposal involves the loss of retail space, this is above ground floor level (apart from the access) and as such it is not considered that the PSF will be adversely impacted. The scheme would be able to operate independently of the ground floor unit and would make effective use of a currently vacant space. Overall it is considered the scheme complies with policy EC4 and SS3 of the Draft Local Plan (2018).

5.24 To conclude the general principle of the new uses can be supported and will support and enhance an important section of the PSA in York City Centre. A mixed use will deliver and enhance the daytime and night-time economy whilst providing tourist accommodation in highly accessible location. The principle of development therefore accords with paragraphs 81 and 86 of the NPPF, and policies SS3 and EC4 of the Draft Local Plan (2018).

5.3 IMPACT ON THE HERITAGE ASSETS (LISTED BUILDINGS AND CENTRAL HISTORIC CORE CONSERVATION AREA)

Policy

5.31 Section 16 of the NPPF, conserving and enhancing the historic environment, advises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

5.32 Proposals affecting a Listed Building or its setting will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building. Development should help secure a sustainable future for a building at risk. This is set out within Policy D5 of the Draft Local Plan (2018).

5.33 Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Listed Building will be permitted only

where it can be demonstrated that the proposal would bring substantial public benefits (paragraphs 201 and 202 of the NPPF).

5.34 Section 72 of the Planning (Conservation Areas & Listed Buildings) Act requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. This is supported by Policy D4 of the Draft Local Plan which seeks to protect Conservation Areas and its setting. Policy D1 of the Draft Local Plan supports development where they improve poor existing urban environments. Design considerations include the urban structure, grain, density, massing, spacing, scale and appearance.

5.35 Policy D11 of the Draft Local Plan supports the extension and alteration to existing buildings subject to ensuring the design responds positively to its immediate architectural context and sustains the significance of the heritage asset and its setting. Alterations to existing shopfronts must meet Policy D12 of the Draft Local Plan (2018) which seeks to ensure development conserves and enhances the special qualities and significance of the building and ensures it relates well to its context in terms of design, scale and material.

5.36 Policy D13 of the Draft Local Plan relates to advertisements. Permission will be granted for the display of advertisements where they:

- i. are of a scale, design, material, finish, position and number that will not cause harm to visual or residential amenity, or to the character of the host building, and will respect the character and appearance of a building or the street scene; and
- ii. positively reflect the interests of amenity and public safety.

5.37 Within conservation areas and on buildings identified as heritage assets, illumination will only be supported where the fittings, wiring and level of illumination is designed to preserve or enhance the historic character and appearance of the building, area and the premises trade as part of the evening economy.

5.38 Policy SS3 of the Draft Local Plan seeks to ensure development conserves and enhances the existing historic character of York City Centre whilst encouraging contemporary high-quality developments that add to the sense of place and create a prestigious and desirable location for thriving businesses.

Assessment

5.39 The principal changes are the erection of an attic storey on top of the existing flat roof, the construction of a new façade to Market Street, the replacement of the shop front to Coney Street and subdivision of the upper floors to provide hotel rooms. The attic storey and Market Street façade design have been the subject of pre-application advice during which the scheme was significantly revised.

5.391 The Conservation Officer confirms the principal heritage significances lie in the Coney Street façade and gabled roof; and the sensitive historic context which includes listed buildings at 46-52 Coney Street, 4-6 Market Street and 19-23 Feasegate and handsome unlisted buildings at nos.12-18.

Erection of extension on the roof

5.392 The proposed, modelled pitched roof form of the attic storey has the potential to enhance the existing flat roofscape, its height would be consistent with the higher roofs in the immediate context and the design is considered acceptable. With regards to the roof materials of the extension, the prevailing traditional material of the surrounding roofscape is slate, the metal roof behind 44 Coney Street to the north of the site is a detracting feature by dint of its scale and material. The use of zinc to walls and roof of the attic storey dilutes the intended effect. In response, the Agent amended the roof material to slate and the zinc on the third floor extension has been changed to brick with a textured brickwork along the Market Street façade to add depth and differentiate the upper floor. Further details are provided to show the façade showing the junction between the materials in more detail. The design, form and scale of the extension can be supported.

Market Street façade

5.393 The existing façade to Market Street is identified in the Central Historic Core Conservation Area Appraisal as a detractor. The proposed design has been conceived to reflect the character of the historic streetscape, articulating the two distinct uses and with a pattern and proportion of openings that complements prevailing architectural character. Although the façade pulls forward of the existing line, it is not considered that this will detrimentally impact the Conservation Area and its setting as it is only a small increase and will improve the functionality of the frontage at ground floor level. The Market Street façade will enhance the Conservation Area and will improve the primary shopping frontage in the City Centre. It will preserve and respect the Listed Building and its setting.

Coney Street shop front

5.394 48 Coney Street retains a 1907 shop front with a Mock-Tudor design. The front elevation is therefore of high architectural and historic interest. Whilst the existing ground floor modern shopfront is of no significance, it is important to ensure any replace shopfront respects and preserves the special interest of the Coney Street façade.

5.395 It is proposed to amend the frontage of 48 Coney Street to bring the shop window forward to the building plane and provide a surround in flat GRC. Whilst the dark colour of the GRC would have a complementary relationship with the black timber framing above, the spare effect would be rather blunt in comparison with the elaboration and the texture of the historic timber and plaster façade. The Conservation Officer notes that the historic window was framed with a moulded timber cornice (possibly hidden by lead flashing), pilasters and carved 'crouching man' brackets. It was recommended to reinstate these features, recessing a GRC fascia and framed shop window slightly within the recreated surround, to reintegrate the ground floor with the upper façade. In response, the Agent still proposes GRC however with more detailing to reference the original shopfront design. This is an improvement on the original plans. The decorative capitals are indicated however design will be developed and finalised at the next stage. These details can be covered by condition.

Subdivision of rooms and renovation of basement

5.396 Internally, there is a significant amount of renovation and subdivision required, including bringing the basement into use. This is required to form the hotel rooms above the shop and creating a new restaurant area within the basement, however it is noted that this will have a negligible impact on the significance of the Listed Building.

5.397 Taking into account the amendments made, the proposal would aid in creating a viable use for the heritage asset whilst sustaining and enhancing the significance of the Listed Building and would preserve the character and appearance of the Central Historic Core Conservation Area, in compliance with paragraph 197 and 202 of the NPPF and policies D1, D4 and D5 of the Draft Local Plan (2018).

Advertisements

5.398 With regards to the proposed advertisements these are considered acceptable and raise no amenity or safety issues. They are well proportioned and sited within the elevations. The concerns raised by the Highways Officer (with regards to overhang) have been withdrawn.

5.4 AMENITY AND FUTURE USERS OF THE BUILDING

Policy

5.41 Policy ENV2 and Policy D11 seek to ensure amenity is protected both to neighbouring dwellings and future users of the building. Policy ENV3 relates to land contamination.

Assessment

5.42 The site lies within the red area of the Cumulative Impact Area which is an area designated by City of York Council in its statement of licensing policy where evidence shows that the cumulative impact of the number and concentration of licensed premises continue to adversely affect residents, visitors and other businesses. With this in mind, the Environmental Health Officer raised concerns regarding noise from the proposed development in particular the openable windows, balcony and outside use of the premises for live music acts. These elements of the proposal have since been withdrawn from the application.

5.43 A scoping noise report has been carried out by Dragonfly Acoustics. This report considered the ambient and background noise levels at the facades of the nearest noise sensitive receptors around the site. The assessment was carried out over a suitable time period and the report proposes a BS4142 assessment to set noise limits on service equipment and also a BS8233 assessment for the noise impact from external sources upon the hotel rooms. These two assessments are welcomed and can be made a requirement with conditions.

5.44 The noise report, however, did not assess noise breakout from the premises and further noise reports will be required. The proposal includes the provision of a live music space in the basement. The Council requires a noise report to demonstrate that noise from this part of the building will not result in noise break out from the premises and also that there will be no vibration or noise from the

basement and the ground floor restaurant that will adversely affect the proposed hotel rooms.

5.45 The application is also for background music on the ground floor restaurant area. If the background music is very low key this should not pose any problems. However, if the music is louder than usual background music then this area of the premises will have to have a separating wall and doors so that the music is not audible beyond the site boundary. The partitions might not be sufficient.

5.46 Any noise assessment would have to include an assessment of music being played internally when any bi-folding doors or windows are both closed and open and it is likely that acoustic lobbies will be required. This could be incorporated into the noise report about noise break out and control from the premises. Noise from the proposed use can therefore be adequately controlled by conditions.

5.47 As the proposal involves restaurant use, the development will need to have an adequate control of odours and as the building has ample space, ventilation details can be controlled by condition. Opening hours and delivery hours are also to be conditioned in the interests of amenity.

5.48 The rooms are adequately sized for short-term stays. The majority of the hotel rooms have windows, however 10 rooms (out of the 64 rooms) are windowless. Whilst this is unfortunate, the intention is that these rooms would be for short-term stays and visitors should be made aware of this at their time of booking. This would be the hotel operator's responsibility. The lack of windows should not be a refusal reason on its own and a condition is recommended to ensure the hotel rooms are not used for permanent residential occupation.

5.49 The proposal is a change of use of the building including the erection of an extension on the roof. The roof extension given its siting and scale is not considered to cause any amenity issues with regards to overlooking, being overbearing or causing overshadowing, given the existing tight urban grain within this location.

5.491 An unexpected land contamination condition would be sufficient in this case to cover any potential contaminated land. Developers are responsible for investigating land contamination, cleaning up contamination and ensuring land is safe and suitable for its proposed future use.

5.5 HIGHWAYS, ACCESS AND PARKING

Policy

5.51 Policy T1 of the Draft Local Plan seeks to ensure development proposals demonstrate safe and appropriate access. Development must provide sufficient convenient, secure and covered cycle storage. The policy recognises that some areas are restricted (such as foot streets) so criteria can be relaxed subject to sufficient justification. Policy T8 relates to demand management and improving the overall flow of traffic in and around the City Centre.

5.52 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 (paragraph 111 of the NPPF).

Assessment

5.53 In terms of vehicular parking, none is proposed and given the city centre location within the footstreets it would not be expected. The site is in a highly sustainable location close to public transport links including buses and trains.

5.54 12 cycle parking spaces are proposed, the majority of which are likely to be used by staff. The cycle storage room is located close to the access and in a suitable position. A condition is recommended to secure further details of the cycle storage with regards to size, spacing etc. The Highways Officer calculated 39 cycle parking spaces would be required, alongside a commuted sums payment for under provision.

5.55 The background text to policy T1 advises “In applying this policy it is recognised that in some circumstances developments will not be able to achieve these criteria (for example, in heart of foot streets area), so they can, subject to sufficient justification of effective accessibility (including taxis) being submitted by a developer, be relaxed. Also some developments may be of a sufficient size to warrant a higher degree of accessibility than would otherwise be required for its location”.

5.56 The application site is in the heart of the city centre and is for the conversion of an existing building, with zero cycle parking spaces for the current use. The Local Planning Authority therefore consider that 12 cycle spaces are sufficient, taking into

account that the majority of the proposal is a change of use and a large proportion of the new use is hotel accommodation (for which cycle storage is unlikely to be high as tourists are unlikely to travel by bike). As such and in accordance with policy DM1 of the Draft Local Plan, in this case it would be unreasonable to ask for further infrastructure or costs in relation to parking when assessing the development as a whole and taking into account the existing building, its use and location.

5.57 Servicing of the building will continue via the existing entrance off Market Street, as is the case with the current retail use. It is expected the Apartment Hotel would communicate arrival arrangements to guests before arrival.

5.58 The Highways officer recommends conditions in relation to cycle parking details, gate opening and a method of works statement. These have been added and meet the tests within the NPPF. A travel plan condition is recommended by the Highways Officer however this has not been added because the proposal is a change of use, car parking is not proposed and the application site is located close to a range of sustainable transport methods which would be available for both staff and visitors/tourists.

5.6 ARCHAEOLOGY

Policy

5.61 Draft Local Plan Policy D6 relates to archaeology. Development proposals that affect archaeological features and deposits will be supported where they are accompanied by an evidence-based heritage statement that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present.

5.62 Development must not result in harm to the significances of the site or its setting. It should be designed to enhance or better reveal the significances of an archaeological site or will help secure a sustainable future for an archaeological site at risk.

5.63 Where harm to archaeological deposits is unavoidable, detailed mitigation measures must be agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

5.64 City of York Council will develop, maintain and make available a comprehensive digital Historic Environment Record (HER) for the City of York for use by those preparing development proposals, community groups, academic researchers and students, and the general public in line with policy D9 of the Draft Local Plan (2018). Copies of all statements and reports on archaeological interventions and/or of historic buildings, whether pre- or post-determination, must be deposited with the City of York HER.

Assessment

5.65 The application site lies within the Central Area of Archaeological Importance (AAI) and Central Conservation Area. Specifically, the plot under consideration was situated immediately outside of the Roman Legionary Fortress Eboracum in an area of extra-mural settlement.

5.66 Investigation in this area over the past 60 years has demonstrated the presence of nationally significant, well-preserved, stratified archaeological deposits dating from the Roman period onwards. A desk-based assessment has been produced and submitted with the application, however no intrusive investigation has taken place.

5.67 The site has high archaeological potential and is likely to contain archaeological deposits (potentially including organic preservation) and features of high importance from all periods. The extant building contains a basement which may have removed any medieval archaeology from the plot but it is possible that 11th-12th century organic deposits may survive beneath the building slab as seen at the former BHS site in 2019. Beneath this, Roman archaeological features and deposits are expected to survive.

5.68 The below-ground impact of the scheme includes the creation of three lift pits to basement level, the need for possible additional/strengthening of existing foundations and installation of services.

5.69 Provisional depths for the lift pits within the basement have been given as 1.3m. The two main lift pits are located side by side giving a proposed excavation area of 5.6m x 4.8m. A third platform lift in the basement will require a 1.6m x 1.7m pit to a depth of 0.75m. These lift shafts will require a substantial amount of archaeological excavation.

5.691 The floor of the basement has been recorded in the desk-based assessment as 10.11m and 10.76m AOD at the Coney St frontage. It is unclear what level the basement floor is at Market St.

5.692 The applicant has been given a strong warning about the lack of evaluation on this site. An evaluation of the resource beneath the basement slab is required. Given that the main impact on the archaeological resource will be the necessary installation of the lifts the focus will be on minimising the impact through changes to design rather than removal from the scheme.

5.693 The lifts need to be designed to ensure they are as shallow as possible. As the design of the scheme progresses in terms of the lifts and additional supporting foundations preservation in-situ of most archaeological deposits will be expected to be pursued.

5.694 A watching brief with excavation where necessary will need to take place on any ground disturbing works in areas outside of the basement footprint and on any GI works. The Archaeologist maintains the advice to the applicant to carry out a level of archaeological evaluation and any GI works as early as possible. Without any evaluation information, costs and timescales for any necessary archaeological excavation and post-excavation work cannot be provided and final designs for the scheme cannot be made. This brings an element of risk to the applicant.

5.695 City of York Council policy requires that at least 95% of the most sensitive archaeological deposits remain in-situ within a development boundary. The applicant will need to demonstrate how they intend to meet this threshold as removal of material below basement level (based on assumptions made regarding the archaeological resource) will count towards this total.

5.696 As the applicant has requested to carry out archaeological work under condition the information from the evaluation to inform the level at which significant archaeological features and deposits survive cannot yet be set. Therefore, currently, the 95% preservation in-situ policy will apply to all interventions below the current basement floor to the full lift shaft and pile cap depth. The applicant will need to ensure that they are able to meet these requirements before committing to implement the scheme. This may be revised once an evaluation has taken place.

5.697 With regards to additional foundations required, the Archaeologist urges the applicant to carry out archaeologically monitored GI works to inform their foundation requirements as soon as possible. Wherever possible, any additional stories should be constructed using existing foundations and basement slab.

5.698 To summarise archaeological matters, archaeological monitoring is required on any GI works. Archaeological evaluation is required ahead of finalising lift and foundation design. Both pieces of work should be carried out as soon as possible. One Written Scheme of Investigation (WSI) can cover all of the works. The Applicant is required to preserve at least 95% of the most significant archaeological resource in-situ. The Applicant should expect substantial archaeological costs associated with lift shaft excavation (and any other works) as post-excavation analysis of this material and publication will be required. These matters are covered by condition (the majority of which are pre-commencement).

5.7 ECOLOGY

Policy

5.71 Policy GI2 of the Draft Local Plan (2018) relates to biodiversity and access to nature. Paragraph 174 (d) of the NPPF (2021) seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

Assessment

5.72 The planning application is accompanied by a Preliminary Bat Roost Assessment provided by Wold Ecology LTD. The Ecologist has reviewed the submission and recommends biodiversity enhancement. The increased structural integrity of modern developments reduces the potential for birds and bats to use modern buildings for nesting and roosting therefore any new developments should integrate a variety of bird and bat boxes. A condition is recommended to secure biodiversity enhancement in this respect.

5.8 WASTE

Policy

5.81 Policy WM1 of the Draft Local Plan (2018) requires the integration of facilities for waste prevention, re-use and recycling in association with the planning of new development. The policy promotes opportunities for on-site management and recycling of waste where it arises at retail locations particularly in the main urban area.

Assessment

5.82 Waste will need to be arranged via a commercial waste collection for all uses. A refuse store is provided at basement level. A waste room is provided at mezzanine level at the delivery entrance. A condition is recommended to ensure these are in place prior to first use of the development. An informative is to be attached to remind/inform the applicant of their responsibility to arrange commercial waste collection. It would be the Applicant's responsibility to arrange collections and ensure this is in the correct place on collection days.

5.9 DRAINAGE

Policy

5.91 Draft Local Policy ENV4 relates to flood risk. Policy ENV5 requires sustainable drainage and states that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. 30% reduction in existing runoff), unless it can be demonstrated that it is not reasonably practicable to achieve this reduction in runoff.

Assessment

5.92 In this case the development is primarily a change of use. The site lies within flood zone 1. It is acknowledged that the developer is unlikely able to demonstrate a 30% reduction in surface water run-off. The Flood Risk Management Team have no objections to the proposed drainage arrangements. Yorkshire Water have not responded to the consultation request.

5.10 SUSTAINABILITY

Policy

5.101 Policy CC2 of the Draft Local Plan (as modified) seeks to ensure proposals for non-residential conversions or change of use achieve BREEAM Non-Domestic Refurbishment and Fit Out 'Excellent' rating as a minimum.

Assessment

5.102 The application is accompanied by an Energy and Sustainability Statement prepared by eb7 LTD. It is proposed that carbon emissions are reduced by more than 54% of the baseline model and a commitment to purchasing 100% renewable energy has been made to account for the remaining energy required in operation. BREEAM 'Excellent' standard is expected to be achieved. This can be conditioned.

5.11 ACCESSIBILITY

5.111 Paragraph 92 and paragraph 130 (f) of the NPPF seeks to ensure planning decisions achieve healthy and inclusive places which are safe and accessible by all. This is supported by Policy DP3 of the Draft Local Plan (2018) which seeks to ensure new development provides accessible facilities and services in a planned manner which complements and integrates with existing facilities.

5.112 With regards to accessibility Part M compliant lifts are proposed for the hotel, alongside accessible rooms and disabled refuge on all floors. There is level access at the site entrances off Market Street and Coney Street. The hotel lift will cover all levels including the basement. 3 accessible studios are proposed which are over 30m² and are wheelchair accessible. This accounts for 5% of the overall mix of studios. A lift will also be provided for the café/restaurant which will cover the ground floor and basement and this will operate independent to the hotel lift. It is considered that the development has adequately considered inclusive design.

5.12 SECTION 149 OF THE EQUALITY ACT 2010

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

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

characteristic and persons who do not share it.

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

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

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

Officers have given due regard to the equality implications of the proposals in making its recommendation. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 To conclude the general principle of the new uses can be supported and will preserve and enhance an important section of the Primary Shopping Area in York City Centre. A mixed use will deliver and enhance the daytime and night-time economy, whilst providing tourist accommodation in a highly accessible location. The principle of development therefore accords with paragraphs 81 and 86 of the NPPF, and policies R1, R2, SS3 and EC4 of the Draft Local Plan (2018).

