



**Notice of a public meeting of
Area Planning Sub-Committee**

To: Councillors Hollyer (Chair), Crawshaw (Vice-Chair),
Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby,
Webb and Perrett

Date: Thursday, 16 July 2020

Time: 4.30 pm

Venue: Remote Meeting

A G E N D A

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 1 - 12)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 18 June 2020.

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 remote meetings. The deadline for registering at this meeting is **5:00pm on Tuesday, 14 July 2020.**

To register to speak please contact Democratic Services, on the details at the foot of the agenda. You will then be advised on the procedures for dialling into the remote meeting.

Webcasting of Remote Public Meetings

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

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

To determine the following planning applications:

**a) 7 Elm Tree Avenue, Upper Poppleton, York, (Pages 13 - 28)
YO26 6HL , 19/02546/FUL**

Erection of 1no. dwellinghouse following the demolition of the existing dwellinghouse. [Rural West York]

**b) Crescent Nursery, 7 The Crescent York, (Pages 29 - 58)
YO24 1AW, 19/01986/FUL**

Conversion of former nursery to form 4 holiday lets comprising 2 x 1 bedroom, 1 x 2 bedroom apartment and 1 studio apartment, with dormer window to rear and associated works. [Micklegate]

**c) York City Living Limited 22 - 26 Blossom Street York YO24 1AJ, 19/01588/FULM,
19/01589/LBC** (Pages 59 - 120)

(i) Conversion of building to form 7no. apartments and 1no. studios with redevelopment of land to rear to include erection of detached three storey building to create 5no. apartments and 3no. studios (16 units in total) with external alterations including dormer window to front of main dwelling and associated landscaping, cycle parking and refuse storage.

- (ii) Listed Building Consent in relation to internal and external alterations to convert building to form 7no. apartments and 1no. studios including dormer window to front and part demolition [Micklegate]

5. Urgent Business

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

Democracy Officer:

Name – Michelle Bennett

Telephone – 01904 551573

E-mail – michelle.bennett@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 مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	18 June 2020
Venue	Remote Meeting
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Cullwick, Fisher, Galvin, Craghill, Melly, Orrell, Waudby, Webb and Perrett <i>(Cllr Perrett was present for Agenda items 1,2,3,4 and 4a, determination of application [19/02 133/FUL] at Southbank Stores)</i>

There were no site visits due to COVID-19 restrictions.

59. Committee Membership

It was noted that Cllr Perrett would replace Cllr Lomas as a Member of this Committee as agreed at the Staffing Matters and Urgency Committee held on Monday 15 June 2020.

Resolved: Members confirmed Cllr Perrett's appointment as a Member to this Committee.

60. Declarations of Interest

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

Cllr Crawshaw declared a prejudicial interest in Agenda Item 4a) Southbank Stores 75 Balmoral Terrace [19/02133FUL], having given his view to the applicant and objector on previous occasion. He left the meeting during consideration of that item and took no part in the debate or decision thereon.

Cllr Fisher declared a non-prejudicial interest in Agenda item 4e) Hanson Quarry Products Europe Ltd Concrete Batch Plant Pigeon Cote Farm Monks Cross Drive Huntington [19/02630/REMM] as he was a member of the Foss Internal Drainage Board. Cllr Fisher confirmed that although he was a member, he had taken no part in their decision making process.

61. Minutes

Resolved: That the Minutes of the Area Planning Sub-Committee meeting held on 5 March 2020 be approved and then signed by the Chair at a later date.

62. Plans List

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

**62a) Southbank Stores 75 Balmoral Terrace York YO23 1HR
[19/02133/FUL]**

Members confirmed that in the event that the Chair was unable to Chair this item (such as technical problem), Cllr Webb would act as Vice-Chair in the Chair. It had been necessary to confirm this position as the Vice-Chair, Cllr Crawshaw, would be leaving the meeting having declared a prejudicial interest in this application.

Cllr Crawshaw left the meeting having declared a prejudicial interest in this item.

Members considered a full application from Ms Sara Winlow for the construction of a two storey rear extension, single storey rear extension, dormer to the rear of the property, a roof light to the rear of the property and two roof lights to the front of the property, following the demolition of the single storey rear extension. The decision for this application had been deferred by this Committee at its meeting on 6 February 2020, to allow the applicant time to produce an acceptable scheme suitable for both parties.

Officers gave a presentation based upon the slides at pages 29-35 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting:

- An additional representation received from Cllr Carr, who had acted as substitute for Cllr Galvin during discussion of the application at the February Committee, where he had spoken in support of the application, expressing the

view that the proposal was a sustainable development offering many benefits for the community which outweighed any harm caused by the proposal. He considered that these views remained valid.

- The previous representations published in 6 February 2020 officer's report:
 - those in objection raising concerns regarding loss of light, outlook and privacy and the front yard feeling more enclosed;
 - those in support stating the benefits to the community of a nearby local coffee shop especially when compared to the impact of residents driving elsewhere for this service.
- A representation from a neighbouring resident in response to the revised proposals, stating that their previous objections still stand, such as dominance and loss of light, outlook and privacy.

Ms Elena Myers, a neighbouring resident, spoke in objection to the application, stating that the proposed scheme remained largely unchanged in that the two storey extension had remained the same and the dormer had widened, increasing its footprint. Therefore, her objection remained based on loss of amenity, privacy and light. She considered the proposed scheme to be an overdevelopment of an already developed site.

The Democratic Officer, read out a statement on behalf of the applicant Ms Sara Winlow, stating that the application had received significant support and had met with no objections at Micklegate Planning Committee. The applicant had amended their plans to address their neighbour's concerns and considered that there were no further adjustments that could be made which would also allow for a habitable space for herself and her son and urged Members to accept this scheme due to the special circumstances the proposal had met in terms of providing a community facility.

Janet O'Neill, the applicant's agent, spoke in support of the application, stating that the potential detriment to the amenity of neighbours at 75A was not considered significant, in the daylight and sunlight study, and when views were analysed from the 3 affected windows. She considered that the benefits of creating an adequate family home; a livelihood; and a resource for the local community far outweighed the detriment to outlook from no.75A.

Cllr R Baker, spoke in support of the application on the grounds that this scheme would rejuvenate life in the Southbank terraces and create a much-needed new community hub for the area. Residents moving in to the developments near the racecourse would need facilities on their doorstep to discourage them from driving elsewhere.

In response to questions from Members, officers confirmed that:

- The dormer in the revised proposal was further away from no. 75A and wider, resulting in a reduction in terms of the cubic content and mass.
- Although BRE 2007 guidelines were not adopted as part of NPPF they were recognised as being widely used and applied in relation to building standards.
- The application had been submitted as a 'householder application', although the applicant had made the point that there were elements of the application which related to the business such as the stock room and downstairs W/C. Were the application to be granted and no business to materialise, planning enforcement would not be in a position to require the business to open.

Following a debate, Cllr Craghill moved, and Cllr Galvin seconded, that the application be approved, on the grounds that the National Planning Policy Framework (NPPF) asks Members to support local sustainable business development wherever possible; the need for this business to have a combined use and provide a family home; the contribution of the business in terms of building a community. These factors outweighed the limited harm to the neighbouring property at no.75A, and the proposal was in keeping with the area.

In accordance with the revised Standing Orders, a named vote was taken. Cllrs Craghill and Galvin voted in favour of this proposal, and the motion was declared LOST.

Cllr Fisher then moved, and Cllr Webb seconded, that the application be refused, in accordance with the officer recommendation. Cllrs: Cullwick, Fisher, Melly, Orrell, Perrett, Waudby, Webb and Hollyer all voted in favour of this motion. Cllr Craghill voted against this motion and Cllr Galvin abstained from voting, and the motion was declared CARRIED. It was therefore:

Resolved: That the application be REFUSED.

Reason: The mass of the two storey rear extension and rear roof dormer would appear dominant and overbearing to neighbouring residents at no. 75A Balmoral Terrace. The additional mass of the two storey rear extension and rear roof dormer would be detrimental to the pattern of the existing buildings and the spacing between them resulting in the neighbouring residents feeling unduly 'hemmed in'. The proposals would detract from the outlook from the ground floor living room and first floor bedroom of the neighbouring dwelling house resulting in harm to the levels of amenity that these neighbouring residents could reasonably expect to enjoy. As such the proposals result in harm to residential amenity and visual amenity which is in conflict with paragraph 127 c) of the National Planning Policy Framework, Policy D11 of the Publication Draft York Local Plan 2018, Policy GP1 (criterion b and i) and H7 (criterion d and e) of the 2005 Development Control Draft Local Plan and advice contained in the City of York Council House Extensions and Alterations Draft Supplementary Planning Document, approved in December 2012, in particular paragraphs 5.1, 5.2, 7.2, 7.4 a), 13.4 and 14.1.

[There was a short comfort break between 6.20pm to 6.35pm]

Note: At this point of the meeting, Cllr Perrett left the meeting due to technical obstacles preventing her from being able to continue to participate in the meeting sufficiently.

**62b) 8 Beech Way Upper Poppleton York YO26 6JD
[20/00080/FUL]**

Members considered a full application from Mr Simon Theaker for the construction of a first floor side extension.

Officers gave a presentation based upon the slides at pages 49-54 of the Agenda.

The applicant, Ms Rebecca McGuckin, stated that their proposal for an extension was intended to provide their family with a much-needed additional bedroom and bathroom. They had considered an objection from a neighbour and had revised their proposal accordingly, significantly reducing the size, scale & mass of their proposal. They considered that there was no detrimental impact to the design and visual amenity of their dwelling and surrounding area or neighbouring amenity.

Mr Richard Powley, a neighbouring resident, spoke in objection, on the grounds that the proposals would become overbearing and result in terracing. The large first floor window to the rear elevation would reduce privacy in their rear garden. The shape and style of the windows on the first floor level was out of keeping with that of the surrounding area.

In response to questions from Members, officers confirmed that:

- The extension will have moved property at no.8 closer to the property at no. 10 by 300mm.
- The distance to the boundary at the far end of the extension was 600mm.

After debate, Cllr Crawshaw moved, and Cllr Galvin seconded, that the application be approved, in accordance with the officer recommendation. Members voted unanimously in favour of this motion, and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report.