6.2 Taking into account the amendments made (to the design of the shopfront and roof extension), the proposal would aid in creating a viable use for the heritage asset whilst sustaining and enhancing the significance of the Listed Building and would preserve the character and appearance of the Central Historic Core Conservation Area, in compliance with paragraphs 197 and 202 of the NPPF and policies D1, D4 and D5 of the Draft Local Plan (2018).

6.3 Technical matters such as archaeology, cycle parking, noise, opening hours, ecology, waste and sustainability can be adequately addressed by condition. Overall, in applying the approach to decision-making established in the NPPF approval is recommended subject to conditions.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location Plan; job number 21044, drawing number 0001, revision P0, dated 04.11.2022.

Proposed Site Plan; job number 21044, drawing number 1000, revision P1, dated 20.01.2023.

Proposed Basement Floor Plan; job number 21044, drawing number 1099, revision P1, dated 04.11.2022.

Proposed Ground Floor Plan; job number 21044, drawing number 1100, revision P2, dated 25.04.2023.

Proposed First Floor Plan; job number 21044, drawing number 1101, revision P2, dated 25.04.2023.

Proposed Second Floor Plan; job number 21044, drawing number 1102, revision P2, dated 25.04.2023.

Proposed Third Floor Plan; job number 21044, drawing number 1103, revision P2, dated 25.04.2023.

Proposed Roof Plan; job number 21044, drawing number 1104, revision P3, dated 13.06.2023.

Proposed West and South Elevation; job number 21044, drawing number 1300, revision P1, dated 25.04.2023.

Proposed Detailed South Elevation; job number 21044, drawing number 1303, revision P1, dated 25.04.2023.

Proposed Detailed West Elevation; job number 21044, drawing number 1302, revision P1, dated 25.04.2023.

Proposed East and North Elevations; job number 21044, drawing number 1301, revision P2, dated 13.06.2023.

Proposed Sections; job number 21044, drawing number 1500, revision P3, dated 13.06.2023.

Proposed Market Street Façade Details - Sheet 1; job number 21044, drawing number 1304, revision P0, dated 25.04.2023

Proposed Market Street Façade Details - Sheet 2; job number 21044, drawing number 1305, revision P0, dated 25.04.2023.

Proposals to Interior of Coney Street Façade; job number 21044, drawing number 1110, revision P0, dated 25.04.2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 The development hereby permitted at first floor, second floor and third floor shall only be used for C1 use only and not for any other residential use falling within Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Statutory Instrument revoking and re-enacting that Order with or without modification. For the avoidance of doubt 'any other residential use' includes a person's or persons' main residence, or a permanent residential unit of accommodation.

Reason: To enable the Local Planning Authority to regulate and control the development of land, having regard to policy EC4 of the Draft Local Plan (2018). The Local Planning Authority is of the opinion that the proposed use of the building / premises for the purpose(s) specified is appropriate in this location, having due regard to all material planning considerations, but other uses may not be acceptable to the Local Planning Authority in this location and should be the subject of a separate planning application to be considered on its own planning merits.

4 Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction external works hereby permitted and the works shall be carried out in accordance with the approved details;

- a) Large scale drawings of windows and doors (1:5 or 1:10)
- b) Details of bracket design to Coney Street shop front

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

5 Prior to the commencement of the external construction of the walls of the development hereby approved a sample panel of the type of brick to be used showing the proposed colour, texture, mortar and bonding shall be erected on the site for the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the sample brickwork panel shall be retained on site during the period of construction of all external walls that are constructed in brick.

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

6 Before the first use of any materials in the external construction of the roof of the development hereby approved, a slate sample shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

7 Before the first use of GRC hereby approved, a GRC sample shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

8 A programme of post-determination archaeological evaluation and anticipated mitigation excavation/ watching brief as appropriate is required.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) for evaluation, excavation and monitoring has been submitted to and approved by the local planning authority in writing. 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 on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. There shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results (including an appropriate level of publication) and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 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. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

9 A foundation design and lift pit design which preserve 95% of the archaeological deposits is required for this site.

A) No development shall commence until a foundation and lift shaft design and statement of working methods which preserve 95% of the archaeological deposits on the site has been approved in writing by the Local Planning Authority. The method statement will include information on dealing with obstructions to piles where appropriate and specification of a level in mAOD (identified following

evaluation) below which no destruction or disturbance shall be made to archaeological deposits except for that caused by the boring/auguring of piles.

Reason: The site lies within an Area of Archaeological Importance which contains significant archaeological deposits. The development must be designed to preserve 95% of the archaeological deposits within the footprint of the building. This condition is imposed in accordance with Section 16 of NPPF and City of York Historic Environment Policy HE10.

10 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief during GI work 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 GI work 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 lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

11 Prior to the development commencing details of the cycle parking areas (to accommodate 12 cycles), 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 No gate or door shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

13 A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park; and
- where materials will be stored within the site.

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, free flow of traffic or safety of highway users.

14 Prior to commencement of development, a biodiversity enhancement plan/drawing shall be submitted to and be approved in writing by the Local Planning Authority. The plan should include, but not be limited to the recommendations set out in the Preliminary Bat Roost Assessment provided by Wold Ecology Ltd (September 2021). The approved works shall be carried out in accordance with details shown on the approved enhancement plan/drawing.

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

15 Prior to first use of the premises for the purposes hereby permitted, provision shall be made for the storage of refuse bins within the site in accordance with details shown the approved site plan and floorplans previously submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be retained and maintained in perpetuity.

Reason: In order to provide satisfactory provision of on-site refuse bin storage to ensure that any impact upon visual and residential amenity is kept to a minimum, having regard to Policies WM1 of the Draft Local Plan (2018).

16 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, before they are installed. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

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

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

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms. 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 residing in the hotel accommodation from externally generated noise and in accordance with the National Planning Policy Framework.

18 18. No development shall take place until a detailed scheme of noise insulation measures for protecting the hotel accommodation above this proposed development from noise internally generated by the proposed bar/restaurant use and live music venue use in the basement, has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works the bar/restaurant and live music venue use shall not commence until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

19 No development shall take place until a detailed scheme of noise insulation for the building envelope of the commercial premises (the bar/restaurant/Live music venue) within the site has been submitted to and approved in writing by the Local Planning Authority. This shall include measures for protecting the residential accommodation in the near vicinity outside of the premises from noise break out internally generated by the proposed bar/restaurant use of the ground floor and the live music venue use of the basement. Upon completion of the insulation scheme works the bar/restaurant/live music uses shall not commence until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

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

20 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 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 Local Plan (2018).

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

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

22 Upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

23 The uses hereby permitted shall not be open to customers outside of the following hours;

Restaurant:

Sunday - Thursday 11:00 hours - 22:30 hours

Friday and Saturday 11:00 hours - 23:00 hours

Shop:

Sunday - Thursday 09:00 hours - 23:00 hours

Friday and Saturday 09:00 hours - 00:00 hours

Bar:

Sunday - Thursday 11:00 hours - 23:00 hours

Friday and Saturday 11:00 hours - 01:00 hours

Coffee Shop:

09:00 hours - 17:00 hours each day

Reason: To ensure there is no detrimental effect upon the amenities of the area.

24 The accessible rooms as shown on the approved floors plans shall be provided and shall remain as such at all times.

Reason: To provide a development that is accessible by all in accordance with local plan policy HW7: Healthy Places.

25 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 6 months of first occupation (unless otherwise agreed).

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

26 LC4 Land contamination - unexpected contam

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:

- Revisions to design to overcome Conservation Officer's and Environmental Health Officer's concerns.
- Shared draft list of recommended conditions.

2. NESTING BIRDS - INFORMATIVE

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Although limited nesting habitat is available within the application site, the possibility of nests should not be dismissed between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

3. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904) 551550 - streetworks@york.gov.uk

Pavement Cafe Licenc - Section 115 - Annemarie Howarth (01904) 551550 - highway.regulation@york.gov.uk

4. It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level 5 of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

6. WASTE - INFORMATIVE

As the proposal involves the running of a business, any waste arising from this business is subject to a duty of care under Section 34 of the Environmental Protection Act 1990, including waste created by guests. As someone who will be producing and disposing of controlled waste, arrangements will be required for the storage of any waste arising from the business. Further information is therefore required on how this waste will be stored pending lawful disposal. Business waste must be disposed of via an authorised waste carrier or taken to a site authorised to accept it. It is unlawful to dispose of commercial waste via the City of York Council's domestic waste collection service. Further information can be found at www.gov.uk/managing-your-waste-an-overview

Contact details:

Case Officer: Natalie Ramadhin

Tel No: 01904 555848

23/00059/FUL

T.K.maxx, 48 Coney Street, York YO1 9ND



Scale : 1:1162

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	28 June 2023
SLA Number	Not Set

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Planning Committee A

To be held on Thursday 6th July 2023

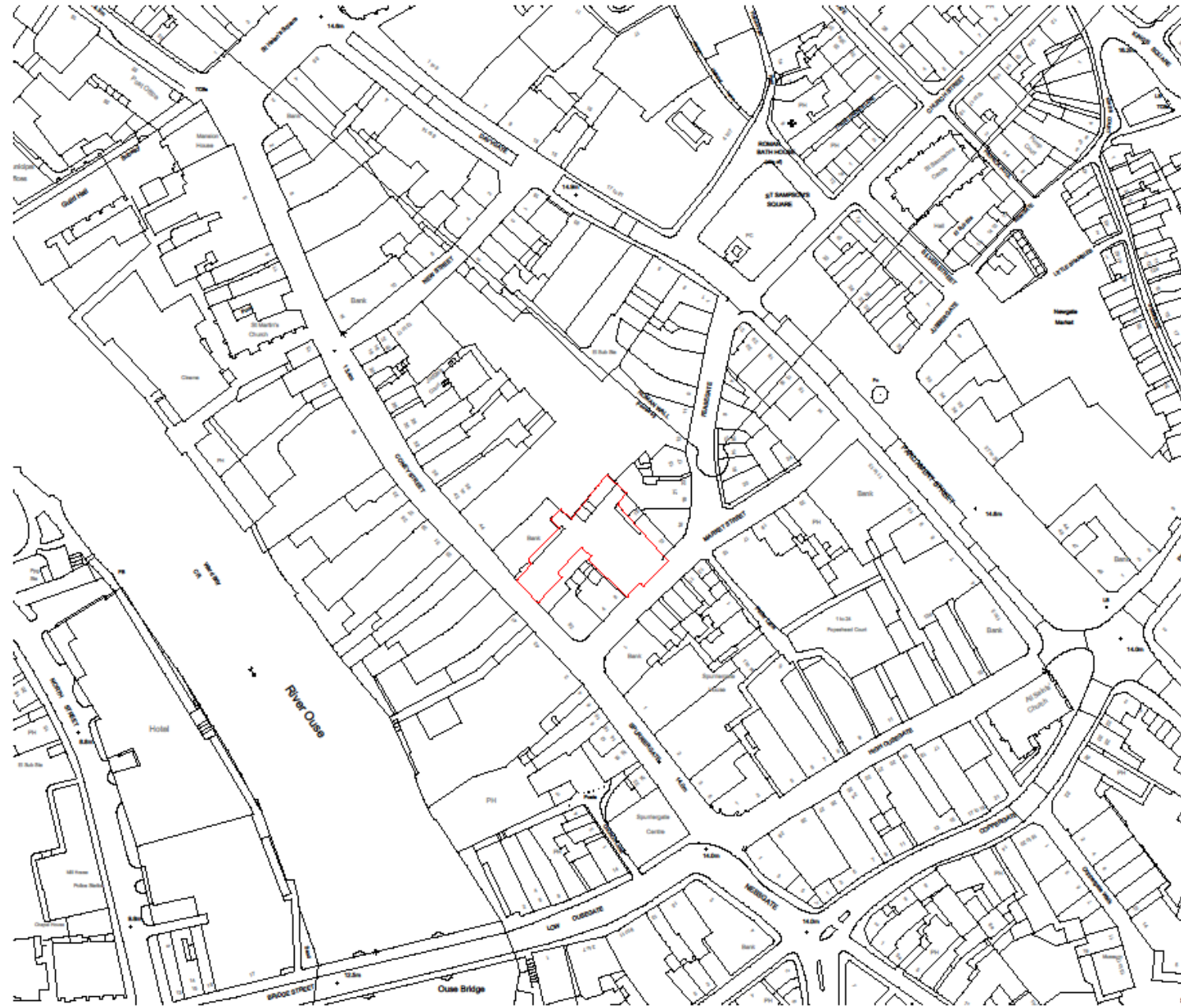
23/00059/FUL and 23/00060/LBC – 48 Coney Street, York

23/00059/FUL: Conversion of existing retail unit (Use Class E) to restaurant and shop (Use Class E) at ground and basement level, and change of use of upper floors from retail (Use Class E) to a 64 key aparthotel (Use Class C1) including provision of additional storey on roof and associated external alterations.

Page 48

23/00060/LBC: Internal and external alterations in association with change of use and provision of additional storey on roof.

Site Location Plan



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10 10.12.22 Issue for planning 10 10

10 10.12.22 Issue for planning 10 10

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BroadwayMalayan^{EM}

Project:
 48 Coney Street
 York

Drawing:
 LOCATION PLAN

Date:
 30.09.22

Scale:
 1:1250

Sheet:
 25

Revision:
 21044 VB ZZ 22 DR A 0001 PD

PLANNING

AS3

N

Coney Street Elevation





Coney Street Elevation – Upper and Lower Sections

Market Street Elevation



Market Street toward
Coney Street





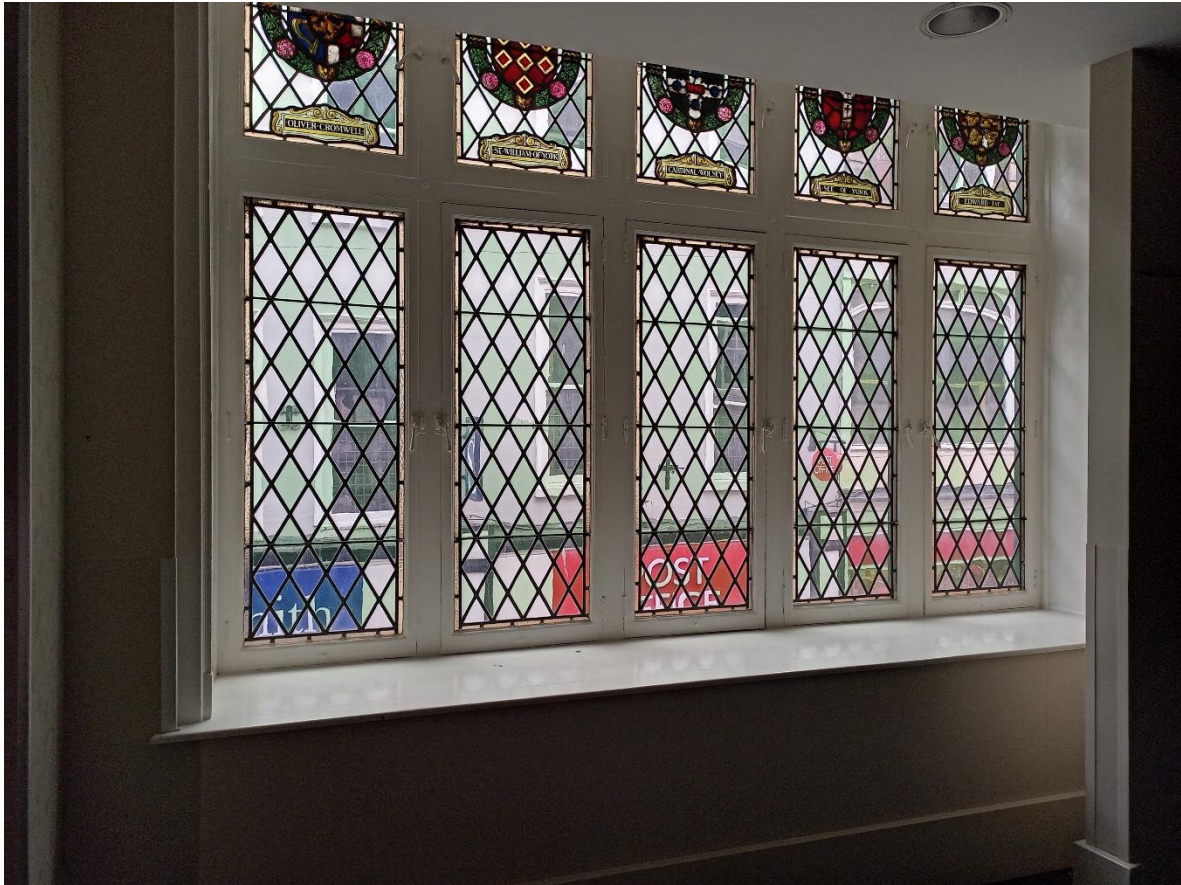
Interior – Basement Level



Interior – Ground Floor



Interior – Ground Floor

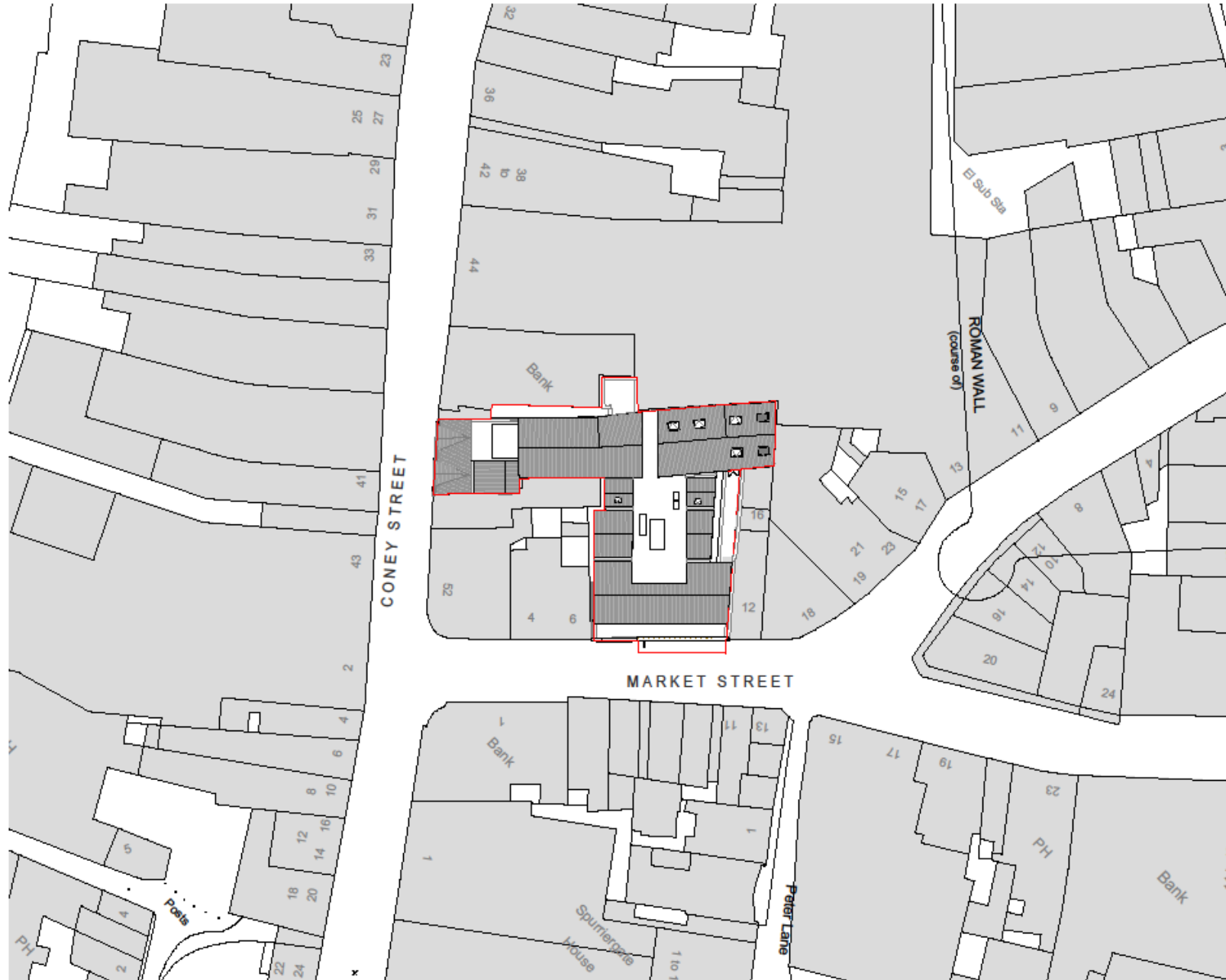


Interior – First Floor



Interior – Second Floor

Proposed Site Plan



City of York Council Planning Committee Meeting - 6th July 2023



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PL 2023.23	Search for planning	PL 23	23
PL 2023.22	Search for planning	PL 22	22
Author	Author	Author	Author