Reason: To achieve a visually acceptable form of development, the revised proposals are considered acceptable and would comply with the NPPF, Policy D11 (Extensions and Alterations to Existing Buildings) of the Publication Draft City of York Local Plan 2018, Policies GP1 (Design) and H7 (Residential Extensions) of the Development Control Local Plan and City of York Council's Supplementary Planning Document (House Extensions and Alterations).

62c) 173A Osbaldwick Lane York YO10 3BA [19/02065/FUL]

Members considered a full application from for the change of use of No.173A Osbaldwick Lane with 2 upper floors, to a small House in Multiple Occupation (HMO), (Use Class C4). The application had previously been reported to the March 2020 Area Planning Sub-committee meeting and deferred in order to explore the potential to add a condition requiring the tenancy agreements for the HMO to restrict the ownership of private cars.

Officers gave a presentation based upon the slides at pages 67-72 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting:

- an additional representation from Councillor Warters, reiterating the points he had made during discussion of this item at the March committee, that there was no parking provision for the HMO use of this dwelling. The parking provision to the front of No 173/173a was solely for the two commercial uses of the property and that to approve HMO use without parking provision would be in direct contravention of the City of York Council's policy. He had suggested that if this application were to be approved then it should be conditioned to include the requirement for 'no car tenancy agreements to be issued to tenants'. If this was not possible, he advised the committee to refuse the application as to approve it would likely lead to displaced car parking providing a traffic hazard on the public highway and a hindrance to the functioning of neighbouring businesses.

In response to questions from Members, the council's Solicitor clarified that under classification use class C4, occupants would share basic kitchen and bathroom amenities only, and that there were no requirements that they should share any other living space.

Following debate, Cllr Galvin moved to refuse the application, this was not seconded.

Cllr Webb then moved, and Cllr Orrell seconded, that authority be delegated to the Assistant Director for Planning and Public Protection, in consultation with the Chair and Vice-Chair, to approve the application subject to a condition requiring that two

parking spaces on the forecourt be reserved for the residential use, and that if this is not achievable, that the application be referred back to this sub-committee. Also, an amendment to condition 4, to require storage provision for a minimum of 6 cycles. Cllrs: Craghill, Fisher, Orrell, Webb and Hollyer voted in favour of this motion. Cllrs: Cullwick, Galvin, Melly and Waudby voted against this motion and Cllr Crawshaw abstained from voting, and the motion was declared CARRIED. It was therefore:

Resolved: That AUTHORITY BE DELEGATED to the Assistant Director for Planning and Public Protection, in consultation with the Chair and Vice-Chair, to approve the application, subject to the conditions listed in the officers report and the following condition and amended condition.

Additional Condition 5

Two car parking spaces on the forecourt be reserved for the residential use, and that if this is not achievable, that the application be referred back to this sub-committee.

Amended Condition 4

Prior to occupation of the property as a House in Multiple Occupation, details of cycle storage, to provide a minimum of 6 cycle spaces, 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: It is considered an acceptable use of the property as a small HMO (use Class C4) in terms of the concentration of HMOs in the area and the impact on residential amenity and highway safety, provided that two car parking spaces on the forecourt be reserved for the residential use. The application accords

with the requirements of the NPPF, Policy H8 of the Publication Draft York Local Plan 2018 and Policies GP1 and H8 of the Development Control Local Plan 2005. Consideration has been given to the imposition of a condition requiring the development to be car-free, however this would not meet the NPPF tests of reasonableness. A requirement for a minimum of 6 cycle spaces has been conditioned so as to encourage and facilitate cycling as method of travel rather than car.

[There was a short comfort break between 8.30pm to 8.40pm].

62d) 16A Farndale Avenue York YO10 3PE [20/00374/FUL]

Members considered a full application from Turnbull for the change of use from clinic (use class D1) to a retail kitchen showroom (use class A1) (retrospective).

Officers gave a presentation based upon the slides at pages 81-84 of the Agenda and provided an update which had been circulated via email prior to the meeting, reporting an additional representation from Cllr Warters, stating that condition 2 would require the car parking area to the rear of the parade of shops to be made available during opening hours. He considered that this was a major step forward from having it locked with a barrier (as seen on the submitted photos) and more car parking on the public highway.

Cllr Crawshaw moved, and Cllr Waudby seconded, that the application be approved, in accordance with the officer recommendation. Members voted unanimously in favour of this motion, and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report.

Reason: To ensure that delivery/ service/ customer vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

**62e) Hanson Quarry Products Europe Ltd Concrete Batch Plant
Pigeon Cote Farm Monks Cross Drive Huntington
[19/02630/REMM]**

Members considered a Major Reserved Matters Application by Mr James Dodwell for the appearance, landscaping, layout and scale of 11 industrial and storage units (use class B1, B2 and B8) to the north of Monks Cross Drive, pursuant to outline planning permission.

In response to questions from Members, officers confirmed that:

- The outline planning permission had been granted in 2018 and that it was likely that this had been granted prior to stipulations for compliance to Local Plan Policy CC1 and CC2 in 2018.
- It was a commercial area.

After debate, Cllr Orrell moved, and Cllr Cullwick seconded, that the application be approved, in accordance with the officer recommendation, with the addition of an informative drawing the applicant's attention to compliance with the Local Plan Policy CC1 and CC2. Members voted unanimously in favour of this motion, and the motion was declared CARRIED. It was therefore:

Resolved: That the application be APPROVED, subject to the conditions listed in the report and the following additional informative:

Additional Informative 2

The developer is encouraged to consider compliance with the Local Plan Policy CC1 and CC2.

Reason: (i) The principle of the B1, B2, and B8 units were approved under the outline part of planning permission 18/00411/FULM. The reserved matters application is considered to be in accordance with the outline planning permission. Wider development impacts are controlled via conditions imposed on the outline consent, including land contamination, acoustic issues, construction

- environmental management plan, drainage and landscaping.
- (ii) It is considered that the proposed scheme would not have adverse impact that would outweigh the economic benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is considered to be sustainable development for which the NPPF carries a presumption in favour. As such, the proposal is considered to accord with national guidance in the NPPF and the Draft and emerging Local Plan policies.

Cllr Hollyer, Chair

[The meeting started at 4.30 pm and finished at 9.18 pm].

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COMMITTEE REPORT**Date:** 16 July 2020**Ward:** Rural West York**Team:** West Area**Parish:** Upper Poppleton Parish
Council**Reference:** 19/02546/FUL**Application at:** 7 Elm Tree Avenue Upper Poppleton York YO26 6HL**For:** Erection of 1no. dwellinghouse following the demolition of the existing dwellinghouse.**By:** Kate Messenger**Application Type:** Full Application**Target Date:** 27 January 2020**Recommendation:** Approve**1.0 PROPOSAL**

1.1 The application site contains a single storey detached bungalow constructed of part stone/part render under a concrete tiled roof. The plot features a front and rear garden and an existing detached garage and driveway with crossover. There are neighbouring dwellings to all sides of the site.

1.2 Elm Tree Avenue is a residential street, made up of a variety of dwelling types, all bungalows, some with rooms in the roof. The properties on Elm Tree Avenue include a selection of different roof planes, including a gable end fronts, much like the host property as well as properties with ridges that run parallel with the road. There is a reasonably consistent building line. The spacing between each property is relatively similar in each case. Nearly all the properties on Elm Tree Avenue are detached.

1.3 The application site does not lie within the Upper Poppleton conservation area and is located within flood zone 1, which is identified as an area with a low probability of river flooding.

1.4 Planning permission is sought for the erection of 1no. dwelling following the demolition of the existing buildings on site.

1.5 The proposed replacement dwelling is of a single storey design with additional living space in the roof. The design is similar to the existing dwelling but also replicates the style of some neighbouring properties as it looks to increase its footprint. Proposed materials will match the original dwelling currently in situ.

1.6 The dwelling will be a maximum of 10.16 metres wide and a maximum of 15.3 metres deep (including the front bay window). The building will be 5.9 metres high to the ridge of the roof.

1.7 The application is a revised submission. The original proposal was deemed to increase the size of the existing dwelling significantly and was not considered compatible when comparing it to the existing structure and the surrounding properties. The revised scheme has reduced the footprint of the dwelling, as well as reducing its overall height and has including a small set back of the garage. It was also decided that due to the level of work proposed, this application should be considered a replacement dwelling, rather than extensions to the existing property.

Call-in

1.8 The application was called to sub-committee by Cllr Anne Hook for the reasons listed below:

- The footprint of the property will more than double in size, which will increase problems with surface drainage, which, in turn, will adversely affect those properties immediately opposite to and downhill from the enlarged property.
- Extension of the property by 2.4m to the rear will create undue proximity to the bungalows at 22 and 24 Dikelands Lane.
- The creation of a first-floor living space equal in size to the current ground floor of the property will give a clear line of sight into 22 Dikelands Lane, including the bedroom, resulting in loss of privacy to that property.
- Properties on Elm Tree Avenue are all bungalows, and the reconstructed property will dwarf neighbouring properties, destroying the look and feel of the avenue.

2.0 POLICY CONTEXT

Upper Poppleton and Nether Poppleton Neighbourhood Plan
PNP4 Village Design Statement
PNP6A Development with Upper Poppleton and Nether Poppleton

Draft Development Control Local Plan 2005
GP1 Design
GP4a Sustainability

Publication Draft Local Plan 2018
D1 Placemaking
DP3 Sustainable communities

3.0 CONSULTATIONS

EXTERNAL

3.1 Upper Poppleton Parish Council objects on the following planning grounds:

- This is overdevelopment of the site.
- The proposed development would be too close to the neighbouring property.
- Neighbours strongly object to the loss of privacy.
- There is a history of surface water retention and drainage in this area.

3.2 The Ainsty Internal Drainage Board has assets in the wider area in the form of various watercourses. While they do not object to the scheme, they do request details are submitted and agreed with both the council and them self in relation to the provision of surface water drainage works prior to commencement of any works.

3.3 Yorkshire Water does not object to the application but does request that conditions are added in order to protect the local aquatic environment and Yorkshire Water infrastructure.

INTERNAL

3.4 The Flood Risk Management Team has no objections to the development in principle, but in line with both Yorkshire Water and the Drainage Board comments, conditions should be attached in order to protect the local aquatic environment and public sewer network.

4.0 REPRESENTATIONS

Neighbours and interested parties

4.1 Ten neighbours objected to the application. Revised proposals were the subject of re-consultation of neighbours and interested parties. A summarised of the objections are as follows:

- The windows at the rear would have an adverse effect on privacy and cause overlooking.
- The proposed dwelling would be overbearing and dominate
- The proposed dwelling would not be in keeping with a street made up of mainly bungalows.
- Proposed works cause concerns over drainage of both rainwater and also foul water.
- Due to the increase in height, the proposed dwelling will cause overshadowing and loss of light to neighbouring properties.

- By increasing the size of the existing bungalow, it set a precedent which could lead to loss of bungalow on Elm Tree Avenue.
- Parking concerns.
- Works are not considered to be in keeping with the Neighbourhood plan or design guide.
- It is suggested there are several covenants on the property which would not allow the proposed works.
- If approved, it has been suggested that conditions are added with regards to working hour, reinstating the front wall and erecting fencing so as to maintain neighbours privacy.
- Concerns with regards to builders accessing neighbours land.
- Concerns over Covid-19.

5.0 APPRAISAL

KEY MATERIAL PLANNING CONSIDERATIONS:

Design and impact on the streetscene
Neighbour amenity

RELEVANT PLANNING POLICY:

The National Planning Policy Framework (February 2019) (NPPF)

5.1 The National Planning Policy Framework, February 2019 (NPPF) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development, summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

5.2 In NPPF Chapter 4 Decision-making, Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.3 In NPPF Chapter 5 Delivering a sufficient supply of homes, Paragraph 68 advises that small sites can make an important contribution to meeting the housing requirements of an area and supports the development of windfall sites within existing settlements for homes.

5.4 In NPPF Chapter 12 Achieving well-designed places, Paragraph 127 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

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

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Upper Poppleton and Nether Poppleton Neighbourhood Plan 2017

5.6 The Neighbourhood Plan is the Development Plan for the application site. Section 38 of the 2004 Act states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

5.7 Village Design Statement Policy PNP 4 states that proposals for development within the villages of Upper Poppleton will be supported where they bring forward high-quality design appropriate to their character and appearance. All new developments within the settlement limits of the villages should respect the Design Guidelines.

5.8 Housing Policy PNP 6A Development with Upper Poppleton and Nether Poppleton states that within the settlement limit of the two villages, as shown on the Policies Map, proposals for the subdivision of an existing dwelling or for the construction of a single dwelling within the curtilage of a domestic property will be supported where the proposals are:

- In character with the surrounding development;
- Designed to safeguard the amenities of existing residential properties;
- Designed to provide appropriate elements of garden and amenity space; and
- Designed to provide appropriate levels of parking and vehicular access to the City of York Council standards at the time of application.

Poppleton Village Design Statement

5.9 Poppleton Village Design Statement, adopted August 2003, includes design guidelines and advises that to conserve the special character of the traditional communities, the size, scale and massing of new buildings and extensions should harmonise with neighbouring properties and spaces; space should be maintained around dwellings. The use of local characteristic details and materials is to be encouraged.

Publication Draft Local Plan (February 2018)

5.9 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF.

5.10 Policy DP3 'Sustainable communities' sets development principles including respecting and enhancing the historic character of York, delivering high-quality design, layout and scale, ensuring appropriate building materials are used. Development should create a high quality, locally distinctive place which relates well to the surrounding area and its historic character, promoting sustainable modes of travel and for development not to contribute to flooding.

5.11 Policy D1 'Placemaking' (read with May 2018 minor modifications) requires development to enhance, respect and complement the historic arrangement of street blocks, plots and buildings, demonstrate that it is of an appropriate density and does not dominate other buildings particularly those of historic interest. Development should not be a pale imitation of past architectural styles, use appropriate materials and demonstrate best practice in contemporary urban design and placemaking, creating active frontages to streets. The design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

York Development Control draft Local Plan 2005

5.12 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that the policies should be afforded very limited weight except when they are in accordance with the NPPF.

5.13 Development Control Local Plan Policy GP1 refers to design for all types of development. Of particular relevance here are the criteria referring to good design and general neighbour amenity. Development proposals will be expected to be of a

density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials. Development proposals will be expected to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.14 Development Control Local Plan Policy GP4a) of the York Development Control Local Plan sets out a clear policy requirement for new development proposals to adhere to the principles of sustainable development particularly through minimising the use of non-renewable resources through materials and construction methods as well as designing for the minimal use of energy through the life of the building.

ASSESSMENT

5.15 The existing dwelling appears to be one of the few properties on Elm Tree Avenue that feature a good size space at either side of the property. The majority of dwellings are characterised by small gap to one side and a garage or driveway to the other. This extra level of space has offered the opportunity to further develop the site, while still maintain a similar and acceptable appearance to its surroundings. A 1m space would be retained to the northern boundary, 0.9m to the southern boundary. The existing building measures 4.9m in height to the ridge and has an eaves height of 2.35m. The replacement dwelling will increase in height by 1m to 5.9m high and will also increase the eaves marginally by around 0.1m. Although the roof will sit higher than the existing dwelling, it is not considered to cause significant harm due to the pitch of the roof and its positioning, with the highest point sitting almost centrally in the plot, mitigating the increase in height with regards to dominance and scale. The new dwelling includes a flat roofed garage to its side (adj. 9 Elm Tree Avenue) and to the rear of this the roof of the dwelling is extended to the side, the ridge running at 90 degrees to the central ridge but 0.5m lower, with a half hip detail to reduce the impact on no.9, although its eaves height on this facing elevation would be higher than the rest of the house. With regards to the increase in height in relation to the surrounding properties, it is considered to be in keeping with a number of other properties on the street sitting at a similar height. The original proposal showed a height of 6.2m, but following amendment, 5.9m is considered to be more in keeping with the street. Although the application looks to increase the overall floor area, the main body of the building is considered to be similar in appearance to the existing dwelling, and the overall appearance and size of the proposed dwelling is deemed to be comparable to the other properties on the west side of the street. While it is acknowledged that Elm Tree Avenue is predominantly made up bungalows, there are a number of properties that do features first floors, one of them being the existing dwelling at 7 Elm Tree Avenue. Though the property will feature a first floor, it will still maintain its appearance as a bungalow style dwelling, especially when considering the eaves of the building will be generally similar to the existing property.

IMPACT ON NEIGHBOUR AMENITY

5.16 Although the replacement dwelling will see an increase in height and width compared to the existing structure, it is not considered to cause any of the surrounding or attached properties any significant harm. Objections have been raised with regards to privacy and overlooking, amendments were sought to address this issue and subsequently the dwelling has been reduced in length so as to set the rear elevation back from the rear boundary. The current distance from the existing house to the rear boundary is 11.4m, this will reduce to 9.3m, and although the dwelling will be closer to the rear neighbours, it is not considered to cause any significant privacy or outlook issues, with the dwelling still over 21m from the rear neighbour's rear dining room window and the existing boundary fence still screening the ground floor from view. As well as seeking a reduction in length, the first-floor windows have also been reduced in size and are deemed to be similar in proportion to the current windows at first floor.

5.17 With regards to the loss of light and overshadowing the proposed dwelling is not considered to cause any major loss of light or shadowing to any of the attached properties. However, due to the orientation and the design of the proposed dwelling, No. 9 Elm Tree Avenue is considered to be slightly affected and could see some shadowing to its side elevation. This being said, it would be unlikely to be significant due to the height and slope of the roof of the side element of the proposal.

Other Issues

5.18 In relation to other comments received; the existence of a covenant on the property is not a planning matter and would be a civil matter. However the granting of planning permission does not override any restrictive covenant. A builder will need to request permission before accessing adjacent land, but this is a civil matter and cannot be dealt with through the planning process.

STORAGE AND PARKING

5.19 The proposed replacement dwelling is located on a lightly trafficked residential street. The existing crossover will remain along with the driveway. An attached garage will be provided with further parking on a driveway to the front. The new attached garage is below usual standards in terms of its length but a car can be parked within it. Space will remain at either side of the property in order to store bins and bicycles at the rear if chosen to rather than being stored in the proposed attached garage.

DRAINAGE AND FLOOD RISK

5.20 The Flood Risk Management Team are aware of the ground conditions and drainage systems in the area. Conditions with regards to the surface and foul water drainage details are recommended.

6.0 CONCLUSION

6.1 The proposed replacement dwelling, although materially larger than the existing bungalow is not considered to be out of place in this location and is also not considered to have any detrimental impact upon the amenities of neighbouring residents due to this it is deemed to comply with the NPPF, PNP4 and PNP6A of the Upper Poppleton and Nether Poppleton Neighbourhood Plan, Policy D1 and DP3 of Draft Plan 2018 and policies GP1 and GP4A of The Deposit Draft Local Plan 2005.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Plans & Elevations - Drg No. 485-04D (Dated March 2020)

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.

Reason: So as to achieve a visually cohesive appearance.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Design considerations.

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

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

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

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

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

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

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

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

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

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

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

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

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

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (extensions), B (roof additions), C (roof alterations), D (porches) and E (curtilage buildings) of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: Because of the new developments increased roof area and footprint and the positioning of adjacent residential properties the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

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:

Amended scheme, reducing the height and length of the proposed dwelling.