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BroadwayMalyan^{BM}

48 Coney Street
York
YO1 1AA
PROPOSED SITE PLAN

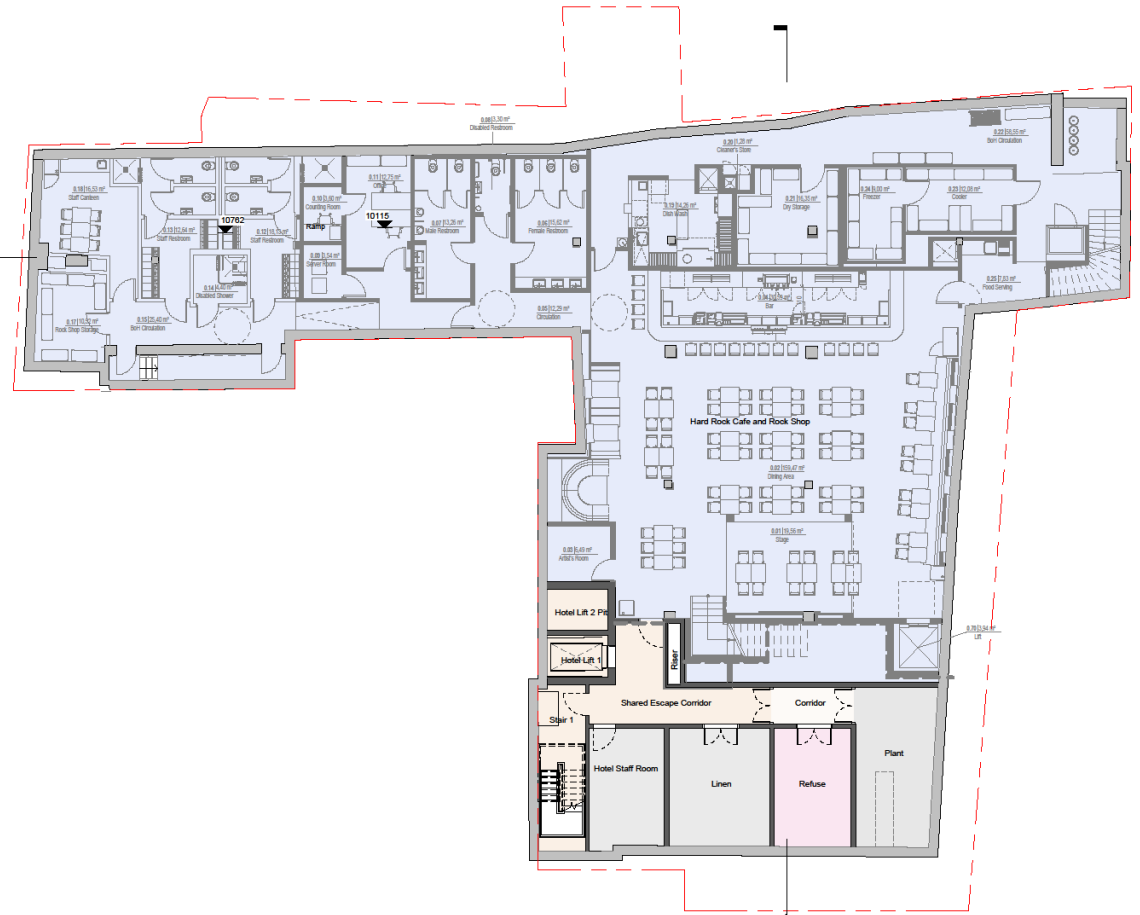
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Scale: 1:500
Drawing Number: A3
Revision: 25

Job Number	Rev	Date	By	Check	Drawing Number	Scale
21044-VB-	25	22	DR	A	1000	P1

Proposed Basement Plan

CONEY STREET

MARKET STREET



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KEY
Existing Wall
Proposed Wall

Page 60

P1 04.11.22 Issued for planning EC NB
P2 24.05.22 Work in Progress issued for information
revision date description drawn c/sd

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BroadwayMalyan^{BM}

Studio 12, Middlethorpe Business Park
Sim Bank Lane, Bishopthorpe, York, YO23 2BD
t: 01904 700941 e: studio@vincentandbrown.com

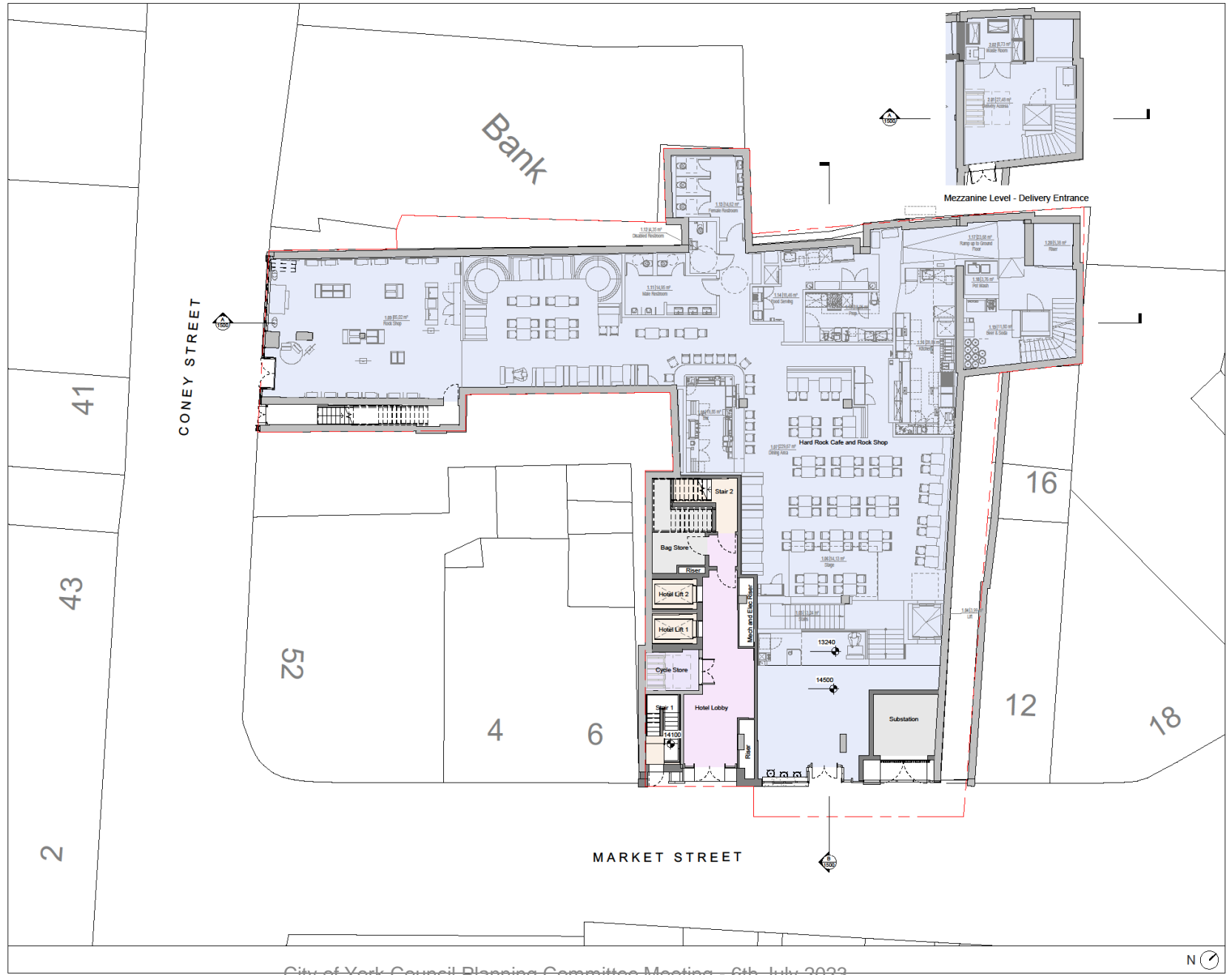
project:
48 Coney Street
York
drawing:
PROPOSED BASEMENT PLAN

date: 30.09.22 status: PLANNING
scale: 1:100 sheet size: A1
1 2 4 6 8 10

job number	orig	zone	level	type	role	drawing number	rev
21044- VB- Z2- B1- DR- A-						1099	P1



Proposed Ground Floor



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KEY
 Existing Wall
 Proposed Wall

PD	25.04.23	issued for planning	EC	NB
PI	04.11.22	issued for planning	EC	NB
PC	26.05.22	Work in Progress issued for information	EC	NB
revision date	description	drawn	cvt	

Vincent & Brown
 in collaboration with
BroadwayMalyan^{BM}

Studio 12, Middlethorpe Business Park
 5in Balk Lane, Blakeshorpe, York, YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project:
48 Coney Street
 York
 drawing:
PROPOSED GROUND FLOOR PLAN

date:	30.09.22	status:	PLANNING				
scale:	1:100	sheet size:	A1				
job number	orig	date	level	type	role	drawing number	rev
21044-1	VB	22	00	DR	A-	1100	P2



Proposed First Floor



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KEY
 Existing Wall
 Proposed Wall

P2	25.04.22	Issued for planning	EC	NB
P1	04.11.22	Issued for planning	EC	NB
P5	24.09.22	Work in Progress issued for information		
revision date	description	drawn	chk'd	

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Studio 12, Middlethorpe Business Park
 Sim Bank Lane, Wetherby, York, YO23 2BD
 t: 01904 702941 e: studio@vincentandbrown.com

project:
 48 Coney Street
 York
 drawing:
 PROPOSED FIRST FLOOR PLAN

date:	30.09.22	status:	PLANNING
scale:	1:100	sheet size:	A1
job number:	21044-VB-ZZ-01-DR-A-	drawing number:	1101
rev:	P2		



Proposed Second Floor



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KEY
 Existing Wall
 Proposed Wall

P2	25.04.23	Issued for planning	EC	NB
P1	04.11.22	Issued for planning	EC	NB
P0	24.02.22	Work in progress issued for information	EC	NB
revision date	description	drawn	checked	

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 Sim Bank Lane, Bishopthorpe, York, YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project:
48 Coney Street
 York
 drawing:
PROPOSED SECOND FLOOR PLAN

date:	30.09.22	status:	PLANNING				
scale:	1:100	sheet size:	A1				
job number	orig	date	level	type	note	drawing number	rev
21044-VB-	ZZ-	02-10R-	A-			1102	P2



Proposed Third Floor



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KEY
 Existing Wall
 Proposed Wall

P2	25.04.23	Issued for planning	EC	NB
P1	04.11.22	Issued for planning	EC	NB
PC	24.02.22	Work in Progress issued for information	drawn	chf

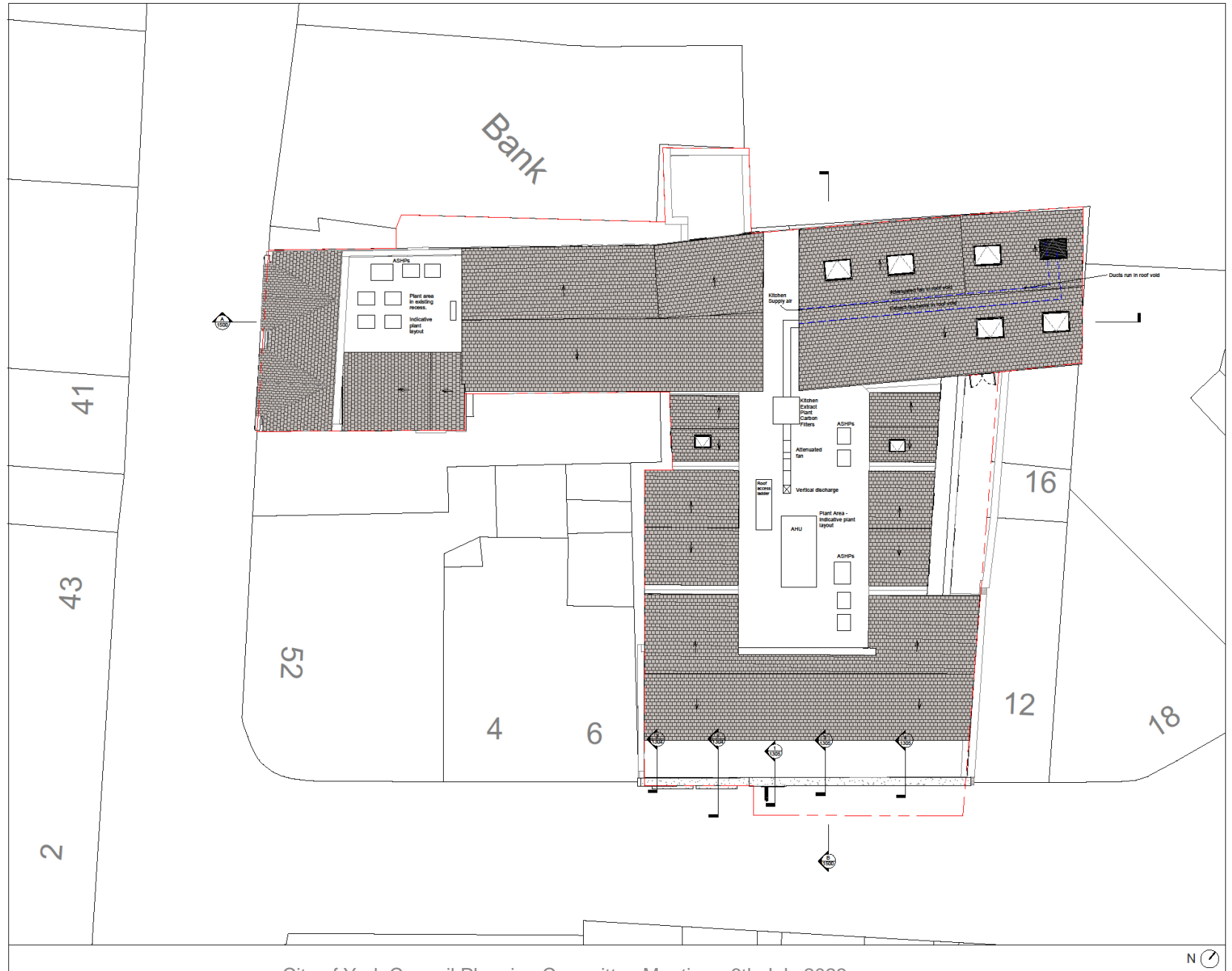
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project:
**48 Coney Street
 York**
 drawing:
PROPOSED THIRD FLOOR PLAN

date:	30.09.22	status:	PLANNING
scale:	1:100	sheet size:	A1
job number:	21044-VB-ZZ-03-DR-A-	drawing number:	1103
rev:	P2		



Proposed Roof Plan



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KEY
 Existing Wall
 Proposed Wall

PI	13.06.23	Issued for planning	EC	ND
P2	27.01.23	Issued for planning	TH	ND
P1	20.01.23	Issued for planning	EC	ND
P0	04.11.22	Issued for planning	EC	ND
revision date	description	drawn	d'x'l	

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Studio 12, Middlethorpe Business Park
 5th Balk Lane, Middlethorpe, York, YO23 2BD
 t: 01904 700441 e: studio@vincentandbrown.com

project:
48 Coney Street
 York
 drawing:
PROPOSED ROOF PLAN

date:	30.09.22	status:	PLANNING
scale:	1:100	sheet size:	A1
job number	orig	rev	date
21044-VB-ZZ-RF-DR-A-		1104	P3



Proposed West and South Elevations

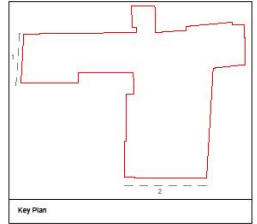


1 West Elevation - Coney Street



2 South Elevation - Market Street

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Key Plan

PI	25.04.23	Issued for planning	EC	NB
PD	04.11.22	Issued for planning	EC	NB
revision date	description		drawn	checked

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t: 01904 700941 e: studio@vincentandbrown.com

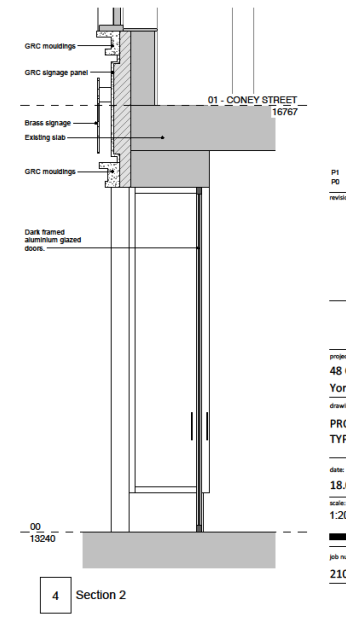
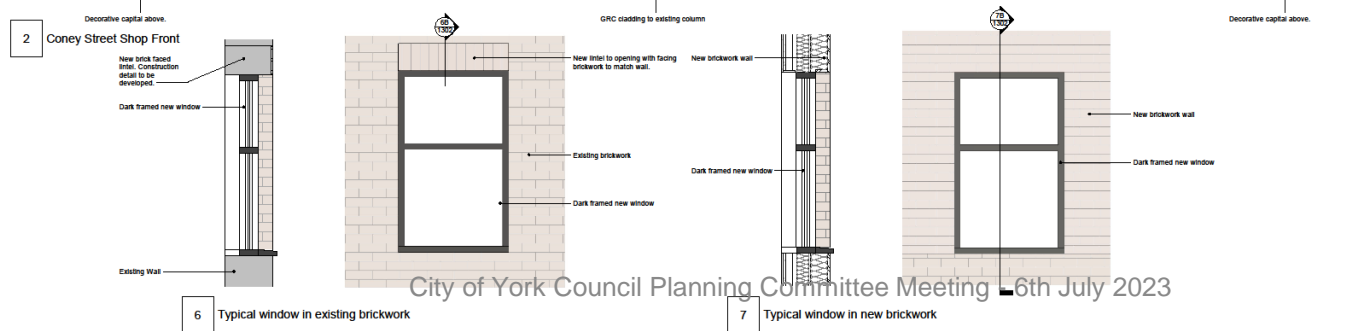
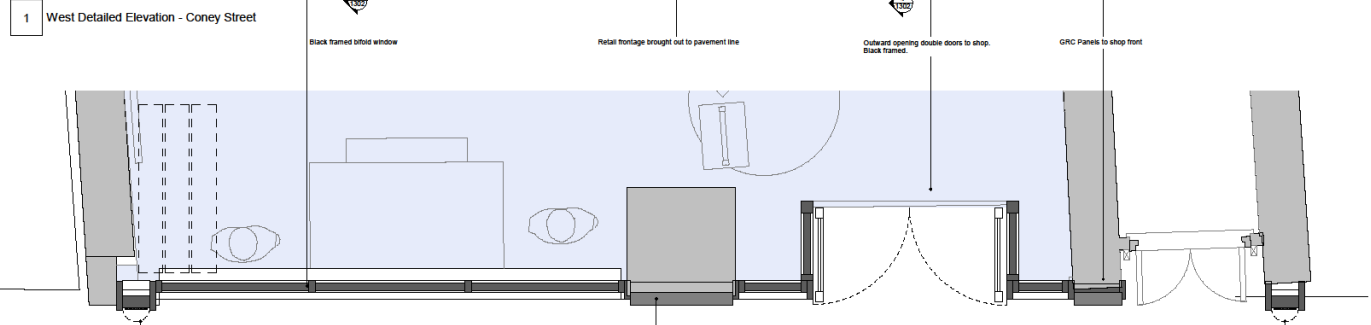
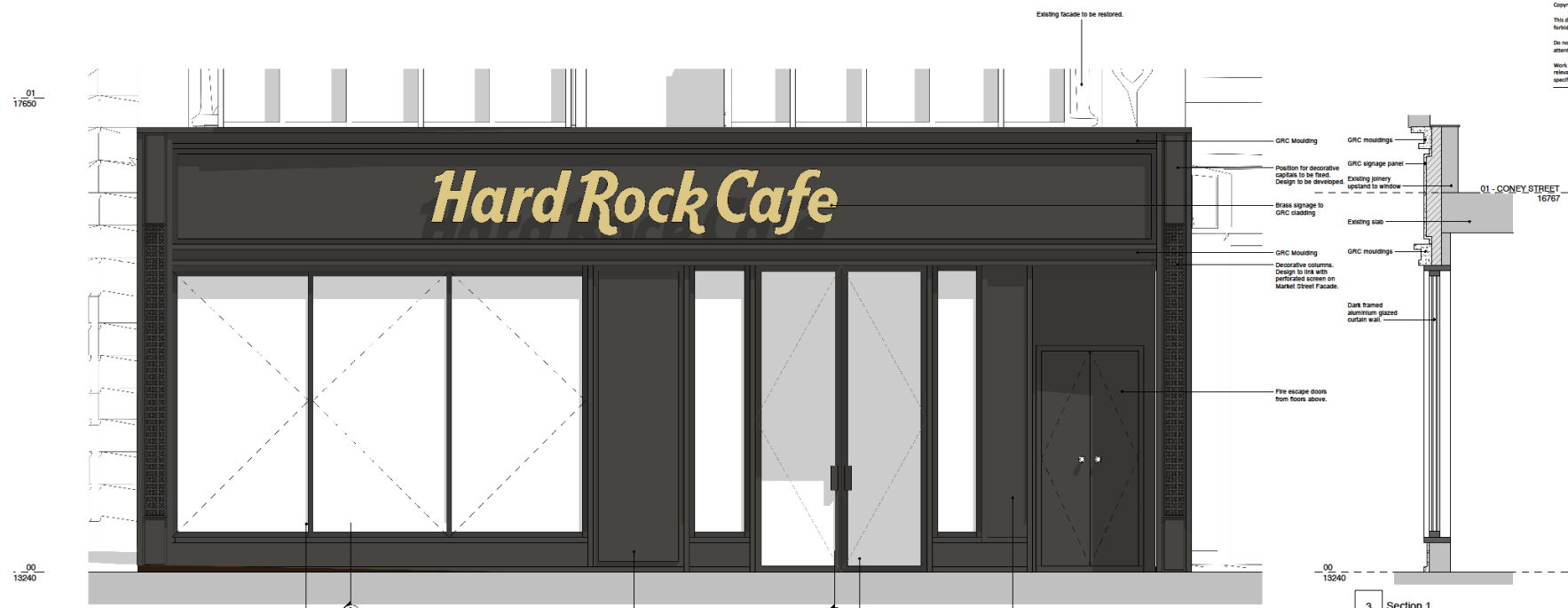
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48 Coney Street
York
drawing:
PROPOSED WEST AND SOUTH ELEVATION

date:	30.09.22	status:	PLANNING
scale:	1:100	sheet size:	A1
job number	21044-IVB-22-07-DR-A-	drawing number	1300
rev			P1