2. 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

3. 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:

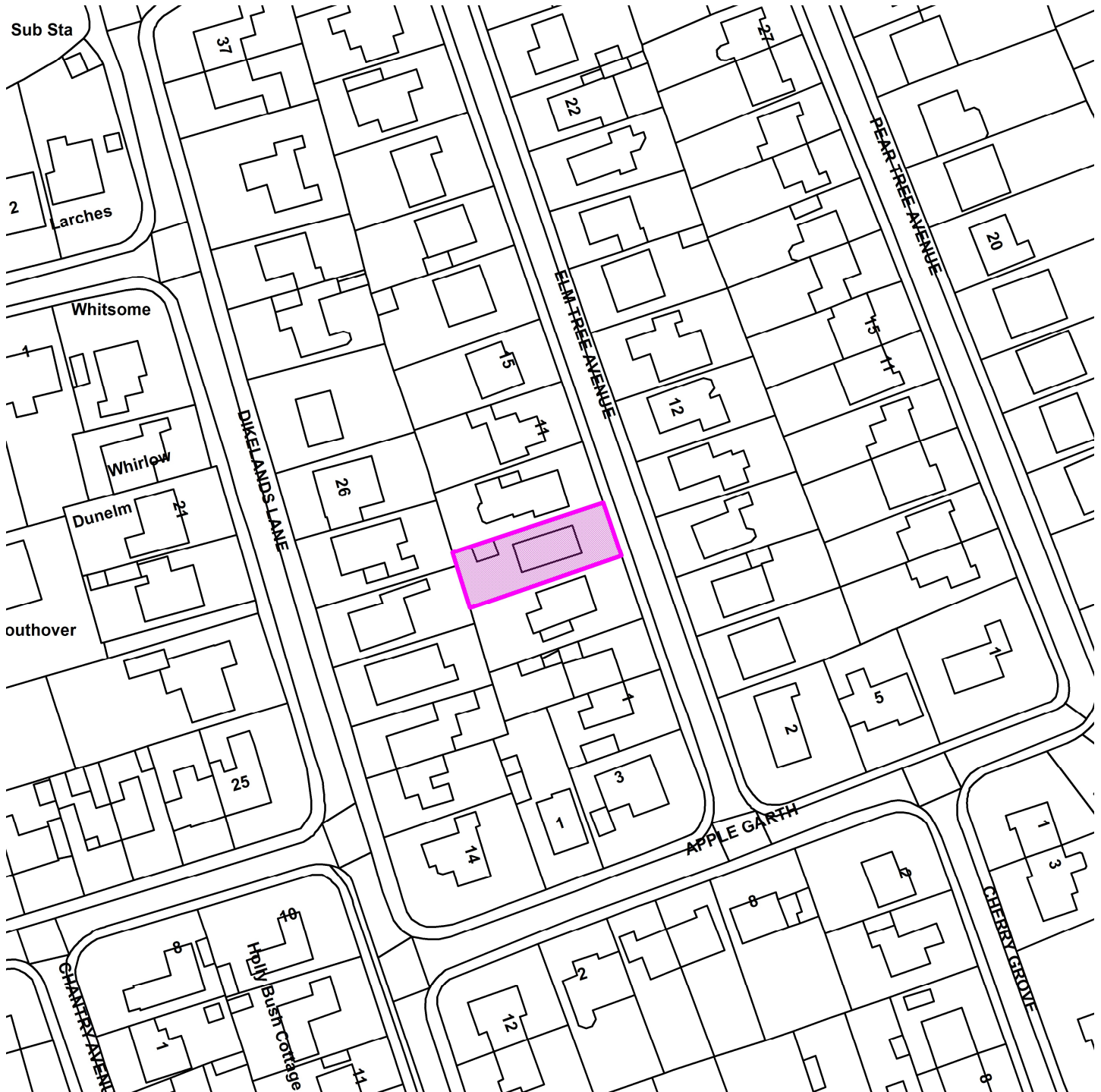
Case Officer: Ed Bainbridge

Tel No: 01904 554033

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19/002546/FUL

7 Elm Tree Avenue, Upper Poppleton



Scale : 1:1138

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 July 2020
SLA Number	Not Set

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COMMITTEE REPORT

Date: 16 July 2020 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 19/01986/FUL
Application at: Crescent Nursery 7 The Crescent York YO24 1AW
For: Conversion of former nursery to form 4 holiday lets comprising 2 x 1 bedroom, 1 x 2 bedroom apartment and 1 studio apartment, with dormer window to rear and associated works
By: Planusual Projects Ltd
Application Type: Full Application
Target Date: 30 June 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is 7 The Crescent, a mid-terrace building of red brick construction. There is a courtyard to the rear with separate access to the public highway. Adjacent to the site is the Crescent Community Venue at no 8 the Crescent, a former working men's club, in use as a community venue since 2015.

1.2 The site is in flood zone 1 and in the Central Historic Core conservation area. The site lies within the city centre boundary as defined by the proposals map accompanying the 2018 Publication Draft Local Plan.

1.3 Planning permission is sought for the conversion of the former nursery to form 4 holiday lets comprising 2 x 1 bedroom, 1 x 2 bedroom apartments and 1 studio apartment, with dormer window to rear and associated works.

1.4 The application as originally submitted included was for permanent residential use and for a large rear extension, pitched roof rear dormer and front rooflights. The extension and the rooflights no longer form part of the scheme and the dormer has been amended to be a flat roof design following comments from the Conservation Architect. The applicant has confirmed their acceptance of the use of the building to be for holiday lets only following comments from the Public Protection Officer.

1.5 The application has been the subject of significant public interest and was called into Planning Area-Sub Committee by Cllr Crawshaw if the recommendation is one of approval.

Planning History

1.6 There were various applications for extension and alterations in the early 1980s and planning permission was granted in 1985 for the change of use from offices to day nursery (ref: 7/09/1256F/PA).

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. The policies in the NPPF are material considerations.

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

Publication Draft Local Plan 2018

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

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

2.4 Relevant Policies

SS3 York City Centre
EC4 Tourism
HW4 Childcare Provision
D1 Placemaking
D3 Cultural Provision
D4 Conservation Areas
D11 Extensions and Alterations to Existing Buildings
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development
ENV2 Managing Environmental Quality
T1 Sustainable Access

2005 Development Control Local Plan

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

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 Childcare has always been considered against community facility policy rather than education policy. National planning policy guidance (both NPPF 2012 which the plan is being examined under and also NPPF 2019) is silent on childcare facilities specifically, presumably because it falls under the general community facilities references. The childcare policy in the plan is considered to be in response to the Childcare Act and the Local Authority's duty to secure sufficient childcare for working parents. The supporting evidence for the policy comes from the Joint Health and Wellbeing Strategy and the Council's Childcare Sufficiency Assessment. The sufficiency assessment is used to understand how well childcare matches families' needs. Forward Planning believe this has been the driving force behind the

childcare policy in the plan, to help support the CYC childcare team to meet their duty under the act.

3.2 The purpose of the policy is to realistically protect as far as we can childcare provision. The Childcare Act refers itself to securing sufficient childcare for working parents 'so far as reasonably practicable'. As explained on the link above, and in the plan, the early years and childcare market is dynamic and changes can happen over a short period of time.

3.3 Additional capacity is created through a combination of commercial market forces and stimulation and support led by the Early Years and Childcare Service. In facilitating childcare provision the Early Years and Childcare Service can provide support to providers to remain financially viable so that they remain open.

Early Years and Childcare Service

3.4 Due to the work and associated financial investment that is ideally required on the building to make it more suitable for use as an early years and childcare provision, it is unlikely that an early years provider would choose to rent this building for use as a nursery. Even with a substantial amount spent, it would still not make an ideal building for use as early years and childcare provision for the reasons outlined by the applicant.

3.5 Whilst premises are limited in this area of the city, there is a strong argument that it would be more financially viable for anyone considering opening a new childcare provision to use their financial investment to support the development of a more suitable, possibly larger building.

Design Conservation and Sustainable Development (Conservation)

3.7 The Crescent has suffered from inappropriate alterations over the years with extensions, the loss of large gardens and the addition of roof lights. It's character and appearance, however, is still easily identifiable and what survives should be, at least preserved, and hopefully enhanced. The roofscape of the Crescent makes a positive contribution to character and appearance and, moreover, No. 7 has retained its original form without the addition of dormers or rooflights.

3.8 There was an objection to the original scheme involving the rear extension, rear dormer and front rooflights.

3.9 On balance and bearing in mind all the other dormers that exist, no objection to the revised plans.

Highways Network Management

3.10 Highway Development Control has no objection to this development in principle.

3.11 As this would be a holiday let, the property would not be eligible to use on-street parking which is reserved for residents unless they apply for a guest house parking permit. Please note that these might not be available in areas where on-street resident parking is in high demand.

3.12 Note the addition of a secure cycle store although the design would need to be revised to provide 4 cycle spaces in accordance with our guidance. This can be conditioned.

Public Protection

3.13 The proposed holiday lets are within York City Centre and adjacent to the Crescent WMC, a community venue that holds events such as comedy nights and music nights. Therefore there will be external noise sources as well as noise and vibration transfer from the Crescent WMC that could affect the occupiers of the holiday lets. This could therefore result in the internal noise levels within the flats not meeting the internal noise level recommendations as per BS8233:2014.

3.14 The applicant has provided a noise assessment undertaken by Surface Acoustics dated February 2020. This noise assessment measured noise levels from the operation of the Crescent WMC, at various frequencies, and on the evenings/nights the noise was measured the entertainment provided by the Crescent WMC included a rock band, dub band and electro band thus ensuring that the noise from the venues was representative of the worst case scenario for any disturbance to the occupiers of the proposed holiday lets.

3.15 The assessment measured the noise levels from the events and used this data to calculate the required sound reduction to achieve the recommended internal levels as per BS8233:2014. The mitigation measures proposed included glazing,

ventilation as well as structural insulation. In terms of meeting the requirements of BS8233:2014 the assessment is accepted.

3.16 The assessment did advise that once the mitigation measures are in place there may be areas of the building that are structurally weak and as a result low frequency noise may still transfer to the internal rooms of the holiday lets.

3.17 Therefore in order to ensure that the mitigation measures are installed correctly and to assess whether after these mitigation measures are installed they sufficiently reduce the noise levels and address any transfer of low frequency noise then a sound insulation test condition is recommended.

EXTERNAL

Micklegate Planning Panel (response to revised plans)

3.18 We object on planning grounds. We object to the change of use and support the objections from the Councillors.

Yorkshire Water

3.19 No comment to make.

4.0 REPRESENTATIONS

4.1 The application has been advertised by neighbour notification, press notice and site notice. 214 objections were received.

4.2 The issues raised in the objections are summarised below.

4.3 Loss of childcare facility

- Lack of childcare provision in this area of York
- Finding alternative childcare locations in this area of the city (Micklegate) will be difficult
- Loss of employment opportunities resulting from change of use to residential
- Impact on parent's ability to return to work due to the lack of suitable childcare provision

- Contrary to policy HW4 (Childcare), D3 (Cultural Provision) of the Draft Local Plan 2018
- We, as members of the local community, have heard first hand about the inconvenience of this nursery closing down from local residents and I believe this application should be refused due to the closure of necessary existing childcare facilities to make way for residential development
- York is in short need of nurseries and not more expensive flats
- removal of this provision has moved Micklegate from medium to high risk in relation to childcare sufficiency
- Conversion of a nursery into residential property is against the local plan.
- Surely, another nursery company should be tempted back into the space?