Proposed West Elevation – Typical New Windows

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P1	25.04.23	Issued for planning	EC	NB
	26.01.23	Issued for planning	EC	NB
revision	date	description	drawn	chkd

Vincent & Brown
 In collaboration with
BroadwayMalyan^{BM}

Studio 12, Middleborough Business Park
 5th Balk Lane, Bishops Cleeve, York, YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project:
 48 Coney Street
 York

drawing:
 PROPOSED DETAILED WEST ELEVATION -
 TYPICAL NEW WINDOWS

date: 18.01.23 status: PLANNING
 scale: 1:20 sheet size: A1

job number	orig	zone	level	type	role	drawing number	rev
21044-	VB	ZZ	1	WE-DR	A-	1302	P1



Proposed South Elevation



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Scale
Architectural scale: 1/20
Graphic scale: 1:20

Revision

No.	Date	Description	By	App.
01	18.01.23	Issue for planning	AO	AO
02	20.01.23	Issue for planning	AO	AO

Vincent & Brown
Architects
BroadwayMalyan™
Studio 11, Middlemore Business Park
One Six Lane, Bishops Cleeve, Loughborough, Leics, LE12 0JQ
t: 01509 709900 e: studio@vincentandbrown.com

48 Coney Street
York
YO1 1AA

PROPOSED DETAILED SOUTH ELEVATION

18.01.23
PLANNING
1:20
AO 2

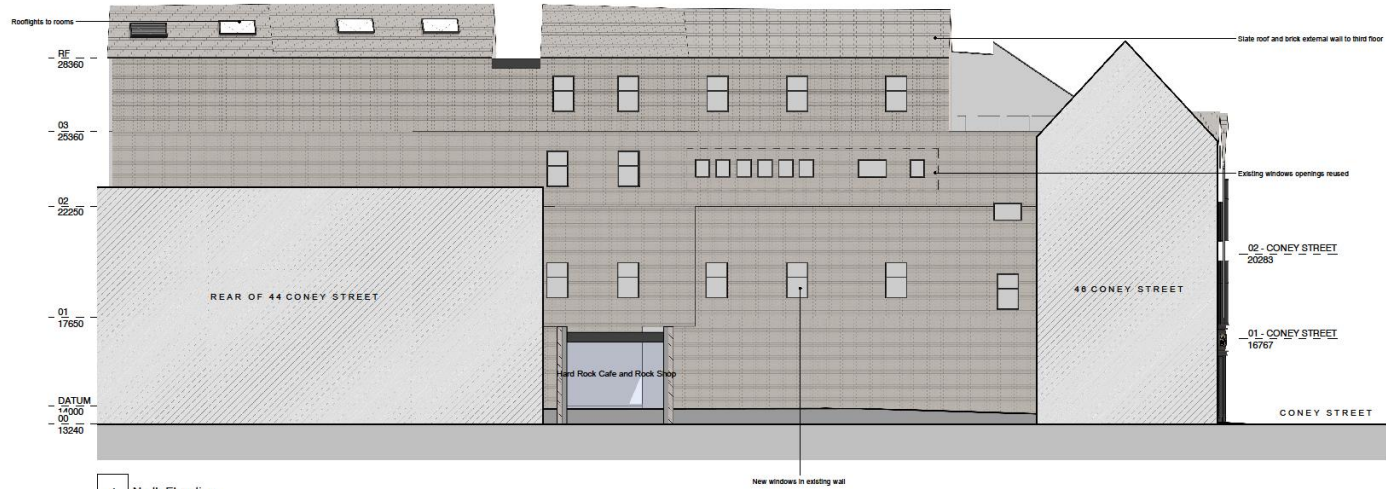
21044-VB-ZZ-SO-DR-A-1303-P1



Proposed East and North Elevations

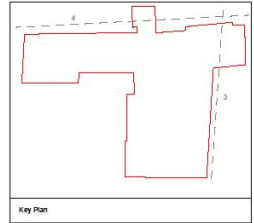


3 East Elevation



4 North Elevation

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Key Plan

P2	13.06.23	Issued for planning	EC	NS
P1	20.01.22	Issued for planning	EC	NS
P0	04.11.22	Issued for planning	EC	NS
revision date	description	drawn	checked	

Vincent & Brown

Studio 12, Middlethorpe Business Park
 Sim Bank Lane, Bishopthorpe, York, YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project:
48 Coney Street
 York

drawing:
PROPOSED EAST AND NORTH ELEVATION

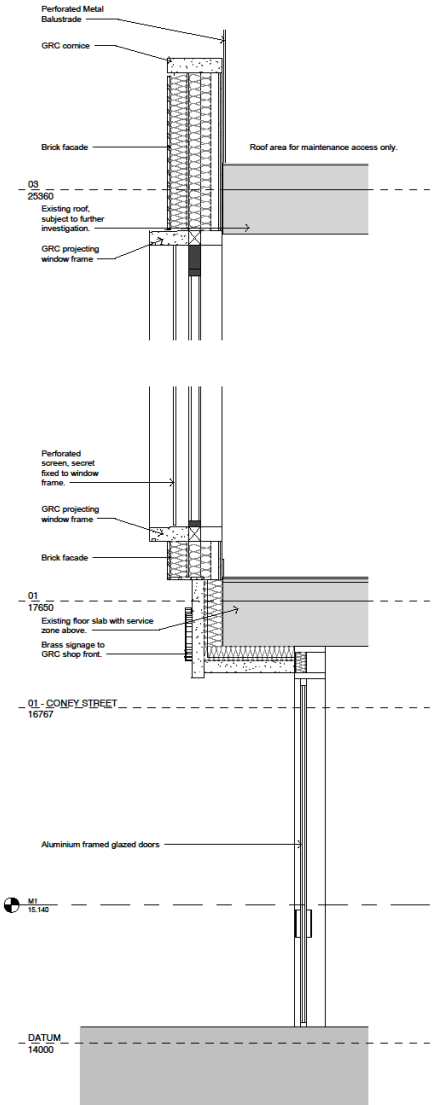
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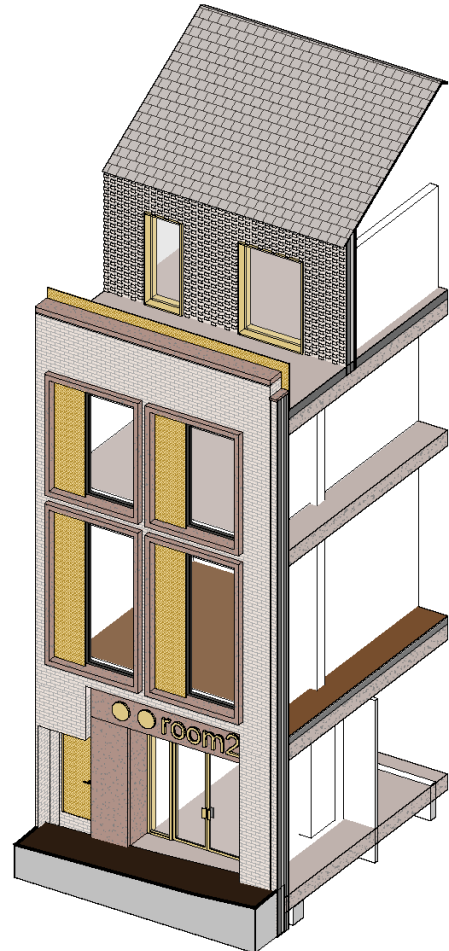


Market Street Façade Details (1)

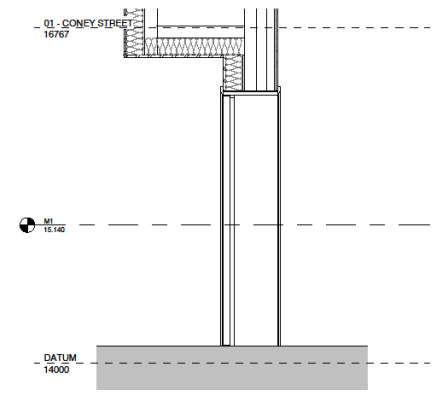
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1 Bay Study 1 - Section



2 Bay Study 1 - 3D View



3 Section Through Fire Door



PO 25.04.23 issued for planning EC NB
 revision date description drawn csk

Vincent & Brown
 In collaboration with
BroadwayMalyan^{BM}

Studio 12, Middlethorpe Business Park
 Sim Balk Lane, Bishopthorpe, York, YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project:
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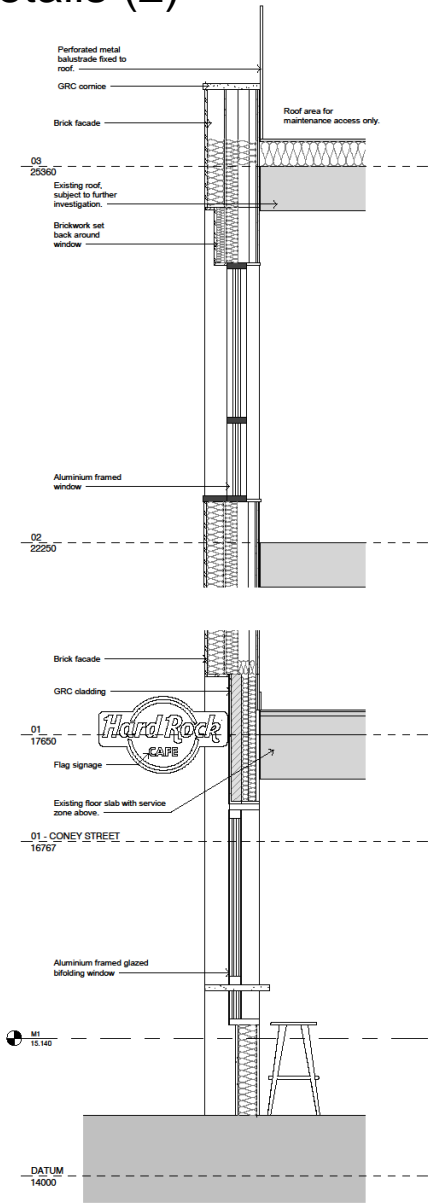
drawing:
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date: 17.04.23 status: PLANNING
 scale: 1:20 sheet size: A1

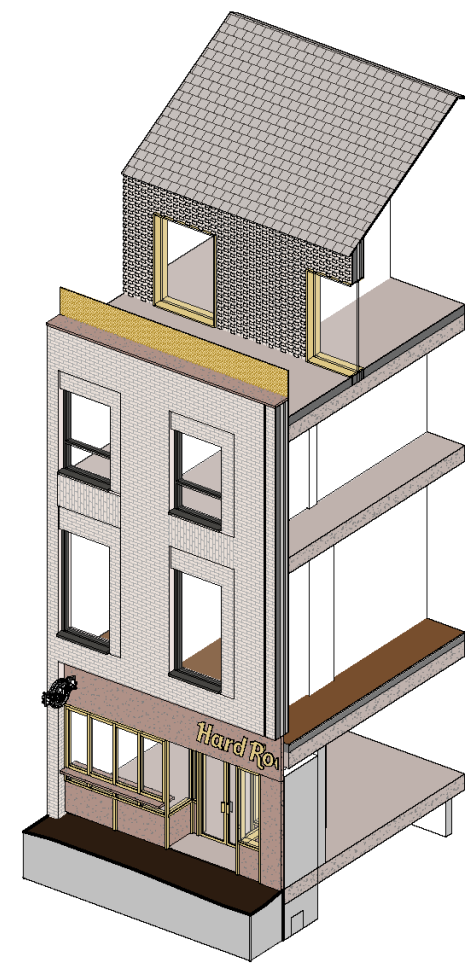
job number: 21044- orig: VB- zone: ZZ- level: SP- type: DR- role: A- drawing number: 1304 rev: PO

Market Street Façade Details (2)

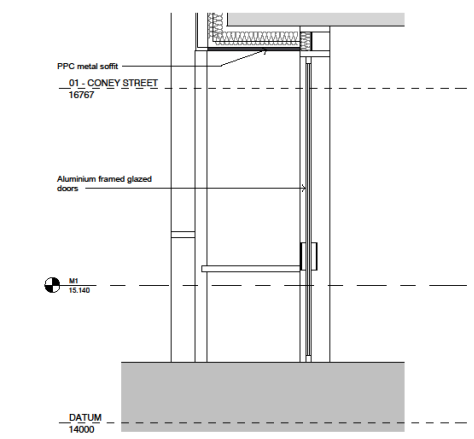
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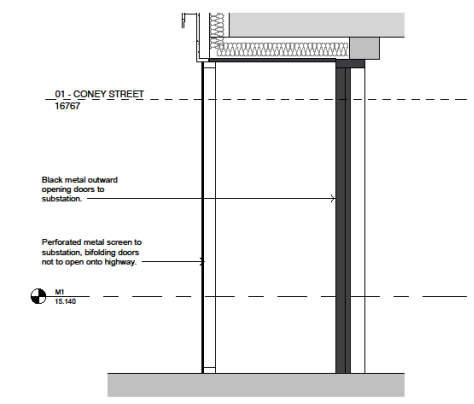
1 Bay Study 2 - Section



2 Bay Study 2 - 3D View



3 Section Through Restaurant Door



4 Section Through Substation Gates



PO 25.04.23 issued for planning EC NB
 revision date description drawn csk

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 In collaboration with
BroadwayMalyan^{BM}

Studio 12, Middlethorpe Business Park
 Sim Balk Lane, Boleothorpe, York, YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

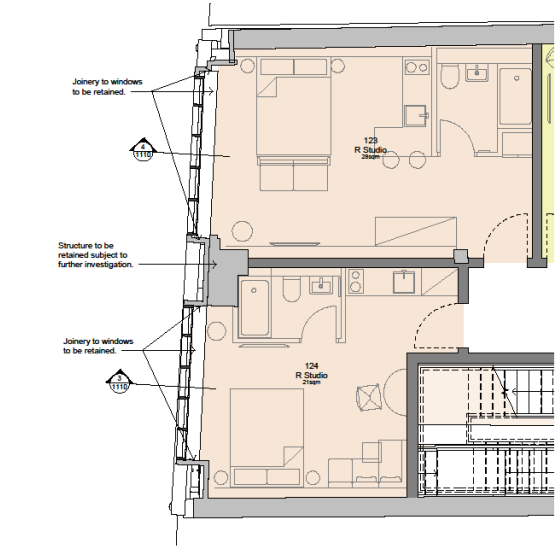
project:
 48 Coney Street
 York

drawing:
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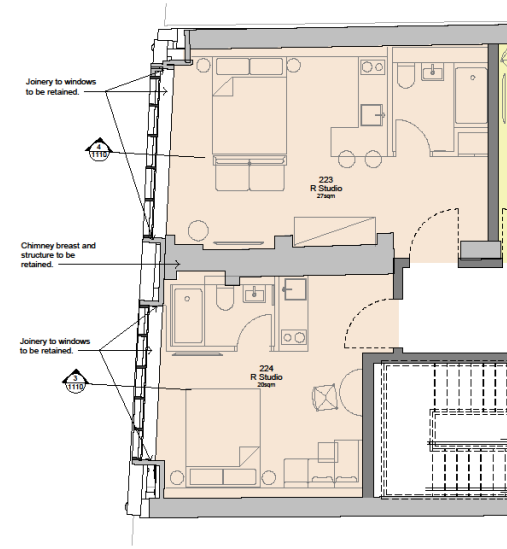
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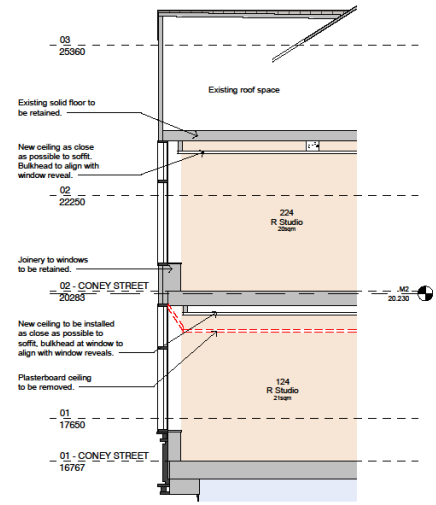
Proposals to Interior of Coney Street Façade



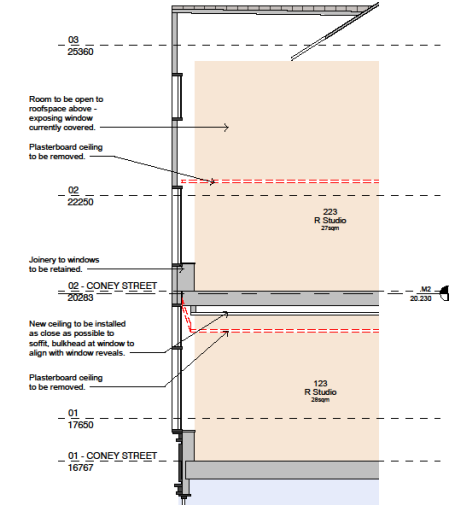
1 Level 01 - Coney Street Interior



2 Level 02 - Coney Street Interior



3 Coney St Interior Section 1



4 Coney St Interior Section 2

City of York Council Planning Committee Meeting - 6th July 2023



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PG	21.04.23	Issued for planning	EC	NB
revision	date	description	drawn	checked

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BroadwayMalyan^{BM}

Studio 12, Middlethorpe Business Park
Sim Bak Lane, Bishopthorpe, York, YO23 2BD
t: 01904 700941 e: studio@vincentandbrown.com

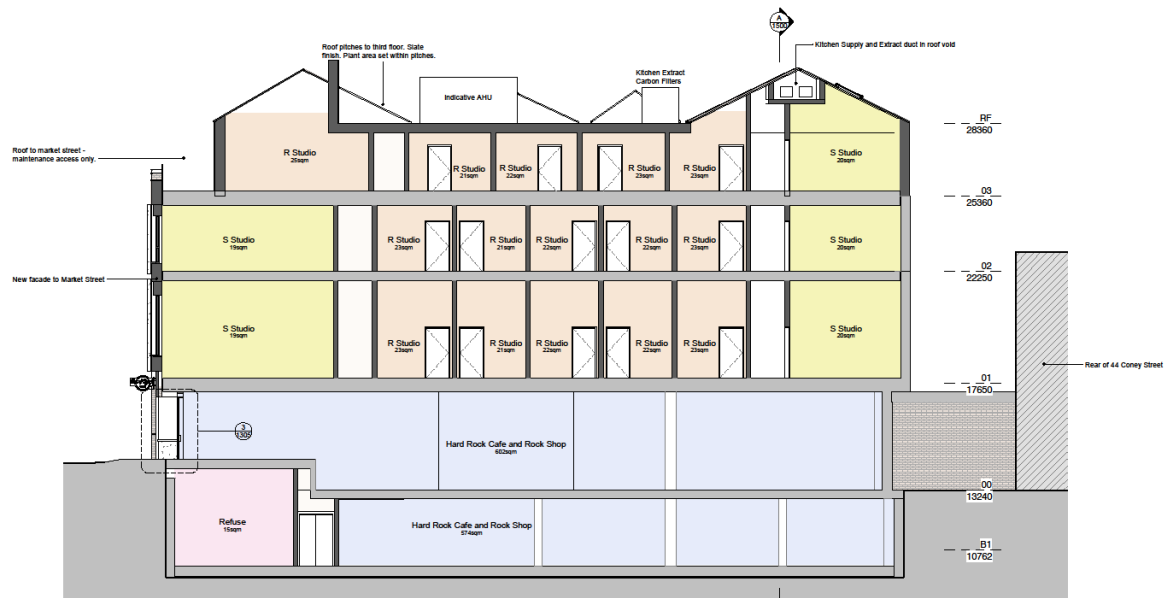
project:
48 Coney Street
York
drawing:
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date:	17.04.23	status:	PLANNING
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zone:	DR	level:	A
type:	DR	note:	1110
drawing number:	PO	rev:	

Proposed Sections

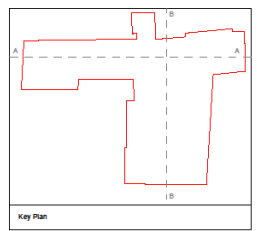


A Proposed Section AA



B Proposed Section BB

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KEY
Existing Wall
Proposed Wall



P3	13.08.22	issued for planning	EC	NS
P2	27.01.23	issued for planning	TH	NS
P1	20.01.23	issued for planning	EC	NS
PP	04.11.22	issued for planning	EC	NS
revision date	description	drawn	checked	

Vincent & Brown

Studio 12, Middlethorpe Business Park
5th Balk Lane, Bolephorpe, York, YO23 2BD
t: 01904 700943 e: studio@vincentandbrown.com

project:
48 Coney Street
York
drawing:
PROPOSED SECTIONS

date:	30.09.22	status:	PLANNING	sheet size:	A1				
scale:	1:100	graphical scale: 0 2 4 6 8 10			job number:	21044			
orig:	VB	zone:	Z3	role:	DR	drawing number:	1500	rev:	P3

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COMMITTEE REPORT**Date:** 6 July 2024**Ward:** Guildhall**Team:** East Area**Parish:** Guildhall Planning Panel**Reference:** 23/00060/LBC**Application at:** T.K.maxx 48 Coney Street York YO1 9ND**For:** Internal and external alterations in association with change of use and provision of additional storey on roof (amended plans received).**By:** Harrowells (No. 221) Ltd**Application Type:** Listed Building Consent**Target Date:** 10 July 2023**Recommendation:** Approve**1.0 PROPOSAL**

- 1.1 48 Coney Street is a retail unit located in the city centre and is Grade II Listed. It was designed by the Boots company architect MV Treleaven in 1907 and built in two stages as the premises expanded to incorporate the adjoining plot. Attached to the north east elevation is 8-10 Market Street, which forms part of the listing however is noted as a detractor in the Conservation Area Appraisal. Both have active frontages along Coney Street and Market Street and form part of the Primary Shopping Frontage. The application site spans these two buildings and both lie within the Central Historic Core Conservation Area (Character Area 11 Central Shopping Area).
- 1.2 Listed building consent is sought for internal and external alterations in association with the proposed change of use and the provision of an additional storey on the roof. The listed building application is accompanied by a planning application, reference 23/00059/FUL. The full planning application seeks to convert the existing retail unit to a restaurant and shop (use class E) at ground floor level and basement level. It is proposed to change the use of the upper floors from retail (use class E) to a 64 key aparthotel (use class C1). Pre-application advice was sought on the proposal.
- 1.3 During consideration of the application, amended plans were received and as such have been used as the basis for determination. The application is presented to Planning Committee A as the proposal is non-residential

development, including extensions and changes of use, of over 3000m² gross floorspace.

1.4 The following planning history is of note:

10/01808/FUL - Replacement roof level ventilation and air conditioning plant. Application permitted: 09.11.2010.

10/01313/LBC - Internal and external alterations including refurbishment of Coney Street shop front, new Market Street shopfront. Application permitted: 04.08.2010.

08/02626/FUL – New shopfront. Application permitted: 03.02.2009.

08/02051/LBC - Internal and external alterations including new facade replacing the existing Market Street elevation, including a raised articulated roof; and alterations to the elevation on Coney Street including the shop front (resubmission). Application permitted: 19.11.2008.

08/02049/FUL - New facade replacing the existing three storey Market Street elevation, including a raised articulated roof (resubmission). Application permitted: 30.10.2008.

08/01929/FUL - Part change of use from retail to restaurant (class use A3) at Ground floor and basement level (market street frontage). Application permitted: 23.12.2008.

08/01551/FUL - New facade replacing the existing three storey Market Street elevation, including a raised articulated roof; and alterations to the three storey elevation on Coney Street. Application withdrawn: 06.08.2008.

08/01728/LBC - Internal and external alterations including new facade replacing the existing Market Street elevation, including a raised articulated roof; and alterations to the elevation on Coney Street including windows and shop front. Application withdrawn: 06.08.2008.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 Key chapters and sections of the NPPF are as following:

Conserving and enhancing the historic environment (chapter 16)

PUBLICATION DRAFT LOCAL PLAN (2018)

2.2 The Publication 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. The following policies are relevant to this application;

D5 Listed Buildings

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

3.1 CYC URBAN DESIGN AND CONSERVATION

3.11 Recommended amendments to the proposal. This has been addressed. The Conservation Officer now has no objections subject to condition.

EXTERNAL CONSULTATION

3.2 HISTORIC ENGLAND

3.21 Not providing advice.

4.0 REPRESENTATIONS

4.1 The application was advertised via neighbour notification and site notices twice (due to receipt of amended plans). The deadline for comments for the first round of public consultation was 1st March 2023. No third-party public representations have been received.

4.2 The deadline for comments for the second round of public consultation was 21st June 2023. At the time of writing this report, no third-party public representations have been received however the publicity period is still running. Members will be updated at Planning Committee if any further representations have been received.

5.0 APPRAISAL

5.1 IMPACT ON THE LISTED BUILDING AND ITS SETTING

5.11 With reference to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, 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.

5.12 The approach to considering proposals affecting designated heritage assets is set out in NPPF paragraphs 194-208. Policy D5: Listed Buildings of the Draft Local Plan (2018) is most relevant. The policies in the Publication Draft Local Plan 2018 are broadly NPPF compliant in respect of heritage assets.

5.13 Draft Plan Policy D5: Listed Buildings states that proposals affecting a listed building or its setting will be supported where they (i) preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and (ii) help secure a sustainable future for a building at risk; (iii) are accompanied by an appropriate, evidence based heritage statement assessing the significance of the building. Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm the significance of the building. Harm to an element which contributes to the significance of a listed building or its setting will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss of a listed building will be permitted only where it can be demonstrated that the proposals would bring substantial public benefits.

5.14 The NPPF approach is to understand the significance of assets affected, and consider the impacts. If there is harm, the NPPF explains occasions where public benefits can outweigh such, taking into account that any harm requires clear and convincing justification.

5.15 48 Coney Street is Grade II Listed and has an elaborate two-bay half-timbered Tudor-Revival façade incorporating carved timberwork, mullioned and leaded windows, pargeting, heraldic emblems and glazing referencing the City, under a pair of gables. It was designed by the Boots company architect MV Treleaven in 1907 and was built in two stages as the premises expanded to incorporate the adjoining

plot. The iterative construction possibly accounts for the intrusive central column on the ground floor.

5.16 The original shop front design incorporated carved pilasters and fascia mouldings, a pair of 'crouching man' brackets supporting the cornice, which had been replaced by modern shopfront by the time of listing in 1983. Internally almost nothing of the historic plan form or fixtures survive successive remodellings, most significantly c.1965 when the premises to Market Street were comprehensively redeveloped. There is very fragmentary survival of wall nibs, and a possible chimney breast to the second floor. Some historic joinery survives around the windows (lining and architrave). Internally, the windows are spoilt by lowered bulkheads to first floor.

5.17 The principal changes are the erection of an attic storey on top of the existing flat roof, the construction of a new façade to Market Street, the replacement of the shop front to Coney Street and subdivision of the upper floors to provide hotel rooms. The attic storey and Market Street façade design have been the subject of pre-application advice during which the scheme was significantly revised.

5.18 The Conservation Officer confirms the principal heritage significances lie in the Coney Street façade and gabled roof; and the sensitive historic context which includes listed buildings at 46-52 Coney Street, 4-6 Market Street and 19-23 Feasegate and handsome unlisted buildings at nos.12-18.

Erection of extension on the roof

5.19 The proposed, modelled pitched roof form of the attic storey has the potential to enhance the existing flat roofscape, its height would be consistent with the higher roofs in the immediate context and the design is considered acceptable. With regards to the roof materials of the extension, the prevailing traditional material of the surrounding roofscape is slate, the metal roof behind 44 Coney Street to the north of the site is a detracting feature by dint of its scale and material. The use of zinc to walls and roof of the attic storey dilutes the intended effect. In response, the Agent amended the roof material to slate and the zinc on the third floor extension has been changed to brick with a textured brickwork along the Market Street façade to add depth and differentiate the upper floor. Further details are provided to show the façade showing the junction between the materials in more detail.

Market Street façade

5.20 The existing façade to Market Street is identified in the Central Historic Core Conservation Area Appraisal as a detractor, the proposed design has been conceived to reflect the character of the historic streetscape, articulating the two distinct uses and with a pattern and proportion of openings that complements prevailing architectural character. The Market Street façade will enhance the Conservation Area and will improve the primary shopping frontage in the City Centre. It will preserve and respect the Listed Building and its setting.

Coney Street shop front

5.21 48 Coney Street retains a 1907 shop front with a Mock-Tudor design. The front elevation is therefore of high architectural and historic interest. Whilst the existing ground floor modern shopfront is of no significance, it is important to ensure any replace shopfront respects and preserves the special interest of the Coney Street façade.

5.22 It is proposed to amend the frontage of 48 Coney Street to bring the shop window forward to the building plane and provide a surround in flat GRC. Whilst the dark colour of the GRC would have a complementary relationship with the black timber framing above, the spare effect would be rather blunt in comparison with the elaboration and the texture of the historic timber and plaster façade. The Conservation Officer notes that the historic window was framed with a moulded timber cornice (possibly hidden by lead flashing), pilasters and carved 'crouching man' brackets. It was recommended to reinstate these features, recessing a GRC fascia and framed shop window slightly within the recreated surround, to reintegrate the ground floor with the upper façade. In response, the Agent still proposes GRC however with more detailing to reference the original shopfront design. This is an improvement on the original plans. The decorative capitals are indicated however design will be developed and finalised at the next stage. These details can be covered by condition.

Subdivision of rooms and renovation of basement

5.22 Internally, there is a significant amount of renovation and subdivision required, including bringing the basement into use. This is required to form the hotel rooms above the shop and creating a new restaurant area within the basement, however it is noted that this will have a negligible impact on the significance of the Listed Building.

6.0 CONCLUSION

6.1 Taking into account the amendments made, the proposal would aid in creating a viable use for the heritage asset whilst sustaining and enhancing the significance of the Listed Building, in compliance with paragraphs 197 and 202 of the NPPF, and Policy D5 of the Draft Local Plan (2018) and Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7.0 RECOMMENDATION: Approve

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

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

Location Plan; job number 21044, drawing number 0001, revision P0, dated 04.11.2022.

Proposed Site Plan; job number 21044, drawing number 1000, revision P1, dated 20.01.2023.

Proposed Basement Floor Plan; job number 21044, drawing number 1099, revision P1, dated 04.11.2022.

Proposed Ground Floor Plan; job number 21044, drawing number 1100, revision P2, dated 25.04.2023.

Proposed First Floor Plan; job number 21044, drawing number 1101, revision P2, dated 25.04.2023.

Proposed Second Floor Plan; job number 21044, drawing number 1102, revision P2, dated 25.04.2023.

Proposed Third Floor Plan; job number 21044, drawing number 1103, revision P2, dated 25.04.2023.

Proposed Roof Plan; job number 21044, drawing number 1104, revision P3, dated

13.06.2023.

Proposed West and South Elevation; job number 21044, drawing number 1300, revision P1, dated 25.04.2023.

Proposed Detailed South Elevation; job number 21044, drawing number 1303, revision P1, dated 25.04.2023.

Proposed Detailed West Elevation; job number 21044, drawing number 1302, revision P1, dated 25.04.2023.

Proposed East and North Elevations; job number 21044, drawing number 1301, revision P2, dated 13.06.2023.

Proposed Sections; job number 21044, drawing number 1500, revision P3, dated 13.06.2023.

Proposed Market Street Façade Details - Sheet 1; job number 21044, drawing number 1304, revision P0, dated 25.04.2023

Proposed Market Street Façade Details - Sheet 2; job number 21044, drawing number 1305, revision P0, dated 25.04.2023.

Proposals to Interior of Coney Street Façade; job number 21044, drawing number 1110, revision P0, dated 25.04.2023.

Reason: For the avoidance of doubt and in the interests of proper planning.

3 Details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction external works hereby permitted and the works shall be carried out in accordance with the approved details;

- Large scale drawings of windows and doors (1:5 or 1:10)
- Details of bracket design to Coney Street shop front

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

4 Prior to the commencement of the external construction of the walls of the development hereby approved a sample panel of the type of brick to be used showing the proposed colour, texture, mortar and bonding shall be erected on the site for the written approval of the Local Planning Authority. Development shall be carried out in strict accordance with the approved details and the sample brickwork panel shall be retained on site during the period of construction of all external walls

that are constructed in brick.

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

5 Before the first use of any materials in the external construction of the roof of the development hereby approved, a slate sample shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

6 Before the first use of GRC hereby approved, a GRC sample shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of good design and ensuring the materials are suitable for the heritage asset, in accordance with chapter 12 and chapter 16 of the NPPF.

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:

- Revisions to overcome the Conservation Officer's concerns.

Contact details:

Case Officer: Natalie Ramadhin

Tel No: 01904 555848

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23/00060/LBC

T.K.maxx, 48 Coney Street, York YO1 9ND



Scale : 1:1162

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	28 June 2023
SLA Number	Not Set

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COMMITTEE REPORT

Date: 6 July 2023
Team: East Area
Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 22/01795/FULM
Application at: Enterprise Rent-a-car 15 Foss Islands Road York YO31 7UL
For: Erection of 3, 4, and 5 storey student accommodation building with associated car parking following demolition of existing buildings.
By: The Hire Group and Gregory Projects Limited
Application Type: Major Full Application
Target Date: 13 July 2023
Recommendation: Delegated Authority to Approve

1.0 PROPOSAL

1.1 Planning permission is sought for a 3-5 storey block of purpose built student accommodation The accommodation would comprise of 134 studio flats including 7 accessible studios) and 2 x one bed flats (total 136 units). The proposal also includes social space on the ground floor and communal study space on the first floor.

1.2 There are four buildings on site including a 19th century building fronting onto Foss Islands Road. At the time of the site visit the buildings were occupied by employment uses. The agent has advised that that these businesses have vacated the buildings.

1.3 The proposed H-shaped building would be three storeys facing the city walls and rising to five storeys to the eastern boundary of the site facing Elvington Terrace. The 2 no. north-south running wings would be in red brick and the connecting section running east west would be in a buff brick.

1.4 Current access to the site is from Foss Islands Road, and there are 3 no. buildings existing on site. The land to the east is at a higher level than the application site. To the south and east there is residential development, and to the north there is a supermarket, and to the north east is a bus depot. Foss Islands Road and the city walls (Ancient Scheduled monument) are to the west. The site is within an Area of Archaeological Importance. The site abuts the Central Historic Core Conservation area. The majority of the site is within Flood Zone 2 with the south west corner within Flood Zone 1. The site is in an Air Quality Management Area.

1.5 During the application revised plans have been submitted showing the proposed building stepped back from Foss Islands Road, together with other alterations.

1.6 The proposed development does not comprise 'Schedule 1' development. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is the view of Officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment is not required.

Relevant Planning History

1.7 23/00818/DMNOT - Demolition of 4no. buildings – Refused, following details are required: Procedure regarding the site notice has been followed therefore does not comply with Schedule 2 Part 11, Class B, Section B.2 (b) (ii) and (iv) of the Town and Country Planning General Permitted Development Order 2015 (GPDO); Measures to prevent disturbance during demolition in respect of vibration and; Details as to how the site would be cleared or otherwise treated following the demolition works.

1.8 21/01854/FULM - Erection of 4 storey student accommodation building with associated car parking following demolition of existing buildings - Withdrawn

2. POLICY CONTEXT

2.1 The Publication Draft York Local Plan (2018)

EC2 Loss of Employment Land

H7 Student Housing

D1 Placemaking

D2 Landscape and Setting

D4 Conservation Areas

D5 Listed Buildings

D6 Archaeology

D7 The Significance of Non-Designated Heritage Assets

D10 York City Walls and St. Mary's Abbey Walls ('York Walls')

GI2 Biodiversity and Access to Nature

GI6 New Open Space Provision

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

CC3 District Heating and Combined Heat and Power Networks

ENV1 Air Quality

ENV2 Managing Environmental Quality

Application Reference Number: 22/01795/FULM

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ENV3 Land Contamination
ENV5 Sustainable Drainage
WM1 Sustainable Waste Management
T1 Sustainable Access
DM1 Infrastructure and Developer Contributions

2.2 Please see the Appraisal Section (5.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Access and Servicing - Previous objection relating to highway safety and impact on the network is now removed due to an improvement to the access and servicing arrangement at the front of the building. The D-shaped off street layby; accessed and egressed in a similar location to the existing vehicle accesses, will suitably accommodate the expected hot food take away, internet orders and grocery deliveries and taxi drop offs/pick-ups and managed student arrival and departure.

3.2 Waste vehicles are to access the site from Elvington Terrace utilising the existing highway network from the first floor level.

3.3 Car Parking - The student accommodation proposed to be a car free development, as sustainable transport links to both Universities and the city centre are good. Two Disabled parking spaces have been accommodated on site, along with a parking space for maintenance of the substation to the Foss Islands Elevation. The developer has chosen to ignore our requirement of a 5% (7 No.) provision of blue badge holder bays (as we are duty bound to request by the Equalities Act 2010). Two blue badge spaces (1.5%) is an under provision of 5 disabled car parking bays and does not reflect the number of accessible rooms provided in the development. There is capacity in the parking bays opposite the development on Foss Islands Road to reasonably accommodate overspill blue badge parking in the vicinity of the development; however these would have to be accessed via the nearby pedestrian crossings, so not ideal. We are unfortunately unable to refuse the application on this basis under paragraph 111 of the NPPF.

3.4 The development does not form part of a residents parking zone; therefore residents (other than blue badge holders) will not be able to park in the nearby existing zones. The development would not be included in any new Res park zones in the future.

3.5 A Travel Plan and Student Arrivals/ Departure Traffic and Parking Management Plan will be required to be conditioned to reduce the potential of student vehicles

being parked on the highway and promote sustainable modes of travel. The developer has agreed to provide funds as part of a 106 agreement for travel plan assistance and alterations to the existing parking restrictions on Foss Islands Road.