4.4 Impact on Crescent Community Venue

- Building has been in use for more than 100 years as a performance venue
- Since the community venue opened it has been cornerstone of York's music scene and a vital part of the city's cultural offer
- Some of the tradition and ethos of the WMC has been retained such as weekly dominoes sessions.
- Until closure of nursery both the nursery and the community venue co-existing without difficulties. One being a daytime venue and the other a night time venue.
- Future occupants would be significantly impacted by the existing business and the applicant should be required to provide suitable mitigation
- do not believe it would be possible to sufficiently insulate a building which shares a party wall to the level that would be required to ensure future occupants are not disturbed by the reasonable activities of the pre-existing music venue.
- Across the country music venues have been forced to close down due to new neighbours moving in and making noise complaints
- Contrary to policy HW4 (Childcare), D3 (Cultural Provision) of the Draft Local Plan 2018, national planning policy and purple flag vision
- Properties immediately adjoining the Crescent should not be considered for residential development as it will be almost impossible for them to integrate effectively with the existing business due to sound travelling through the fabric of the buildings
- Unless developers fully soundproof the properties there is a risk of complaints and then closure of a social and cultural hub which is vital to the city.

- the Crescent Community Venue is a such a vital part of York's culture drawing in thousands of locals and visitors of all ages to the city every year
- city has needed this type of venue for years
- A great place for excellent music, family events, festivals, safe welcoming place for all
- Need more low cost housing and to protect our community assets
- Crescent Community music venue offers something to residents that no other place does. Without it, York will lose out to Leeds and Manchester in terms of live music and the night time economy.
- York in the late 80s and early 90s had a vibrant music scene, unfortunately a lot of these venues have closed down.
- Great shame in the increasing 'ghettoisation' of town at the weekend with bands of hens and stags and other drinking parties turning York into a no-go area. Maybe by supporting and improving local venues, could tempt people back into the city and provide experiences for people that wish to spend quality time.
- It is one of the only places in this city that houses a diverse range of acts which you will not find elsewhere in the city, it is family run and it would be a monumental loss to the York music scene.
- The Crescent is one of the best venues I have been to. It serves a wide audience and retains the traditional feel if a warm and inviting community centre. More than a pub, more than a venue. York needs this, it's a really important venue and it's such a pleasure to see so many sold out gigs. It's a success. Please let it be
- York doesn't have an actual arts centre and so somewhere like The Crescent is a true 'creative hub for York's people
- This venue is now successful due the hard work of local people. As the venue already has a music licence it should get priority over further residential development
- have a substantial negative financial impact on their business, their ability to provide such events in the future, and may well reduce the community events they hold at a time when local community events and venues are in substantial decline.
- not fully objecting to this conversion - empty buildings are never a good thing - however, if the build goes ahead the onus should be upon the developers to mitigate any potential issues there may be with the neighbouring entertainment venue
- This property should be developed, but only in a way that allows for the continued functioning of the Crescent as a venue

4.5 Other concerns

- Flats will add nothing to the cultural fabric of the City
- Does York need four more apartments? If it was social housing maybe but new apartments for commercial profit in this location are not needed
- conversion to residential will not assist in supporting current Local Draft Plan of circa 790 affordable homes per year
- plenty of other properties that need developing and this isn't one of them
- not sufficient to look at an individual application without looking at possible outcomes for the wider community.

4.6 The Music Venue Trust has objected on the following grounds to the original scheme raising the following matters:

- Contrary to para 6 of the NPPG, para 123 of the NPPF, para 70 of the NPPF and para 182 of the NPPF
- No local policies regarding night time economy or local cultural output (Officer response: this is incorrect, Policy D3 of the 2018 Draft Plan is relevant).
- contrary to the briefing on York's Evening and Night-Time Economy for Scrutiny Management Committee which supports proposals which reinforce and promote York's role as a positive centre for tourism, culture and events and as a key destination for business tourism.
- Several music events each week in the form of live bands and singers, dj and electronic music nights and children's discos as well as comedy performances, films, youth theatre, quizzes, beer and music festivals, book and record fairs and various meetings and has thus not only become a significant presence in the York music scene but also added to the social life of the city
- Crescent Venue created employment
- Allowing the proposed development to take place would adversely affect the ability of The Crescent to operate as a music and cultural venue and could possibly result in the loss of the venue
- York is already publicly committed to supporting the night-time economy through the 'Purple Flag Initiative'.
- the loss of music venues is a UK wide issue and justifying the loss of one venue on the basis that there might be others in the same city – within a planning policy context which protects such premises – provides no justification what so ever

- there is no comparison between The Crescent Community Centre with the other premises within the City as no other venue in York provides the same function that The Crescent Community Centre does to its local community and the cultural output of York
- A range of premises are needed from pubs that have occasional open mic nights, to grassroots music venues of varying sizes, to larger commercial music venues. These different music venues cater for performers at varying stages of popularity and professionalism and offer entirely different listening and cultural experiences for those in attendance
- Alternative premises in York do not operate in the same market as The Crescent Community Centre. These alternative premises do not perform the same function as The Crescent Community Centre due both to their sizes and capacity as well as their programming choices which are materially different to those of The Crescent Community Centre, a grassroots music venue
- Crescent Community Centre is not 'competing' with the other venue. Its loss would therefore result in a manifest reduction in the range of music venues available within the city. There would be a clear and demonstrable harm to the cultural offering within the city
- Nothing within the submissions made by the applicant provides any special planning justification that would support its loss. It is operating successfully, has no particular environmental history that would justify its removal as an environmental benefit and, indeed, has considerable local support. Moreover, it is becoming increasingly problematic for venue operators to find and operate music venues, particularly in city centre locations. We note that the applicant does not suggest that the facility could somehow be re-provided.

4.7 Cllr Kilbane (Ward Councillor) objected citing the following concerns:

- Contrary to Policy HW4 as shortage of childcare provision in ward.
- Removal of provision would move Micklegate from medium to high risk in terms of childcare provision.
- Impact on Crescent music and performance venue in terms of cultural amenity and York's music scene.
- Paragraph 182 of the NPPF applicant should be required to provide suitable mitigation. Properties immediately adjacent should not be considered for residential use
- Contrary to Policy D3 of the 2018 Draft Plan
- Difficult to see how they could soundproof sufficiently

4.8 Cllr Crawshaw (Ward Councillor) objected citing the following concerns:

- Contrary to para 7 of the NPPF, sustainable development.
- Proposal does not meet the HW4 policy exemptions
- Regular complaints over the lack of childcare
- Nursery was still fully subscribed
- Medium to high risk regarding childcare provision in ward
- No suitable accommodation in South Bank area
- Crescent venue operating over 100 years
- Cornerstone of music scene and cultural offer
- Lack of similar sized venues
- No current conflict to daytime and night time uses
- Impact on future occupants, agent of change

4.9 Cllr Taylor (Fishergate ward) objected citing the following concerns:

- Will not provide suitable accommodation next to live music venue
- Doubt noise attenuation could reduce levels of noise seepage to an acceptable degree
- Unacceptable demand on the business and wider community if closed

4.10 Following the submission of revised plans, a further consultation was undertaken. 5 new points of objections were received.

- Residential use or holiday use not appropriate for the area given proximity to clubs and bars which form essential part of the night time economy and need protecting from developers.
- This does not change opposition to the development. Don't think that the fact that the flats will be occupied on a short term basis will diminish the likelihood of noise complaints being raised. The risk of poor reviews on travel websites could lead to the business owners making these complaints.
- Do not consider that the assessment of the problems experienced by the nursery support the application. It does show that the nursery needed some investment to improve the way in which it could operate. The changes proposed to convert the building to self-contained flats appear much more radical than those that would be required to support its continued operation as a nursery.
- Only change seems to be the assertion that the building is not fit for childcare because the business wasn't run efficiently.

- There is nothing showing plans, there is nothing outlining how the building will be soundproofed.
- York does not need more holiday lets. We need affordable homes for local residents.

5.0 APPRAISAL

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for this part of York.

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

5.3 Main Issues

- proposed residential (holiday accommodation) use
- impact on childcare provision
- impact on neighbouring community venue
- impact on the character of the conservation area
- impact on the streetscene
- impact on amenity and living conditions of adjacent occupiers
- highways and parking
- sustainability

PRINCIPLE OF DEVELOPMENT

5.4 The site lies within York City Centre as set out in the proposals map accompanying the 2018 Publication Draft Plan. Moderate weight can be applied to Policy SS3 of the 2018 Draft Plan which advises that dwellinghouses are acceptable in principle in the city centre. Tourism in York will contribute to a diverse economy. This will be achieved by supporting proposals that relate to maintaining and improving the choice and quality of visitor accommodation to encourage overnight stays, particularly by higher spending visitors. This is in line with paragraph 85 a) of the NPPF which states that planning policies should allow a suitable mix of uses,

including housing in town centres. Paragraph 85f) states that policies should encourage residential development on appropriate sites.

5.5 Given the above, it is considered holiday accommodation is acceptable in principle, in this location.

IMPACT ON CHILDCARE PROVISION

5.6 The Department for Education's November 2019 guidance on 'Securing developer contributions for education' notes that "while many early years settings fall within the private, voluntary and independent (PVI) sector, local authorities have a duty to ensure early years childcare provision within the terms set out in the Childcare Acts 2006 and 2016."

5.7 Policy HW4 of the 2018 Draft Plan carries moderate weight and states that proposals which fail to protect existing childcare facilities will be refused unless it can be demonstrated that the provision is no longer required, no longer viable, or if equivalent replacement facilities can be provided elsewhere.

5.8 A number of objections to the application have highlighted the loss of the Nursery in terms of childcare provision. However, as the applicant and the Council's Childcare team have noted, when the existing nursery closed all of the attending children were located elsewhere within 1.5 miles. This is considered to meet the test of 'equivalent replacement facilities' being provided elsewhere. Furthermore, there are concerns over the quality of the existing accommodation for the use as a childcare facility and it is not considered reasonable to refuse the application for this reason.

IMPACT ON THE EXISTING CULTURAL AND MUSIC VENUE

5.9 Paragraph 92 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

5.10 Paragraph 182 goes on to say that decisions should ensure that new development can be integrated effectively with existing businesses and community

facilities (such as places of worship, pubs, music venues and sports clubs). 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.