3.6 Cycle Parking – The internal cycle provision is acceptable, however the future store areas should be removed of detail (rack positions) are not ideal (in front of doors and smaller spacings, not enough access space to 2-tier).

3.7 Request following conditions: Cycle Parking areas; Building shall not be occupied until parking and manoeuvring of vehicles have been constructed; details of access/egress from Foss Islands Road; refuse collection; removal of redundant crossings; method of works; Student Arrivals/ Departure Traffic and Parking Management Plan; submission of Travel Plan; Tree Pit details

3.8 Request following S106 contribution:

3.9 Contributions for Travel Plan support calculated at £5,000 per year for the first 5 years: totalling £25,000 - Index linked. Note that we use the term 'travel plan support' to describe what the funding is for. For the avoidance of doubt; the applicant is still responsible for their travel plan but the travel plan team would support it with services to potential include targeted events/ try-outs of bus/cycles and general assistance.

3.10 A review of parking/ loading restrictions (and possible physical measures) on Foss Islands Road and associated Traffic Regulation Order totalling £6,000.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT) Comments to the original submitted scheme

3.11 If the scale/massing, alignment, and elevational treatment is appropriate, as a continuous frontage with neighbouring terraces, accept the case presented in the Design and Access Statement that it is not necessary to have tree planting at the front of the building.

3.12 This arrangement creates two courtyards (connected through the building), thereby increasing amenity availability and quality of outlook for the students. The sketch schemes look fine. Tree locations will need to be checked against the final drainage layout.

3.13 There are a few minor discrepancies between the proposed site plan and the sketch landscape proposals. All final drawings should tally. Note the 'instant ivy screen' along the northern boundary on the latter. Request the following conditions: submission of landscaping scheme

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT
(CONSERVATION ARCHITECT) Comments to the original submitted scheme

3.14 The development is still for a 3, 4 and 5 storey building, comprising 139 individual studios for students (a slight increase in unit numbers from the withdrawn scheme).

3.15 The development is still a very large building. The highest parts of the building have been set towards the back of the site (away from Foss Island Road), but will still be visible in sensitive views, and the deep plan form and overall scale (footprint and massing), are larger than neighbouring residential buildings, much larger in some cases.

3.16 The revised designs for the site represent a substantial improvement from the previous scheme in terms of the articulation and elevational handling, and the harm to the setting of adjacent heritage assets has been reduced.

3.17 The principal material for this building should be a red brick that better reflects this part of York, including the building that will be replaced and the adjacent terrace of Victorian housing, but conditions attached to a permission could further control the detail of the design. A condition in respect of further boundary wall details (all boundaries) should also be attached.

3.18 Do not object to this application in heritage terms.

3.19 Concerned that it is overdevelopment of the site (a building that is too big for the plot) has caused a number of compromises to the design quality. While the architectural composition of the designs have been improved since the previous scheme, the number of units has actually increased, and the overall scale of the building hasn't been much reduced.

3.20 The footprint of the building still fills the majority of the plot, nearly touching it's boundaries on all sides. At the front of the building there is no space for drop off spaces for vehicles, and question how many vehicles will use the loading bay other than those who perhaps know the building well. While occupiers may not own cars, they will undoubtedly use them (moving in/out, taxis etc).

3.21 The studios are all single aspect, with some windows of neighbouring studios in very close proximity to each other at the corners, potentially compromising privacy, or at least a sense of it. Routes through the site to the bike store are pinched, a single lift to serve 100+ flats, corridors without natural daylight etc, all point to the building being too squeezed.

3.22 The scale of the building relative to the site, has led to some areas of design compromise that will impact on future occupiers.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.23 It would be preferable if further consideration could be given to the provision of scrub habitat within the landscape design, with the aim of satisfying the Biodiversity Net Gain (BNG) – Habitat Trading Rule. It should also be noted that updated Defra Metric calculations should accompany design changes, such as those provided as part of this resubmission. However, as the provision of set BNG uplifts and the use of the Defra Metric are not yet mandated via the Environment Act (2021), these factors are optional.

3.24 A general guide for the provision of bat roosting and bird nesting features has been provided in section 59 (Ecological Constraints and Opportunities) of the Preliminary Ecological Appraisal and section 14 (Evaluation and Conclusion) of the Bat Survey Report. It is recommended that the applicant continues to work with a consultant ecologist to develop a plan to provide appropriate enhancements for bats and birds. Request following condition: Submission of biodiversity enhancement plan/drawing

3.25 To ensure wildlife enhancements measure and soft landscaping are managed and maintained, the provision of a landscape and ecological management plan is considered appropriate. Request this is sought via condition

3.26 As stated in section 47 (Birds) of the Preliminary Ecological Appraisal, the application site offers suitable nesting habitat for birds, although minimal. Precaution methods are therefore needed to ensure active nests are not destroyed during the proposed works. Request timing of works is sought via condition

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.27 The proposed development site is located within the Central Area of Archaeological Importance and is immediately adjacent to the Central Conservation Area.

3.28 A desk-based assessment for the site was produced as part of the pre-application process (YAT 2021). The report suggests that the site was probably used for agricultural purposes prior to the 19th century. A watching brief was undertaken at proposed development site in 1988 but did not reveal any deposits of archaeological significance. The site has not been subject to any targeted archaeological investigation relating to this scheme.

3.29 It is assumed that the site comprises of natural deposits overlain by medieval and later horticultural soils – these may contain stray finds from any period. More

modern archaeological features may include those associated with the Foss Islands Branch Railway which is shown on the northern edge and possibly impinging into the proposed development site on the 1892 OS plan.

3.30 Below-ground impact: The proposed development will have a negative impact on any surviving archaeological deposits. An archaeological evaluation is required to ascertain the precise depth and character of the archaeology on this site. This can take place before or after the buildings are demolished as it will target less disturbed areas of the site. The evaluation will determine whether any further mitigation by record is required.

3.31 Above-ground impact: Two Heritage Impact Assessments have been produced and submitted as part of the full planning application. These highlight the potential for harm to the setting of Walmgate Bar and the City Walls. It is suggested that anything larger than 3 storey development, particularly with a modern design, has the potential to have a negative impact on the adjacent stretch of the City Walls and Walmgate Bar.

3.32 Specialist conservation advice is required on harm to the setting of heritage assets and adjacent Conservation Area.

3.33 Cobbled setts are apparently visible beneath the tarmac in places within the site. Would encourage these to be revealed/re-used in the development somewhere if feasible.

3.34 The proposed development site includes 4 buildings – with three potentially dating to the mid-late 19th century. The Heritage Statement by Voyage suggests that at least two of the extant buildings are related to the Foss Islands Branch Railway. A light photographic record accompanied by some background information on the buildings and any other railway related structures is required ahead of their demolition.

3.35 Request following conditions: programme of post-determination archaeological evaluation; building recording

LEAD LOCAL FLOOD AUTHORITY

3.36 Request following conditions: development carried out in accordance with the submitted drainage details

PUBLIC PROTECTION

3.37 The proposed use as student accommodation will introduce noise sensitive receptors to the area e.g. residents and also introduce noise generating sources to the area e.g. noise from plant room, noise during construction, noise from the social

space and roof terraces etc. The submitted noise assessment is suitable in terms of the noise mitigation measures to ensure future residents are not adversely affected by noise and the proposed mitigation measures within the report should be adhered to. This department has concerns about the social space and the lack of controls being proposed within these areas. There are existing residential premises close to the development and noise from the use of these areas could adversely impact on existing residents. The applicant has verified that there will be no music played in these areas and the location of the terraces are on the façade of the building where noise levels are already high due to existing traffic. Therefore provided all of the mitigation measures as stated within the report are implemented including no music being played in the external terrace areas then this department has no objections to the application in terms of noise. However in addition to the mitigation measures the following conditions are recommended: Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises.

3.38 An air quality assessment has been carried out for the development to consider impacts during construction and operational phases. Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and track-out activities. Operational phase impacts were assessed in relation to traffic emissions from vehicles using the site, combustion emissions associated with energy plant on site and exposure of future occupants of the site to poor air quality.

3.39 Potential construction phase air quality impacts from fugitive dust emissions were assessed as a result of demolition, earthworks, construction and track-out activities. The assessment was carried out in line with best practice guidance from the Institute of Air Quality Management (IAQM). It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. To minimise dust emissions during site preparation and construction activities, appropriate mitigation measures have been recommended in the report for inclusion in a 'Dust Management Plan'. With the implementation of these mitigation measures, the impact of any construction phase dust emission is not anticipated to be significant. Such measures should be packaged into a Dust Management Plan / Construction Environmental Management Plan (CEMP) and agreed in writing with City of York Council. Request sought via condition, in addition to the timing of demolition and construction

3.40 The scheme is anticipated to result in a reduction in traffic movements from the site due to the removal of existing retail units. Operational phase road traffic emissions were therefore screened out as insignificant based on best practice guidance. The air quality assessment states that the proposed development will be heated primarily via air source heat pumps and one gas-fired water heater. All exhaust gases associated with combustion plant will be released to atmosphere at

roof level via a dedicated stack. Emissions from combustion plant were also screened out as insignificant based on best practice guidance.

3.41 The proposed development is within CYC's Air Quality Management Area (AQMA) and elevated levels of nitrogen dioxide have been monitored by CYC in this area of Foss Islands Road in recent years. CYC undertakes monitoring of nitrogen dioxide (NO₂) concentrations close to the proposed development façade (approximately 50m to the south of the site, at the roadside outside No. 8 Foss Islands Road). and are likely to be indicative of air quality outside the proposed development at ground floor level. Whilst concentrations are elevated, as they have been within current health based objective levels for a number of years they would not be grounds on which to require additional exposure mitigation for the accommodation. It should be noted that long term exposure of future occupants of the accommodation to pollution from Foss Islands Road at ground floor level will be minimised as the ground floor area to the Foss Islands elevation does not contain any habitable rooms (bedrooms etc). Pollution levels to the first floor and above are likely to be lower than those monitored at ground floor level and within health based standards.

3.42 It is noted that there are 2 car parking spaces proposed as part of the development and provision for 1 EV charging point. An EV charging point is provided adjacent to the spaces with provision for a future charging point.

3.43 The applicant has submitted an Arc Environmental Phase 1 Desk Top Study ref 20- 961 dated 27/1/21 and an Arc Environmental Phase 2 Ground Investigation report 20-961 dated 25/6/21. The recommendations of these reports are that some remediation works for soils should be undertaken. Request following conditions: submission of remediation strategy; submission of verification report; reporting of unexpected contamination

3.44 The proposed site for the student accommodation is located close to residential premises therefore the lighting from the development should be considered in terms of lighting spillage. The applicant has provided a lighting spillage plan however it is noted that the lighting at the nearest residential property will be 5 lux. If this lighting is to be on 24 hours then the level should be less than 2 lux after 11pm. Request the following condition: Submission of lighting details

WASTE SERVICES

3.45 No objections

ECONOMIC DEVELOPMENT UNIT

3.46 No comments received

CARBON REDUCTION TEAM

3.47 The statement has demonstrated a clear understanding of energy efficiency and carbon reduction measures which can be considered for the site. Request following conditions: reduction in carbon emission of at least 28%; BREEAM 'Excellent'; A water consumption rate of 110 litres per person per day; At least a 19% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013

EMERGENCY PLANNING TEAM

3.48 No comments received

FORWARD PLANNING TEAM

3.49 The site is currently in use as a vehicle hire depot, offices and vehicle servicing, inclusive of approx. 2000sqm gross internal floorspace and employing 11 FTE posts. The site is not allocated in the emerging Local Plan, but is an existing employment site. The applicant has addressed the proposed loss of employment in the submitted Planning Statement, with reference to DCLP policy E3b 'Existing and Proposed Employment Sites'. Submitted Local Plan policy EC2: Loss of Employment Land now refers, and requires i. a statement of viability/market attractiveness (in most cases involving marketing the site for a reasonable period, not less than 18 months), and ii. confirmation that the site is not necessary to meet employment needs during the plan period. In relation to ii., while the plan allocates sufficient land to accommodate forecast employment growth over the plan period, retaining existing employment land (where appropriate) is an important element of the Plan's strategy to meet employment need. To satisfy EC2 we would expect the applicant to submit the evidence to support their stated points.

3.50 There has been ongoing consultation with the Universities during the preparation of the Plan in order to understand their growth needs, in terms of anticipated numbers of students and land take; these have fluctuated through various stages of plan preparation, which reflects the complex nature of quantifying the needs of Universities over the course of the plan period and beyond. Given the uncertainties in quantifying growth, the Council has sought, through the policies in the plan, to provide flexibility in delivering higher education and other related uses over the lifetime of the Plan. Policy H7, alongside policies ED1 – ED5, provides the conditions within which flexible growth can be accommodated by the City, and sets out a number of criteria against which the application should be assessed. The need for student housing is determined by the level of student growth planned for by the individual institutes and the Plan seeks to support and direct this need while allowing the educational facilities and private providers flexibility in delivery.

3.51 The applicant's submitted Market Demand Report (Aug 2022) addresses H7i., in particular providing an assessment of existing and likely future student numbers requiring accommodation, reviewing current provisions (including vacancies) and likely future supply. The applicant has based forecasting on HESA data to 2020/21, which is consistent with proposed modifications to the emerging Plan. The Plan acknowledges that student number trends predict high rates of student growth in York; on the basis of latest projections and linking to the OAN, in the range of 275-620 per annum. Their analysis shows a demand for student housing. We are not aware of concerns around PBSH vacancies, and would suggest that applicants operating in a competitive market are well placed to determine capacity in that market.

3.52 The site is well located for accessing both York St John and the University of York Campuses by means of sustainable transport, and is close to a range of shops and services. Subject to an appropriate assessment of the loss of employment land, the proposed use of the site for student housing is supported in principle.

3.53 Main Modification 5.17 introduces a requirement for speculative development of off-campus student accommodation to secure financial contributions towards delivering affordable housing, based on a 'per bedroom' formula. Rooms must be secured by nomination agreement for occupation by students of one or more of the University of York and York St John University. However, at this moment in time limited weight can be given to these policy requirements as they are subject to unresolved objections and therefore not consistent with NPPF paragraph 48. Anticipate receiving the Inspector's report on the emerging Local Plan in early autumn, which may considerably alter the weight afforded to policies in the Plan.

HOUSING POLICY OFFICER

3.54 Request condition that it is only for student accommodation, or if any residential use is approved in future the appropriate affordable housing contribution would need be paid/provided

LIFELONG LEARNING AND LEISURE

3.55 A development of this nature should be providing for both amenity and sports space. Have accepted the courtyards as amenity spaces. Estimate that combined they are about 350m². This leaves a shortfall in provision and therefore an offsite payment is requested £14,647. The amenity open space payment would be used at either Hull Road Park and / or St Nicolas Fields Nature Reserve. Request ". Request £28,968 towards sports provision.

EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL

Application Reference Number: 22/01795/FULM

Item No: 4c

3.56 Object, the setting back of the building from Foss Island Road has improved access. the building is overdevelopment of the site. It is too high and too close to the rear boundary.

POLICE ARCHITECTURAL LIAISON OFFICER

3.57 No comments

YORKSHIRE WATER

3.58 No objections. Request following condition: Works in accordance with FRA and Drainage strategy

FIRE AND RESCUE PREVENTION OFFICER

3.59 No objections

HISTORIC ENGLAND

3.60 No comments

4.0 REPRESENTATIONS

YORK CIVIC TRUST - Comments to the original submitted scheme

4.1 Object, due to its impact on the setting of the City Walls, and the poor standard of living offered to prospective residents.

4.2 The site is currently occupied by a car rental unit and vehicle repair centre. It faces the stretch of the City Walls between the Red Tower and Walmgate Bar. The city walls are both a scheduled ancient monument and nationally listed at Grade I for their exceptional interest. The site forms part of the setting of this nationally important heritage asset. The site is adjacent to the boundary of the Outer Walmgate Character Area of the Central Historic Core Conservation Area, and sits within the City Centre Area of Archaeological Importance.

4.3 The proposed student accommodation block does not relate well to its context. It is taller and more prominent than the terraced houses to the south and the supermarket to the north. As most of the images of the building show it as a white model, it is difficult to understand how it will look in context, however, the elevation drawings show a dark grey building which is not sympathetic to the red brick terraced houses or the pale stone of the City Walls. The proposed development does not enhance or better reveal the significance of the city walls, nor does it make

a positive contribution to them. The Trust does not believe that sufficient justification has been offered for the scale of the proposed building, or the proposed materials.

4.4 The proposed accommodation does not offer a welcoming environment to prospective residents.

4.5 Students approaching from the city by bike must cycle through a gate, down the side of the building, through the courtyard garden and into a semi-underground area (due to the change in levels) to access the bike store. From here, they can either go back outside and walk around to a pedestrian entrance, or enter the building through the laundry room. They must then navigate a series of narrow, windowless corridors to access their studio room or the common ancillary space.

4.6 There are no shared social spaces on most of the floors, so little opportunity for casual interaction with neighbours.

4.7 The refuse store is on the first floor, although this is at street level to the rear of the building. The only laundry facilities are on the ground floor. Residents are likely to use the lift to transport refuse and laundry through the building, and only one lift has been provided. This seems insufficient for to service the large number of units. There are also accessible studio rooms on most of the floors, and it may be difficult for residents of these rooms to enter or leave during busy times with only one lift available.

4.8 Question whether the room sizes are sufficient. Note that a room size comparison has been submitted comparing the studio rooms to those in other recently approved schemes. Some approved schemes do have smaller room sizes, this should not be used to justify further insufficient accommodation. Concerned the scheme will offer cramped and isolating living conditions which will impact negatively on the mental health of its residents.

4.9 Vehicular access to the proposed development is also problematic. A single loading bay for 139 units seems insufficient, especially for busy moving in and moving out periods. Concerned that it may not be readily apparent to people arriving in vehicles that the loading bay is intended for their use, and therefore drivers will stop at the side of the road, impacting on traffic

4.10 The sustainability aims of the development are underwhelming. It appears that the aim is to comply with legislation and policy, rather than to achieve a higher standard such as BREEAM or Passivhaus. There is a missed opportunity to create a truly sustainable development rather than simply meeting the minimum required standards.

YORK CONSERVATION AREA ADVISORY PANEL - Comments to the original submitted scheme

Application Reference Number: 22/01795/FULM

Item No: 4c

4.11 Object, The Panel considered that it was difficult to understand and comment fully on the proposals based upon the submitted information.

4.12 the scale of the block fronting Foss Islands Road is an improvement on the previously submitted scheme, the massing and height of the rear of the development is still out-of-scale with the adjacent residential buildings.

4.13 Plans showing typical room layouts should be provided along with details of the space standards which have been use. Details of shared facilities, such as kitchen, dining and lounge areas, should be indicated on the ground floor in the area marked as 'Ancillary', if indeed that is the area allocated for such facilities. In addition, there appears to be an inadequate provision of communal spaces on the upper floors to facilitate casual student interaction. Such spaces might help reduce any potential sense of isolation in areas which are otherwise exclusively corridors and study bedrooms.

4.14 FOUR REPRESENTATIONS OF OBJECTION to current scheme

- Overdevelopment of the site
- Increase in noise pollution from the use of outside areas
- Result in the use of residential parking in areas in the immediate locality
- Deliveries/taxis will result in traffic waiting on Foss Islands Road
- Insufficient parking provision
- Concerns for safety of existing residents in the area from increase in crime, proposal would exacerbate the existing issue
- Change in the character of the area from the construction of student accommodation in the area
- The proposal would block views of the Minster from neighbouring dwellings
- Result in a loss of privacy
- Surrounding road network unable to cope with the increased levels of traffic to support the number of students
- Adjacent to the city walls and design is generic

4.15 TWELVE REPRESENTATIONS OF OBJECTION to original and subsequent revisions

- Change in the character of the area from the construction of student accommodation in the area, Oversaturation of student accommodation in the area
- Existing anti-social behaviour/noise disturbance from the existing student accommodation in the area, affecting the occupants of the nearby dwellings
- Proposal would exacerbate the existing issue with crime in the locality
- Concerned that future occupants of the student accommodation will complain regarding the noise from the supermarket, bus depot, living in an industrial area and proximity to public house
- Require an industrial area on the edge of the city centre

- Design not appropriate in close proximity to the city walls
- Result in an increase in traffic
- Result in the use of residential parking in areas in the immediate locality
- Height, at 5 storey the building will dominate the adjacent 4 storey apartment blocks
- Result in a reduction in light
- Loss of outlook
- No visitor parking, concerns will using the parking for the adjacent apartments
- Use of Elvington Terrace for the collection of waste will result in disturbance to the dwellings on Elvington Terrace
- Existing disturbance from the construction of the student accommodation in the area, will exacerbate the issue
- Overdevelopment of the site
- Site should be developed for affordable housing or commercial units
- A pilot scheme for a last-mile cargo hub is only a few hundred yards away, the Enterprise location is considered an ideal site to progress into for fulfilling to the council's zero emissions freight ambitions

5.0 APPRAISAL

Key Issues

- Flood Risk
- Loss of Employment Land
- Impact to Heritage Assets
- Student Accommodation
- Highways
- Visual Amenity and Character
- Residential Amenity

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. Adopted Neighbourhood Plans form part of the statutory Development Plan for the City of York. The site is not considered to be within the general extent of the greenbelt.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.2 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to impacts on designated heritage assets indicate that permission should be refused.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.3 The Publication 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 Draft Plan will be adopted in late 2023.