5.11 Policy D3 of the 2018 Draft Plan carries moderate weight states that proposals will be supported where they are designed to sustain, enhance, and add value to the special qualities and significance of York's cultural character, assets, capacity, activities, and opportunities for access. Development proposals will be supported where they do not cause the loss of cultural facilities, activities, or services; and do not cause the loss of venues or spaces, including in the public realm, that deliver cultural opportunities, activities, or services.

5.12 The Crescent Community Venue is a long standing community venue holding a variety of events in the evening including live music and Draft Policy D3 and paragraphs 92 and 182 of the NPPF are relevant. The building is next door to and attached to the application site forming part of the same terrace. The internal layout of the site is such that the bar area is at the front of the building and the stage area is to the rear in an existing single storey rear extension. From discussions with the owners it was understood that the bar area is also used for some events. As a number of representations make clear the arrangement of a day time use of a nursery complemented the Crescent Venue's evening activities.

5.13 The proposed change of use of the existing building from a day nursery to residential accommodation, would see a clear shift in when the site is predominantly occupied. As an 'agent of change' the onus is on the applicant to demonstrate suitable mitigation to protect the viability of the venue. The application as originally submitted was for the proposed use to be permanent residential accommodation. However given the concerns raised by officers and members of the public concerning amenity and the impact on the viability of the existing venue if noise complaints are made, the applicant has put forward restricting the use to holiday accommodation only and produced a noise assessment that has been considered by the Council's Public Protection Officer. The impact on amenity is considered further below.

IMPACT ON AMENITY

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

5.15 The main issues arising from the change of use is the location of the application site next door to an existing live music venue. The Crescent venue is includes late night live music and entertainment events. Not only does this include noise and vibration from inside the venue, it also means the gathering of patrons of the club outside the venue, and therefore the application site, at unsociable hours leading to an increase in noise levels. Some patrons will also be outside to smoke.

5.16 This presents a number of a difficulties for a residential use in the building next door, one which proposes sleeping accommodation to rooms at the front of the building, closest to the venue entrance. The applicant intends to overcome these issues by using noise insulation measures to the windows at the front and to the party wall shared with the venue and by the use of mechanical ventilation to the bedrooms that will enable the windows to be fixed closed. The applicant has also confirmed they intend for the residential use to be holiday accommodation. The Council's Public Protection Officer has considered the information and is of the view that holiday accommodation that this is acceptable subject to the sound insulation measures being carried out and secured by condition. Subject to appropriate conditions covering the noise insulation measures, restricting window opening and occupancy restrictions the proposal is therefore considered to be acceptable with regard to amenity and also is considered to protect the existing cultural venue, the Crescent Community Venue.

IMPACT ON THE CHARACTER OF THE TERRACE AND THE CONSERVATION AREA

5.17 The statutory duty contained in section 72 of the 1990 Act is in addition to government policy on heritage assets contained in Section 16 of the NPPF. The NPPF classes Conservation Areas as "designated heritage assets". Paragraph 190 of the NPPF advises that the particular significance of a heritage asset that may be affected by the development proposal should be identified and assessed. Paragraph 192 states with regard to heritage assets that when determining applications local planning authorities should take account of:

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

5.18 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.19 Policy D4 of the 2018 Draft Plan states proposals within or affecting the setting of a conservation area will be supported where they are designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance and respect important views.

5.20 General design guidance is provided in Section 12 of the NPPF which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Policies D1 and D11 of the 2018 Draft Plan are also relevant.

5.21 The site lies within character area 23 (Blossom Street and Nunnery Lane) of the Central Historic Core Conservation Area. The Victorian terrace, The Crescent is designated as 'buildings of merit'. The rear elevation of the Crescent terrace retains an impressive sweep that is visible from certain viewpoints. It is noted that most of the rear roof slopes now have dormers with the application site being one of the few exceptions. Given this, it is considered that dormers now form part of the character of the terrace and to resist any form of dormer on the rear roof slope would be difficult to justify.

5.22 Following the removal of the rear extension, the front rooflights and the amendment to the design of the dormer, it is considered that the modest flat roof dormer would not harm the character of the terrace or the conservation area as such would not conflict with paragraphs 127 and policies on heritage assets of the NPPF or Policies D1, D4 and D11 of the 2018 Draft Plan. Conditions are recommended to cover the detailed design and materials of the proposed dormer.

HIGHWAYS AND PARKING

5.23 Paragraph 108 of the NPPF states that when assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. Policy T1 of the 2018 Draft Plan is also relevant.

5.24 The application is in a very sustainable location close to bus stops and shops on Blossom Street. The railway station is also within walking distance. Given this, designated car parking is not considered necessary. There is space to the rear of the building to allow for a cycle store, the details of which could be left to planning condition. The proposal is considered to be acceptable with regard to highways and parking.

6.0 CONCLUSION

6.1 Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. The proposed change of use from a children's day nursery is considered to comply with the national and local planning policies in this regard given the layout of the building and that existing places were available elsewhere when the nursery closed. Subject to noise insulation measures and the occupancy being controlled by conditions the proposal is also considered to provide suitable mitigation to meet the 'agent of change' requirements in the NPPF and to protect the Crescent Community Venue. The revised proposals have also removed the initial identified harm to the character of the conservation area and the proposal is considered to preserve not only the character of the designated heritage asset, but also that of the streetscene. The application site is in a sustainable location in the city centre, where policy encourages residential use and tourist accommodation. The sustainable location and cycle parking also ensure the proposal is satisfactory with regards to highways. Taking this into account and the matters raised by public representations, the proposal is considered to be acceptable subject to the following conditions.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

18047-001; 18047-007 P02; 18047-101 P01; 18047-102 P01; 18047-103 P01;
18047-104 P01; 18047-105 P01; 18047-130 P01; 18047-131 P02;
18047-133 P02; 18047-135 P02

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

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

The dormer and its window at scale 1:20

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

4 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 in the construction of the dormer 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.

Reason: So as to achieve a visually cohesive appearance.

5 HWAY18 Cycle parking details to be agreed

6 The building shall not be used for any purpose within class C3 of the Town and Country Planning Use Classes Order other than for holiday letting. For the purpose of this condition "holiday letting" means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year.

Reason: The premises are unsuitable for permanent, independent residential occupation due to the proximity of the building to the established live music venue next door.

7 A register of all guests using the holiday lets shall be kept, including dates and durations of each stay by each guest, and the register shall be made available for inspection by the Local Planning Authority at 48 hours' notice.

Reason: To enable the Local Planning Authority to regulate and control the development as short term holiday letting accommodation, having regard to Policies SS3, D3 and ENV2 of the 2018 Publication Draft Plan coupled with the requirements of paragraphs 127(f) and 182 of the National Planning Policy Framework 2019.

8 The holiday lets shall not be occupied until a sound insulation test has been carried out and the results submitted to and approved in writing by the local planning authority. The test shall be carried out to show that the predicted noise levels as stated within Surface Noise Assessment dated February 2020 have been achieved as well as all bedrooms within the holiday lets achieving NR20 and living rooms achieving NR25. The sound insulation measures as approved by the local planning authority shall be permanently retained thereafter

Reason: To protect the amenity of people living in the new property from externally generated noise and to ensure unreasonable restrictions are not placed on the adjoining live music venue as a result of the approved development and in accordance with the National Planning Policy Framework.

9 The windows to the front elevations of the building shall be fixed shut at all times.

Reason: To protect the amenity of people living in the new property from externally generated noise and to ensure unreasonable restrictions are not placed on the adjoining live music venue as a result of the approved development and in accordance with the National Planning Policy Framework.

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:

Revised Plans

Appropriate planning conditions

2. INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater

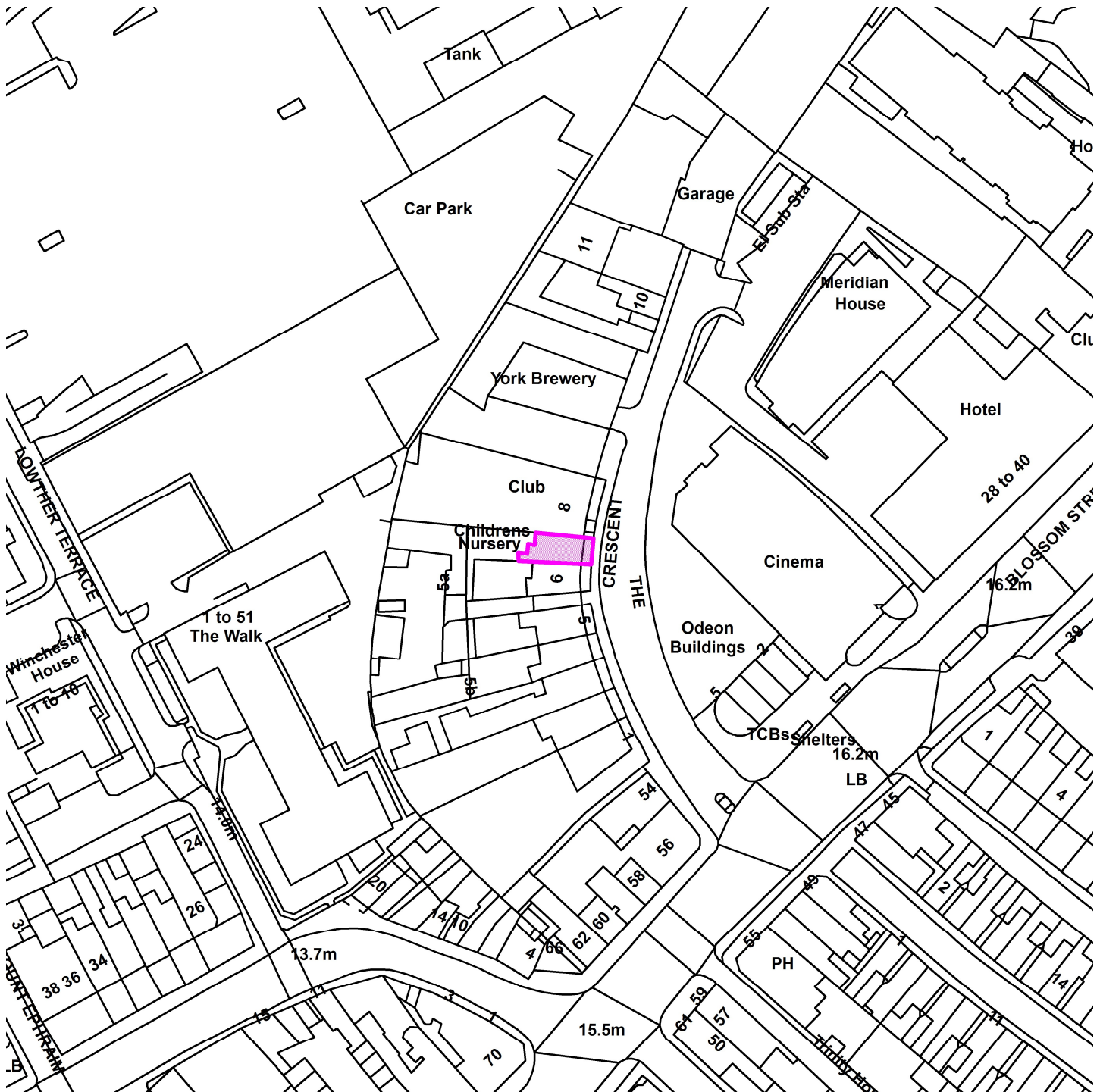
than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). All bedrooms within the holiday lets shall achieve NR20 and livingrooms shall achieve NR25. 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.

Contact details:

Case Officer: Tim Goodall
Tel No: 01904 551103

19/001986/FUL

Crescent Nursery, 7 The Crescent



Scale : 1:1138

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	07 July 2020
SLA Number	Not Set

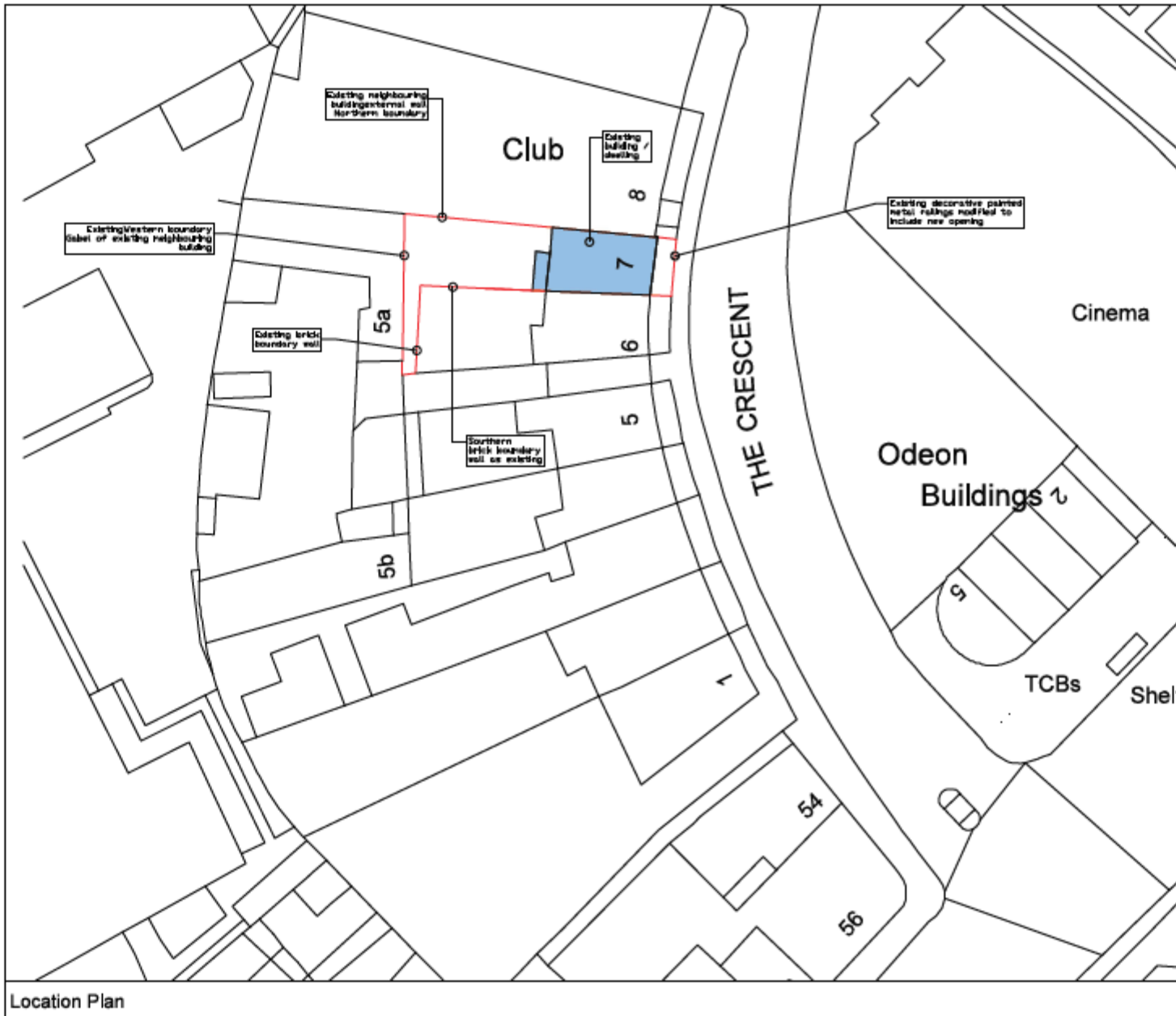
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Area Planning Sub-Committee

19/01986/FUL

7 The Crescent



Location Plan

P02	04/03/20	Proposed Extension Removed
P01	24/08/19	Additional Information added
revision	date	description

dc-architecture
 Studio 112, Middlehope Business Park
 85a-86a Lane, Harrogate, York, YO23 2BD
 t: 01804 708941 e: studio@dc-architecture.com

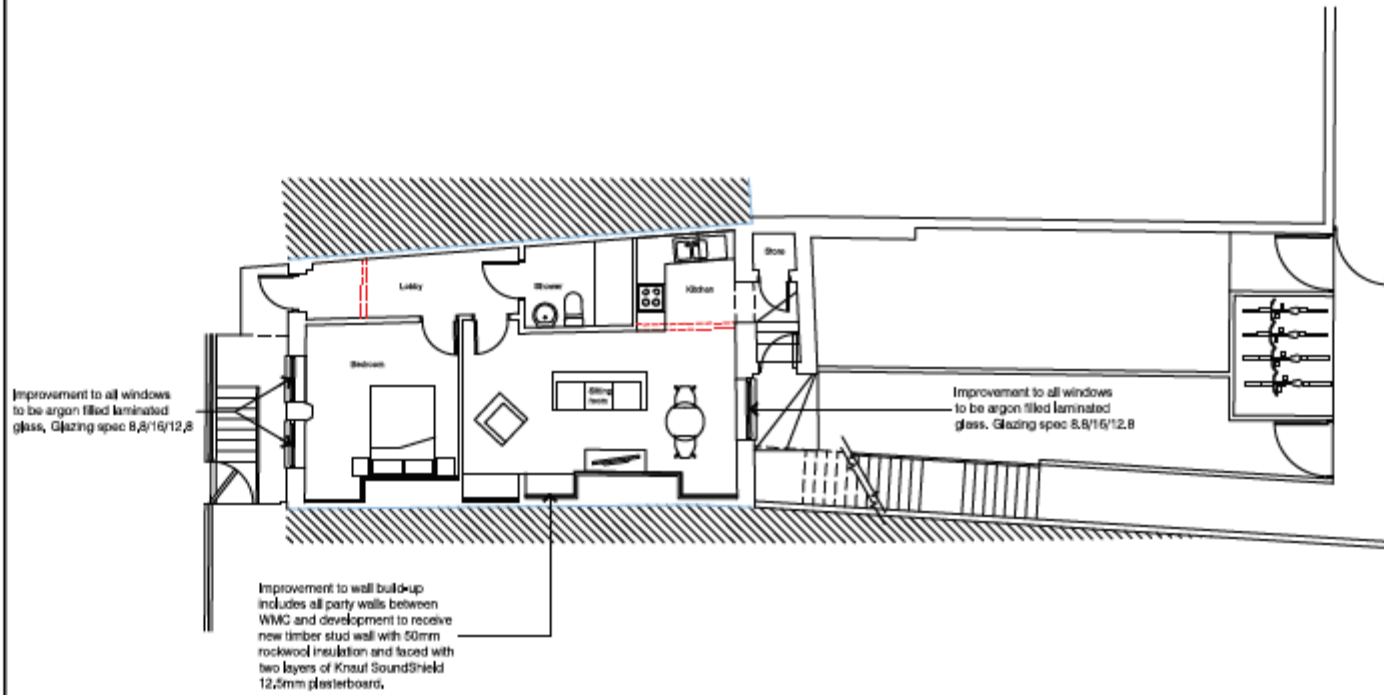


project
 7 The Crescent
 York YO24 1AW

drawing
 Block Plan

scale
 1:500

job number	date	status	drawing number	revision
18047	05.09.19	Planning	007	P02



Improvement to all windows to be argon filled laminated glass. Glazing spec 8,8/16/12,8

Improvement to all windows to be argon filled laminated glass. Glazing spec 8,8/16/12,8

Improvement to wall build-up includes all party walls between WWC and development to receive new timber stud wall with 50mm rockwool insulation and faced with two layers of Knaufl SoundShield 12,5mm plasterboard.