5.4 The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

FLOOD RISK

5.5 The majority of the site falls within Flood Zone 2 (medium probability of flooding). Policy ENV4 of the draft Local Plan (2018) is in accordance with Paragraph 166 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

5.6 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 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"*.

5.7 The applicant has not provided any information regarding the potential sites that have been considered within Flood Zone 1. The proposal would result in an increase in the vulnerability classification from 'less vulnerable' to 'more vulnerable'. However the proposed site is within a commercial/residential area. The site has historically been developed; the existing buildings cover just under half of the site. The proposal would provide additional student accommodation. The site is in a prominent city centre location, and along a main route through the city centre. On balance it is considered that the proposed development passes the sequential test. The Flood Risk Management Team are satisfied that the proposed floor levels are appropriate in this location. As this site falls within Flood Zone 2 an Exception test is not required.

5.8 The site benefits from the presence of the Foss Barrier, this regulates flood levels adjacent to the site, and although the Barrier was overwhelmed in December 2015 the storms experienced on this occasion were significantly in excess of the standard of protection of the barrier and record flows were experienced on the River Foss. The likelihood of this occurring again is low given the recent works by the Environment Agency to improve the resilience of the Foss Barrier, recently completed barrier is able to manage the scenarios experienced in 2015 has built in further resilience to include the impact of climate change. Whilst the site is 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.

LOSS OF EMPLOYMENT LAND

5.9 The NPPF states significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 81). Policy EC2 (Loss of Employment Land) of the draft Local Plan (2018) and Policy E3b (Existing and Proposed Employment Sites) of the Development Control Local Plan (2005) set out that when considering proposals involving proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, the council will expect developers to provide a statement to the effect that:

- the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses;
- the proposal would not lead to the loss of an employment.

5.10 The supporting text sets out that the council will expect the applicant to provide evidence proportionate to the size of the site of effective marketing the site/premises for employment uses for a reasonable period of time. Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business

operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use.

5.11 The site is not allocated for employment use in the Draft Local Plan. At the time of the site visits there were a number of businesses operating from the site, including a garage, vehicle hire, and mobile communications business. All these businesses have subsequently vacated the site. The agent advises that the existing buildings are in a poor level of repair, and to bring the buildings to the required standard would be commercially unavailable. The current state of repair of the building together with the layout of the site would be unlikely to attract future leaseholders. Officers have been advised that due to the poor state of repair of the buildings the owners have been unable to properly insure the buildings. The applicants sought advice from an estate agent and were advised that there would not be the demand for an office based use. There is a demand for small units for industrial use and there are several clusters nearby. However the size of the site would only allow small number of units.

5.12 Officers understand that the site was not marketed, rather the estate agent approached a number of local and regional developers on the basis of re-development as a hotel or student accommodation. They advise they received three initial conditional offers. The proposed modifications to the Policy EC2 are now with the Planning Inspectorate following consultation earlier in the year. At this time until the re-worded policy has gone through proper process it carries very little weight and officers do not consider the required 18 months of marketing information can be sought at this time.

5.13 The NPPF states that local planning authorities should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 81).

5.14 The site is tightly constrained by the adjacent properties, highway frontages. The opportunities for employment uses are limited. In addition industrial or noisy commercial activity on-site would be incompatible with the residential uses to the south and east of the site. Due to the scale and location of the site, it is unlikely to be redeveloped as offices.. The impact on the local economy of the loss of the employment land is therefore likely to be small.

IMPACT TO HERITAGE ASSETS

5.15 The site is adjacent to the Area of Archaeological Importance, and whilst just outside of the Central Historic Conservation Area (Character areas 16 – Outer Walmgate and 17 – Walmgate Bar) it is considered to fall within the setting of the

Conservation Area. The closest listed buildings are located over 88 metres to the south (the Grade II Ellen Wilson Hospital on Lawrence Street). The application site which is located approximately 18 metres to the east of the city walls and 82 metres from Walmgate Bar to the south (both Scheduled Ancient Monuments).

5.16 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990 ("the 1990 Act"), the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the 1990 Act requires the Local Planning Authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the Conservation Area, or the setting of a listed building, the statutory duty means that the avoidance of such harm should be afforded considerable importance and weight.

5.17 The legislative requirements of Sections 66 and 72 of the 1990 Act are in addition to government policy contained in Section 16 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 16 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 197, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

5.18 The Draft Local Plan (2018) Policies D4, D6, D7, D10 reflect legislation and national planning guidance that development proposals should preserve or enhance the special character and appearance and contribution to the significance and setting of the heritage assets and respect important views.

5.19 Although close to the city wall, the application site is separated from it by a large and busy road. There are views from the city walls to the application site, but these are largely views into a commercial and shopping complex and the views from the application site towards the Conservation Area are dominated by the large, busy road and junction. Officers are satisfied that the proposed development would not dominate the city walls or the views into York and as such it is considered there would be no harm caused to the significance of heritage assets namely the city walls and Walmgate Bar, and the setting of the Central Historic Core Conservation Area by the construction of the proposed building.

5.20 The nineteenth century buildings on the site are not considered to be a non-designated heritage assets however it is considered to contribute to the setting of

the nearby Central Historic Core Conservation Area and its connection to the historic industrial use of the Foss Islands area. The CYC Conservation Architect advises they do not object to the application in heritage terms. The proposal is considered to have a neutral impact to the nearby heritage assets. The Archaeology Officer has confirmed they would require a condition for archaeological investigation.

STUDENT ACCOMMODATION

5.21 Policy H7 (Student Housing) of the emerging Local Plan 2018 sets out that proposal for new student accommodation should demonstrate: there is a proven need for student housing; and. It is in an appropriate location for education institutions and accessible by sustainable transport modes; and the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area. Policy H7 is in general supportive of Purpose Built Student Accommodation (PBSA) as a means of freeing up housing suitable for wider general housing needs. Policy H7 requires the University of York and York St John University to address the need for any additional student housing which arises as a result of their future expansion, taking into account the capacity of independent providers; this is an acknowledgement that privately built PBSA is an important part of the student housing market.

5.22 The Council's Strategic Housing Market Assessment (2016) (SHMA) acknowledges that the student rental market remains strong and that demand for PBSA is high, particularly from international students. The Applicant has submitted a report on the need for student accommodation.

5.23 The SHMA also analyses the needs of specific groups within the population, such as older people and students. The student population in York (22,269 at the time of the 2011 Census of which 19,002 were full time students) grew by around 7,400 between 2001 and 2011, and is projected to continue to grow, albeit at a slower rate. Higher Education Student Statistics (HESA) data referenced in the SHMA shows 23,095 students in the City by 2014, with most significant growth in numbers of full-time students. The SHMA acknowledges that the student rental market remains strong and that demand for purpose built student accommodation is high, particularly from international students. HESA data (2018/19) shows 26,090 students enrolled at York St John University and the University of York.

5.24 The applicants provide a summary of recently approved PBSA schemes. Officers consider the record of recently approved and completed schemes is reasonably consistent with that provided by the applicant. The applicants Market Demand Report does not provide analysis of current levels of provision/vacancy. Officers are not aware of concerns around Purpose Built Student Housing vacancies, and would suggest that applicants operating in a competitive market are well placed to determine capacity in that market.

HIGHWAYS

5.25 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 emerging Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.26 The site is considered to be in a sustainable location. The site is considered to be within a sustainable location close to York St Johns and the University of York and close to public transport. Two vehicle disability parking spaces have been proposed. The applicant has declined to provide 5% accessible parking spaces. This is disappointing however officers do not consider that a reason for refusal on this basis could be successfully defended at appeal. There are public parking spaces on the opposite side of Foss Islands Road. The surrounding streets have parking restrictions.

5.27 At the time of writing the report revised cycle parking details had just been submitted. The plans show 97 covered and secure cycle space within the building (a mixture of Sheffield stands and two tier stands – an initial cycle parking provision of 71%. The plans show future cycle provision (if needed) in the amenity area to the north (totalling 40 spaces). There would be 5 visitor cycle spaces. Access to the cycle store would be from Foss Islands Road. access to vehicle /cycle access would be controlled and there would be no public access to this area.

5.28 The proposals are considered to be acceptable in terms of principle of development and their impact on the surrounding highway network. It is considered necessary to condition the submission of a travel plan. The Highway Network Management team have requested that contribution of £25,000 towards the City of York Travel Plan support, together with a review of parking/loading restrictions on Foss Islands Road and associated Traffic Regulation Order totalling £6,000. These obligations are considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL).

VISUAL AMENITY AND CHARACTER

5.29 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the

overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Draft Local Plan Policies GP1 and GP9 of the 2005 Draft Local Plan and D1 and D2 of the 2018 Draft Local Plan and, therefore, these policies can be given weight.

5.30 The application site is within the defined city centre. The existing building fronting onto Foss Islands Road is an attractive building. Is it one of the last remnants of the Victorian/Edwardian commercial development in the area. The wider area of Layerthorpe is characterised by some low building height (typically two storey) out of town style large commercial premises dating from the last four decades (warehouses, retail, and office), in a flat landscape, with little green space. The area to the south is residential in character. The immediate area is undergoing change with the redevelopment of plots into higher density student or private apartments of between three and five floors.

5.31 The proposed front elevation would be set back from the pavement by 7.7 and 9.5 metres. The space allows for vehicles to pull off Foss Islands Road, and 3 no. vehicle parking spaces, and soft landscaping. The proposed materials would be predominantly red and buff brick with brown/copper coloured clad bay windows. There would be pitched roof to the 2 wings running north south, the connected element would be three - five storeys and have a flat roof. The pitched roofs would be slate.

5.32 The proposed development is three increasing to five storeys in height, the height of the front/Foss Islands elevation is 12.3 metres. The height of the adjacent terrace to the south is 10 metres, the neighbouring supermarket (to the north) is 7 metres. The five storey element towards the east of the site would be 17 metres in height. The surrounding and levels to the east and south are higher than the application site as such the building would rise approx. 14.5 metres above the neighbouring land levels. The neighbouring four storey apartments are between 12 and 13 metres in height. As such the height of the building is considered to be reasonable in this location.

5.33 There are weaknesses in the scheme, notably the massing and side and rear elevations which will appear particularly monotonous and bland due to the scale of the building. In acknowledging the weaknesses of the side and rear elevations, Officers accept that whilst there will be some views from public streets, they would be viewed in context and partially screened by the neighbouring existing and proposed buildings. The primary/front/Foss Islands Road elevation has been developed to a satisfactory design standard in accordance with the NPPF and 2018 Draft Plan Policy D1.

5.34 Policy D2 (Landscape and Setting) of the 2018 Draft Plan states that proposals will be encouraged and supported where they include sustainable, practical and high

quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes. Landscaping and two trees are proposed to the front/Foss Islands Road elevation. A utilities report has been submitted which demonstrate there is sufficient space. The details of the landscaping are sought via condition.

RESIDENTIAL AMENITY

5.35 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments 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; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policies D1 and ENV2 of the 2018 Draft Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.36 The proposal represents an intensification of use of the site combined with the acknowledged impacts from noise and disturbance, and accumulation of rubbish that can be associated with student accommodation. Officers consider that the amenity concerns about the development can be split into three main areas; the first being the impact of the structures themselves; second being the concern about the intensity of the development, the behaviour patterns of students and the impact of this behaviour on the residential amenity of existing residents; and thirdly the amenity of the occupants of the proposed building.

5.37 The proposed development is set between a commercial and residential area. The distance between the adjacent dwelling and the proposed building would be 1.3 metres at its closest point. The elevation adjacent to and facing the terraced dwellings does not have any windows in the upper storeys. The ground floor window would be screening by the boundary wall. The distance between proposed building and the closest apartments to the south (Curlew House) would be 16 metres. The closest windows facing Curlew House would be 29 metres. Between the proposed building and Dunlin House to the east would be 22 metres. The proposed development is not considered to result in undue overlooking or loss of privacy. By virtue of the distance to the neighbouring and surrounding dwellings to the south and east it is not considered there would be an undue loss of light to these dwellings. The proposal would result in a sense of enclosure however this is not considered to result in harm.

5.38 There are two separate courtyards proposed as part of the development that would provide amenity space for the students. . In order to protect neighbouring amenity details of how the area would be managed could be set out in a conditioned management plan.

5.39 Paragraph 186 of the NPPF is relevant. It states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. Subject to a condition to ensure that the recommendations of the Noise Impact Assessment are carried out the proximity of the proposed building is not considered to unduly impact on the use of the nearby commercial and residential sites. The proposed development would be managed, and a condition could be imposed that requires a management plan to be submitted to and approved by the Local Planning Authority. The management plan could address issues such as: refuse collection; change over days, security measures, maintenance, student liaison and community involvement etc.

5.40 There are differences between student accommodation and general housing in that students live in student accommodation only for a short fixed period of time, common space is provided. It is also the case that student occupants will use internal spaces differently and, in some instances, more intensely for a wider range of purposes (i.e. bedrooms acting as multi-purpose spaces for study and relaxation), than would be expected in general housing and this needs to be taken into account when considering the overall standard of amenity provided. Each studio is single aspect. The rooms are considered to be of an adequate size. A general communal area for all occupants has been provided on the ground floor, with a study room on the first floor.

5.41 There are 7 accessible studios, they are located on each floor with the exception of the fourth floor. On the ground floor one accessible studio is close to the building entrance and the other is adjacent to the lift. A further 3 studios on the upper floors are sited adjacent to the lift. The two other accessible studios are set at a distance from the lift but are adjacent to the staircase. This provision is considered to offer a variety of accommodation for differing ranges of accessibility needs.

AFFORDABLE HOUSING

5.42 It is considered necessary to condition the occupancy of the building to only students engaged in full-time or part-time further or higher education in the city as the application does not propose affordable housing.

5.43 The proposed wording for Policy H7 (Off Campus Purpose Built Student Accommodation) requires a financial contribution towards delivering affordable housing elsewhere in the city. The proposed modifications to the policy are now with

the Planning Inspectorate following consultation earlier in the year. At this time until the re-worded policy has gone through proper process it carries very little weight and officer do not considered that the affordable housing contribution can be sought at this time.

BIODIVERSITY

5.44 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

5.45 The proposed soft landscaping demonstrates biodiversity net gain, in accordance with Paragraph 180 of the NPPF: while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate. The trees and planting can be sought/retained by condition

SUSTAINABILITY

5.46 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' requires that all new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The revised Building Regulations that came into force in June 2022 (with a transition period) exceed Policy CC1 requirements for reduction in carbon emissions. It is noted that there is no application for building regulations consent made prior to June 2022. As such the proposed building would be considered under the more stringent 2022 Building regulations as such it is not considered necessary to condition the 28% reduction in carbon emissions.

5.47 The Local Plan has been through full hearings. The wording of Policy CC2 is being revised, as such the wording of Policy CC2 currently has little weight until it has been through the full consultation process. The proposed development would be considered under the more stringent 2022 Building regulations.

DRAINAGE

5.48 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates,

be reduced. The CYC Flood Risk Engineer considers the submitted surface water drainage scheme is acceptable and compliance with the submitted scheme can be sought via condition.

SAFE ENVIRONMENTS

5.49 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and do all they reasonably can to prevent crime and disorder". Paragraphs 92 and 130 of the NPPF require developments should create safe places and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The Designing Out Crime Officer has confirmed they have no objections to the proposed scheme.

OPEN SPACE CONTRIBUTION

5.50 Public Realm has confirmed that an open space contribution is required in this case. This can be secured through a Section 106 agreement. The contribution of £14,647 would be used to improve the amenity open space within the nearby Hull Road Park and/or St Nicolas Fields Nature Reserve. This obligation is considered to comply with CIL Regulation 122. The Public Realm team has requested a contribution towards sports provision. Sports provision contributions are not normally requested for student accommodation as it is considered that the occupants would typically use the sports facilities provided by the university or colleges, for this reason it does not form part of the officer recommendation.

SECTION 149 OF THE EQUALITY ACT 2010

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

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

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

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected

characteristic that are different from the needs of persons who do not share it;

c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

5.54 Officers have given due regard to the equality implications of the proposals in making its recommendation. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

6.0 CONCLUSION

6.1 The application site is in a sustainable location. The site is within Flood Zone 1 and 2 would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential test (as set out above) and is acceptable when considered against national planning policy on flood risk, the sequential test is passed. In assessment of Heritage Assets, the scheme would preserve the character and appearance of the conservation area, and the setting of City walls. Impacts on archaeology are considered to be acceptable and can be mitigated by planning condition. The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

6.2 The presumption in favour of sustainable development, as set out in NPPF paragraph 11 therefore applies. There is evident demand for purpose built student accommodation and the NPPF requires planning decisions give “substantial weight” to the value of using suitable brownfield land within settlements for housing (which includes student accommodation). The proposals are acceptable in principle when applying NPPF and local plan policy.

7.0 RECOMMENDATION:

That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

i. The completion of a Section 106 Agreement to secure the following planning obligations:

Open Space

£14,647 improve the amenity open space within the Hull Road Park and / or St Nicolas Fields Nature Reserve .

Travel Plan

£25,000 towards the City of York Travel Plan support

Traffic Regulation Order

£6,000 towards a review of parking/ loading restrictions on Foss Islands Road in the vicinity of the site and associated Traffic Regulation Order

ii. The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii. The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions

7.0 RECOMMENDATION: Delegated Authority to Approve

1 TIME2 Development start within three years

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

Drawing Number FIR420 300-1101-1101 P01 'Context Location Plan Survey' received 19 August 2022;

Drawing Number FIR420v304-300-1101-2101 P02 'Proposed Context Block Plan GA' received 26 April 2023;

Drawing Number FIR420v304-400-1101-2101 P04 'Proposed Site Plan GA' received 22 June 2023;

Drawing Number FIR420v304-501-1101-2101 P04 'Proposed Bldg Plan (Ground Floor) GA' received 22 June 2023;

Drawing Number FIR420v304-501-1102-2101 P03 'Proposed Bldg Plan (First Floor) GA' received 10 May 2023;

Drawing Number FIR420v304-501-1103-2101 P02 'Proposed Bldg Plan (Second Floor) GA' received 26 April 2023;

Drawing Number FIR420v304-501-1104-2101 P02 'Proposed Bldg Plan (Third Floor) GA' received 26 April 2023;

Drawing Number FIR420v304-501-1105-2101 P02 'Proposed Bldg Plan (Fourth Floor) GA' received 26 April 2023;

Drawing Number FIR420v304-501-1106-2101 P02 'Proposed Bldg Plan (Roof) GA' received 26 April 2023;

Drawing Number FIR420v304-501-3100-2101 P02 'Proposed Bldg Elevations GA' received 26 April 2023;

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Drawing Number FIR420v304-501-3100-2102 P02 'Proposed Bldg Elevations GA' received 26 April 2023;
Drawing Number FIR420v304-501-3100-2103 P02 'Proposed Bldg Elevations GA' received 26 April 2023;
Drawing Number FIR420v304-300-3100-2301 P02 'Proposed Context Elevations Massing Model' received 26 April 2023;
Drawing Number FIR420v304-300-3100-2302 P02 'Proposed Context Elevations Massing Model' received 26 April 2023;
Drawing Number FIR420v304-300-3100-2303 P01 'Proposed Context Elevations Massing Model' received 28 April 2023;
Drawing Number FIR420v304-300-3100-2303 P02 'Proposed Context Elevations Massing Model' received 28 April 2023;
Drawing Number FIR420v304-300-3100-2304 P01 'Proposed Context Elevations Massing Model' received 28 April 2023;
Drawing Number 1151_SK02 Revision A 'Sketch Landscape Proposals' received 10 May 2023;

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. The development shall be carried out using the approved materials.