PROPOSED LOWER GROUND FLOOR PLAN

PROJ: 16047 Proposed Extension and Renovation
DATE: 05/08/19

de-architecture
Studio 10, 100 Waterloo Business Park
100 Waterloo Business Park, Waterloo, ON N2L 2G9
1-800-361-2222 or 519-885-2222
info@de-architecture.com

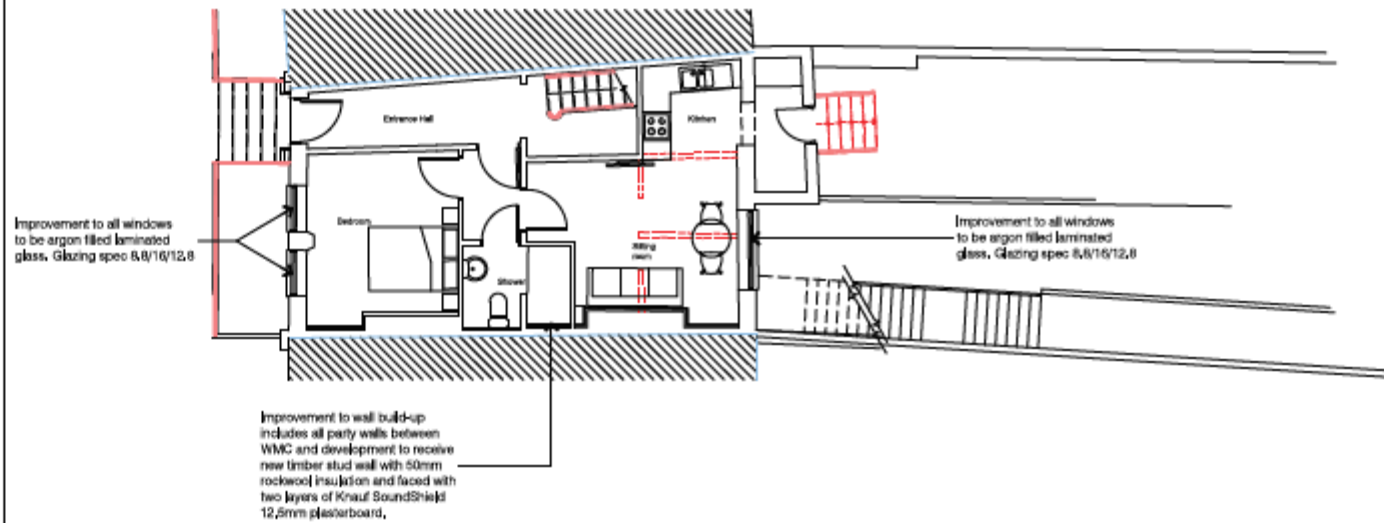
dca

7 The Crescent, York

**Proposed
Lower Ground Floor
Floor plan**

1:100 @ A3

DATE	05/08/19	SCALE	102	NO.	101
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PROPOSED GROUND FLOOR PLAN

PN 10000 Proposed Extension and Renovation
Date: 05/08/19

dc architecture
100 The Crescent, York
YO1 1XX
Tel: 01904 770000
Email: info@dcarchitecture.com

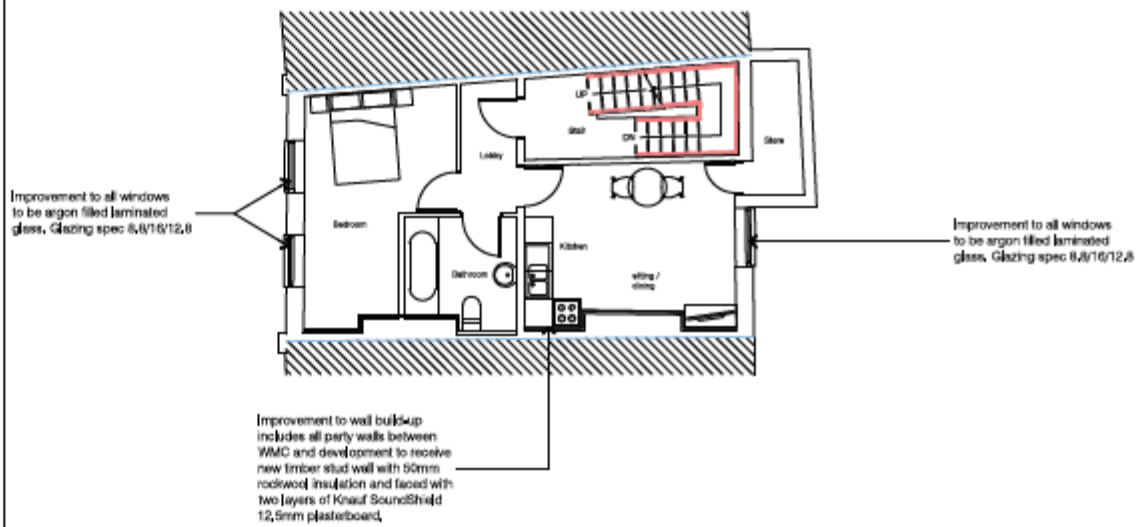


100 The Crescent, York

Proposed
Ground Floor
Floor Plan

Scale
1:100 @ A3

PN 10000 05/08/19 Planning 103 P01



PROPOSED FIRST FLOOR PLAN

PROJ: 16047 Proposed Extension and Renovation
DATE: 05/09/19
DRAWN: [unintelligible]

de-architecture
Studio 10, Redcliffe Business Park
Redcliffe Lane, Southampton, SO9 4JH, UK
T: 01703 616161 E: studio@de-architecture.com

dca

7 The Crescent, York

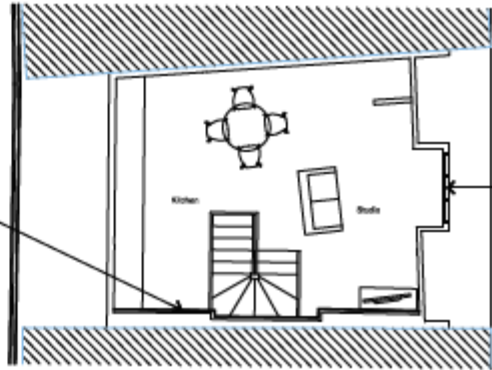
PROPOSAL
First Floor
Floor Plan

SCALE
1:100 @ A3

PROJ NUMBER: 16047 DATE: 05/09/19 DRAWING NUMBER: 104 PLOT: P01

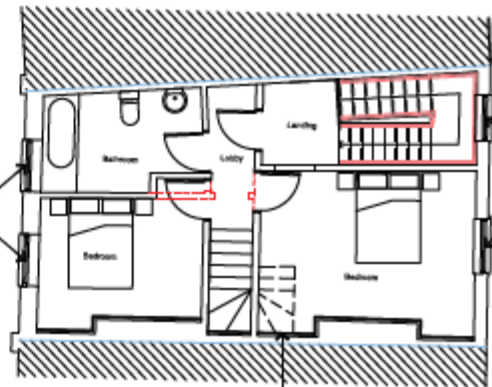


Improvement to wall build-up includes all party walls between WMC and development to receive new timber stud wall with 50mm rockwool insulation and faced with two layers of Knauf SoundShield 12.5mm plasterboard.



Improvement to all windows to be argon filled laminated glass. Glazing spec 8.8/16/12.8

Improvement to all windows to be argon filled laminated glass. Glazing spec 8.8/16/12.8



Improvement to all windows to be argon filled laminated glass. Glazing spec 8.8/16/12.8

Improvement to wall build-up includes all party walls between WMC and development to receive new timber stud wall with 50mm rockwool insulation and faced with two layers of Knauf SoundShield 12.5mm plasterboard.

PROPOSED SECOND & THIRD FLOOR PLAN

PN 10000 Proposed Extension and Renovation
Date: 05/09/19

dc architecture
100 The Crescent, York
Tel: 01904 777777
www.dca-architecture.com



100 The Crescent, York

Proposed
Second & Third Floor
Floor Plans

1:100 @ A3



PN 10000 05.09.19 Planning 100 P01



Note -

Materials :

1. Dormer window
2. Windows to match existing
3. Black painted gate to match existing railings
4. Timber frame and boarded cycle storage

P02 020600 Elevations following structural planning
 P01 000500 Proposed Elevations and Railings Revised
 revision date description

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 Studio 12, Middlehope Business Park,
 200 East Lane, Harrogate, York, YO21 2EG
 t: 01834 300411 e: info@dc-architecture.com



7 The Crescent, York

dc-architecture
 Proposed
 Elevations
 West / Rear

scale
 1:100 @ A3

job number date status drawing number sheets
 18047 05.09.19 Planning 131 P02



COMMITTEE REPORT

Date: 16 July 2020 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 19/01588/FULM
Application at: York City Living Limited 22 - 26 Blossom Street York YO24 1AJ
For: Conversion of building to form 7no. apartments and 1no. studios with redevelopment of land to rear to include erection of detached three storey building to create 5no. apartments and 3no. studios (16 units in total) with external alterations including dormer window to front of main dwelling and associated landscaping, cycle parking and refuse storage.

By: York City Apartments Ltd
Application Type: Major Full Application
Target Date: 9 March 2020
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1. 1 The application site is currently vacant but was formerly the New York Club and Institute. There is a garden to rear and the property has been extended to the rear. Beyond the site to the rear is a private car park and the property is situated in between two buildings that comprise of the Premier Inn hotel. It is in a commercial area with a number of retail, restaurants and public houses, hotels and a cinema.

1.2 It is a Grade II listed building and located within the York Central Historic Core Conservation Area: Character Area 23: Blossom Street and Nunnery Lane. It is also an area that forms part of the Area of Archaeological Importance (AAI). The site is located within the city centre boundary as per the Publication Draft Local Plan Policies Map (2018) and also located within Blossom Street local centre (Ref: 2) (Retail Study Update Addendum 2014).

1.3 Planning permission is sought for the conversion of the building to form 8 flats; 1 x studio, 4 x 1 bedroom and 3 x 2 bedroom flats. In order to facilitate the conversion of the building to residential the proposals involve a number of internal and external alterations. The external alterations include the installation of a dormer window to the front, and a conservation rooflight to the rear roofslope. The existing paint will be removed from the front elevation with the original brickwork cleaned and restored, where necessary. Other alterations to the building include the creation of a carriageway through the central part of the ground floor of the building with the first floor sailing over. Access from Blossom Street will be secured by the installation of gates. To the rear, the proposal involve the demolition of modern extensions and the excavation of patio areas at lower ground floor level for the use of the two

maisonette flats provided over the lower ground and ground floor flats. Windows in the rear elevation will be repaired or replaced.

1.4 Additionally, the lower ground floor windows in the front elevation of the building at partly street level will be reinstated and railings installed in front of the windows, as well as the reinstatement of the pavement lights on Blossom Street.

1.5 Further, the proposal involves the erection of a detached residential building to provide 8 flats in total (3 x studio flats and 5 x 1 bedroom flats). The building is designed as a part three and part two storey (with rooms within the roofspace) following excavation to provide a lower ground floor. The building includes an attached bin store to serve the whole development.

2.0 POLICY CONTEXT

2.1 PUBLICATION DRAFT LOCAL PLAN 2018

SS3	York City Centre
H2	Density of Residential Development
H3	Balancing the Housing Market
H10	Affordable Housing
D1	Placemaking
D4	Conservation Areas
D5	Listed Buildings
D6	