A 1 metre by 1 metre sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, coursing, 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.

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

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

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

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

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

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

7 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

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

assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of the locality

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, 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.

10 The development shall be constructed in accordance with Mitigation Section 5 (pages 23 - 25) of the Noise Impact Assessment (ref: 50-370-R1-3 dated July 2022 by E3P).

Reason: To protect the amenity of the occupants of the development. To protect the amenity of the occupants of the neighbouring and nearby dwellings. To ensure that new development can be integrated effectively with adjacent businesses. To ensure compliance with Policy ENV2 of the draft Local Plan (2018) and the NPPF

11 The development shall be carried out in accordance with the details detailed in the submitted High Level Drainage Strategy - Re: 20.20341-ACE-00-XX-DR-C-1200 Revision P10 dated 18th November 2022.

Reason: In the interest of satisfactory and sustainable drainage

Informative note: Drainage

i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal. Note, the applicant has provided sufficient to

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eliminate other means of surface water disposal, and

ii) The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network

12 A programme of archaeological building recording, specifically a written description and photographic recording of any railway building or structure to Historic England Level of Recording 1 is required for this application.

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 demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by CYC and the Chartered Institute for Archaeologists.

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

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

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

Reason: The buildings on this site are of archaeological interest and must be recorded prior to demolition.

13 A programme of post-determination archaeological evaluation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) has been submitted to and agreed with the local planning authority in writing. 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 on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

E) No development shall take place until:

- details in D have been approved and implemented on site

- provision has been made for analysis, dissemination of results and archive deposition has been secured

- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 3 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. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

14 No demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable nesting habitat for active birds' nests immediately before such works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning

authority.

Reason: To ensure that breeding birds are protected from harm during proposed work. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As suitable nesting habitat is present on the application site, it should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

15 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a minimum of five-years).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

16 A biodiversity enhancement plan/drawing shall be submitted to, and be approved, in writing by, the local planning authority prior to the commencement of works. The plan should include a minimum of four bat box, suitable for crevice

dwelling species and four boxes for nesting birds.

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

17 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority tree planting details, including tree pit system, volumes of accessible soil, means of support, means of watering, a suitable root barrier system to prevent roots from growing into the adjacent highway. Where trees are to be located within paved areas, the planting details shall accommodate suitable soil volumes underneath porous surfacing so that the trees have the capacity to survive and thrive.

Reason: To ensure that the trees are able to perform as intended within the approved landscape scheme.

18 Within three months of commencement of development a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs, and other plants. It will also include tree planting details including means of support, watering, and protection; paving, and street furniture. The proposed tree planting shall be compatible with existing and proposed utilities. The approved scheme shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of ten years from the substantial completion of the planting, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme is integral to the amenity of the development and the immediate area.

19 Details of the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

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

20 The development hereby approved shall be used only as student housing accommodation. No person other than a student registered with, and engaged in, a course of full time further or higher education or a delegate registered with and attending a part time educational course within the City of York administrative boundary shall occupy any part of the development at any time.

The owner, or site operator shall keep an up to date register of the name of each person in occupation of the development together with course(s) attended. The register shall be available for inspection by the local planning authority on demand at all reasonable times.

Reason: For the avoidance of doubt and in order to control the future occupancy of the development, as otherwise the development would involve other requirements in order to be NPPF compliant, such as the inclusion of affordable housing.

21 The amenities for the occupants of the development (communal living areas, laundry, study room etc) shall be provided in accordance with the approved floor plans prior to first occupation of the development and shall be retained for the lifetime of the development.

Reason: In the interests of good design and the living conditions of the occupants of the development.

22 Prior to first occupation of the development hereby permitted a management and occupation plan for the site shall be submitted to the Local Planning Authority for approval. The development shall operate in accordance with the approved management and occupation plan at all times. The plan shall detail the following -

- Single occupancy only for the studio rooms as shown in the approved scheme.
- Management of the outside amenity space in the interests of avoiding noise disturbance.
- Arrangements for management of student arrivals and departures at the beginning and end of term. To ensure that private car travel does not have an adverse effect on the highway network.
- Information and advice to occupants about noise and consideration to neighbours. student liaison and community involvement.
- Property maintenance
- security measures,
- Dealing with anti-social behaviour,
- Fire safety

Reason: In the interests of amenity and highway safety

23 The buildings hereby approved shall not be occupied until the areas as shown for parking and manoeuvring of vehicles have been constructed and laid out in accordance with these approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

24 The cycle parking storage and refuse bin storage, shall be provided, in accordance with the approved plans prior to first occupation. The facilities shall be retained for such use at all times.

Waste and recycling bins shall be stored in the refuse store at all times except for collection days.

Reason: To promote sustainable transport and in the interests of good design in accordance with sections 9 and 12 of the NPPF. To ensure there is suitable cycle storage and refuse storage areas of the life of the development. So as to achieve a visually cohesive appearance.

25 No part of the development shall be occupied until a Full Travel Plan 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 annual travel surveys carried out over period of 5 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF.

26 detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority;
- the routing for construction traffic that will be promoted;

- the safe routing of pedestrians around the site;
- the extent and programming of any road /footway closures;
- a scheme for signing the promoted construction traffic routing;
- an outline programme/ schedule for deliveries to site
- where contractors will park; and
- where materials will be stored within the site.

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, free flow of traffic or safety of highway users.

Informative: Please contact development.adoption@york.gov.uk to arrange joint dilapidation survey. Please contact highway.regulation@york.gov.uk to discuss Temporary Traffic Regulation Orders.

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, free flow of traffic or safety of highway users.

27 The development shall not be begun until details of the access/ egress from Foss Islands Road together with associated visibility splays have been submitted to and approved in writing by the Local Planning Authority, and the development shall not come into use until the access and egress have been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

28 Refuse collection access shall be from Elvington Terrace and details of the design of this pedestrian access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of highway safety.

29 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating kerbing and footway; to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

30 Prior to the occupation of the site, details shall be agreed in writing with the Local Planning Authority of arrangements to manage student arrivals and departures on the adjacent public highway at term change-over times. The management plan shall include information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets such as

requiring student residents not to be registered keeper of a vehicle (may be included within tenancy agreement). The agreed Student Arrivals Traffic and Parking Management Plan shall be implemented upon occupation of any part of the development and shall be thereafter maintained to the satisfaction of the Local Planning authority for the life time of the development unless alternative arrangements are first agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to ensure the free flow of traffic.

31 VISQ4 Boundary details to be supplied

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:

- Request revised plans
- Request additional information

2. YORKSHIRE WATER INFORMATIVE

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

3. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal

action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

4. CONSENT FOR HIGHWAY WORKS

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 officer(s) named:

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

Vehicle crossing (Section 278) - development.adoption@york.gov.uk

Temporary highway closure (Road Traffic Regulation Act 1984, Section 14)
highway.regulation@york.gov.uk

Structures affecting the highway - Approval in Principle for works to the retaining wall to the east of the site. Please contact Siavosh.Mahmoodshahi@york.gov.uk

5. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste

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carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

6. 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.

7. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership).

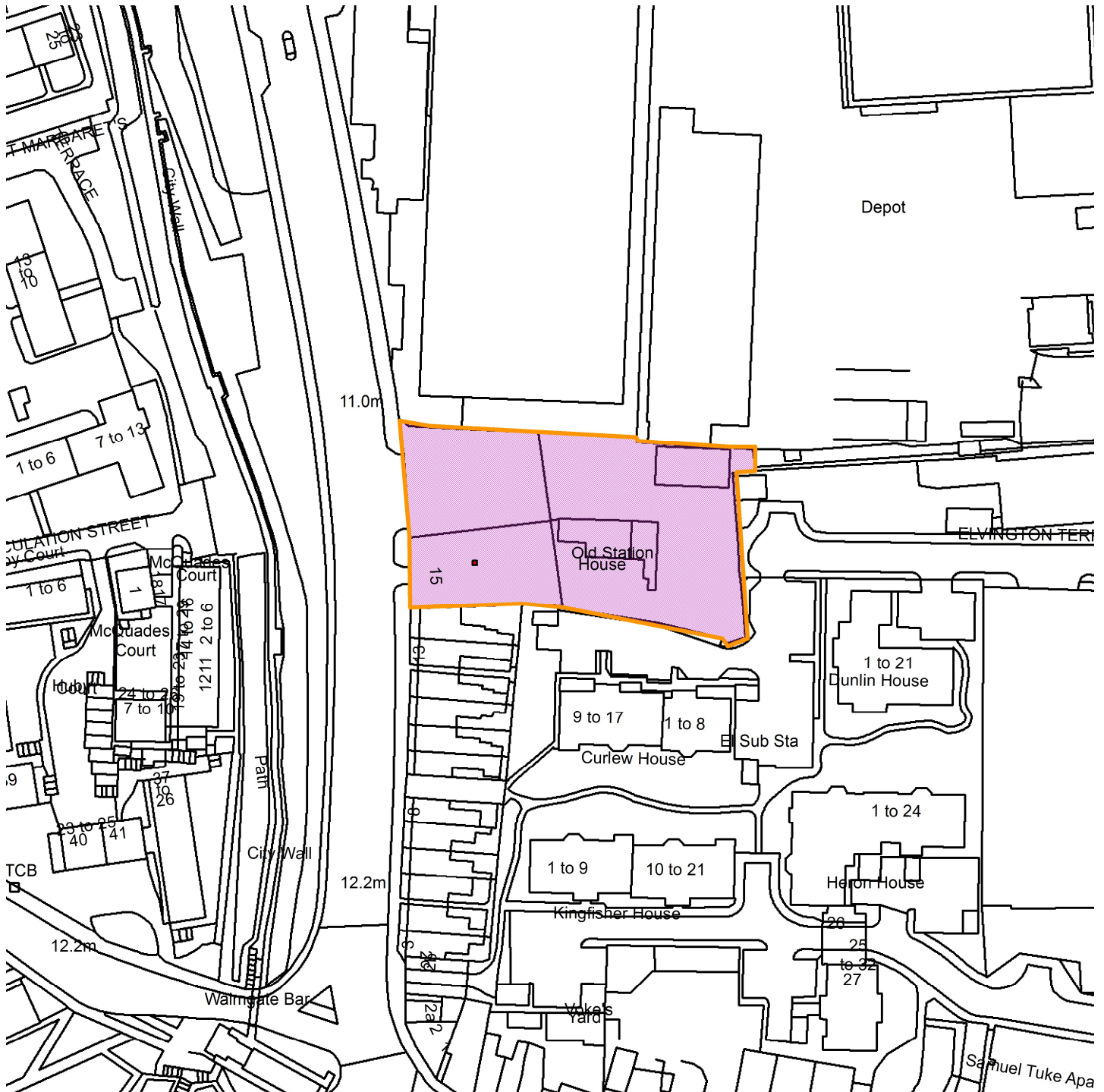
Contact details:

Case Officer: Victoria Bell

Tel No: 01904 551347

22/01795/FULM

Enterprise Rent-a-car, 15 Foss Islands Road, York YO31 7UL



Scale : 1:1162

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	28 June 2023
SLA Number	Not Set

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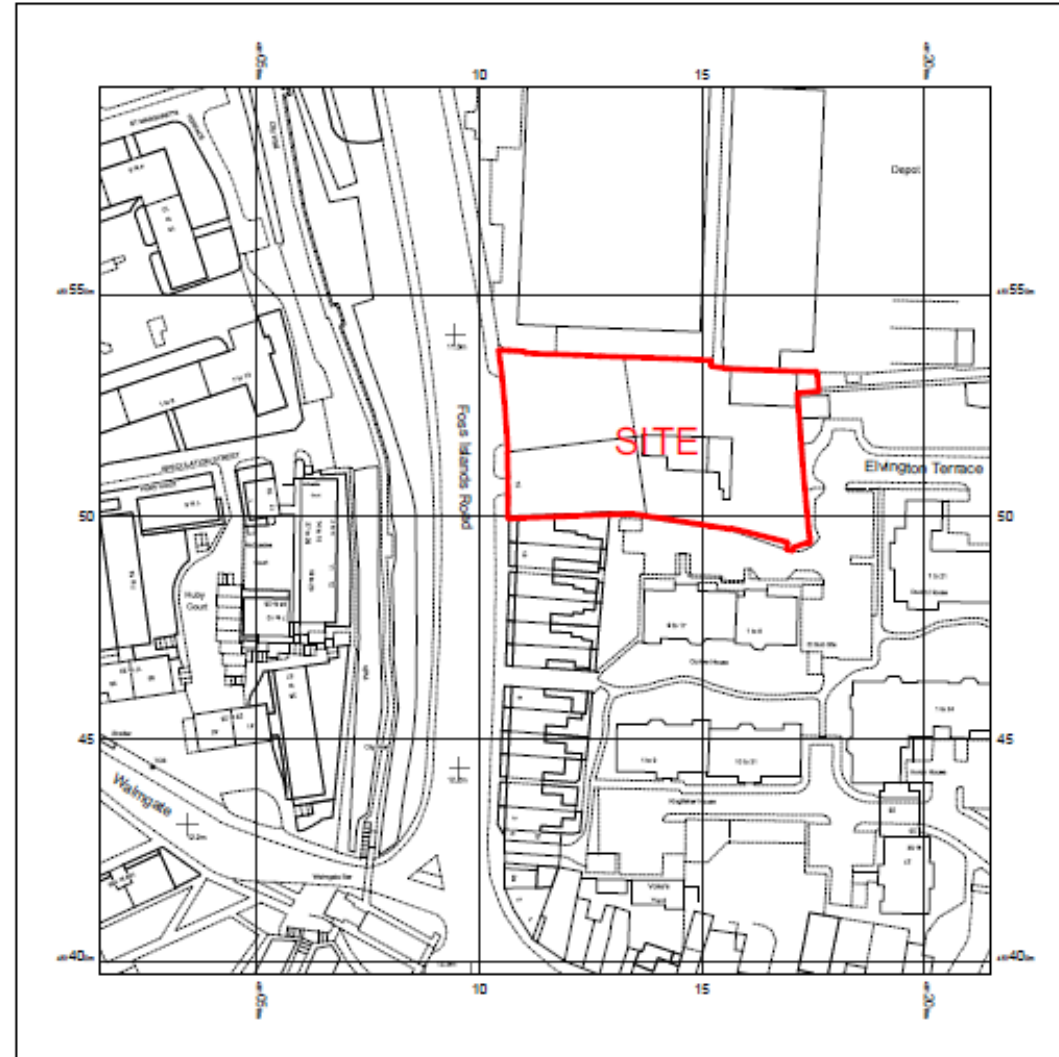
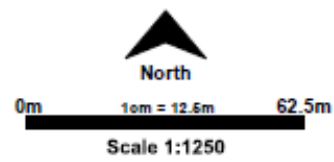
Planning Committee A

To be held on Thursday 6th July 2023

22/01795/FULM – 15 Foss Islands Road, York

Erection of 3, 4, and 5 storey student accommodation building with associated car parking following demolition of existing buildings.

Site Location Plan



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Existing Buildings



Streetscene – Long Views



Page 135

Views from City Walls



Page 136









← York, England

Foss Islands Road
Foss Islands Rd, York
53.96°N, 1.07°W





Neighbouring Building – Dunlin House



Neighbouring Building – Curlew House

Proposed Ground Floor Plan



Bedroom Suite-Schedule-Accommodation

Type	Count
1-Bedroom Apartment	2
Accessible Studio	7
Premium Studio	28
Studio	100
Total	137

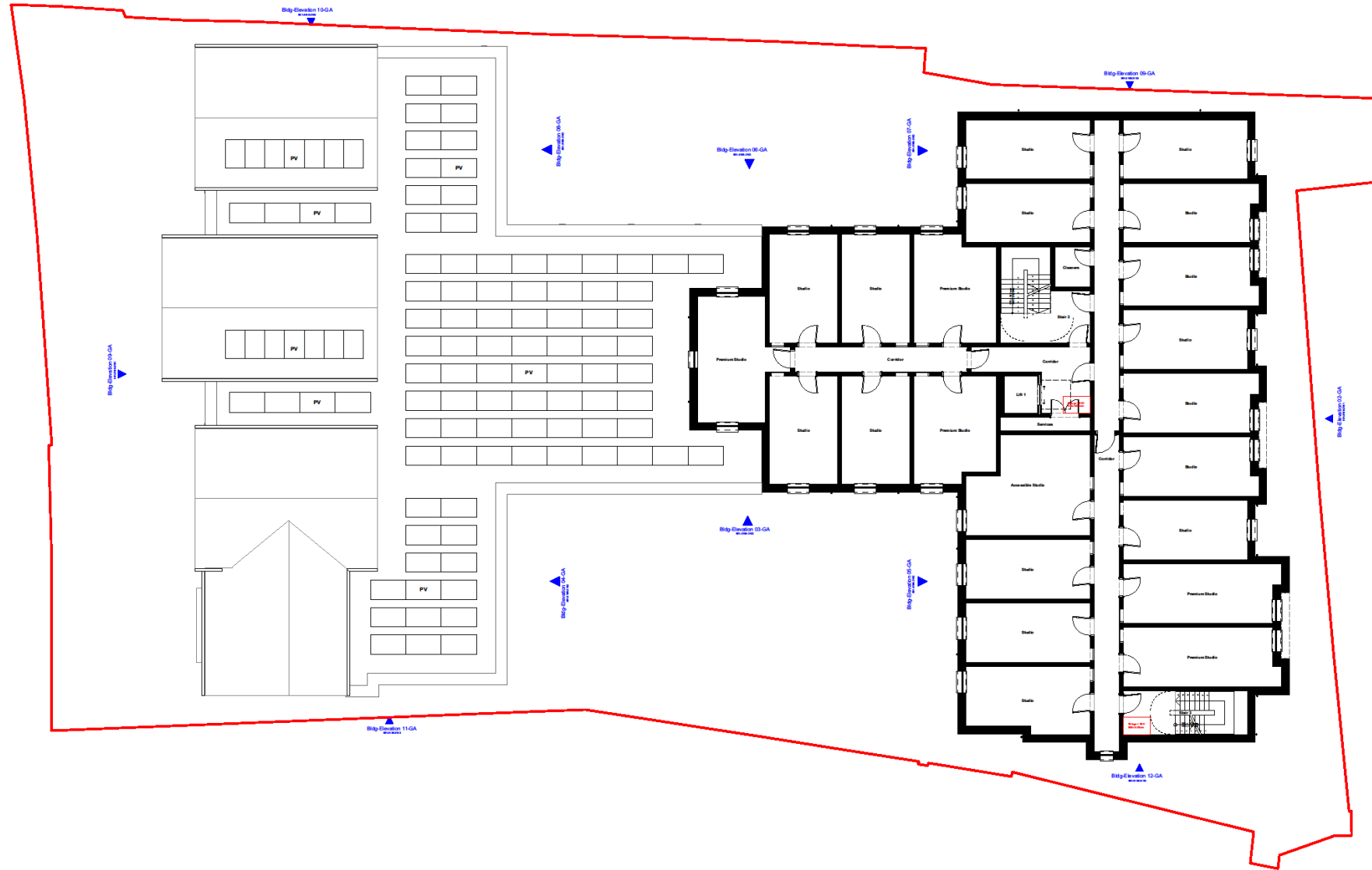
Parking-Cycle Schedule-Accommodation

Type	Count
Cycle (Hoop)	36
Cycle (Hoop) Wide	5
Cycle (Lower Tier)	28
Cycle (Upper T)	28
Future Cycle (Hoop)	14
Future Cycle (Lower)	14
Future Cycle (Upper T)	14
Visitor Cycle (Hoop)	2
Visitor Cycle (Hoop) Wide	2
Total	142



Bldg-Plan (Ground Floor)-GA
Scale - 1:100

Proposed Third Floor Plan



D1904 04/12/20 | www.csparchitects.co.uk
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 WATSONHEAD LLP (WATHEAD) agrees to be bound in accordance with:
 1. The terms and conditions of the contract.
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Bldg-Plan (Third Floor)-GA
 Scale - 1:100

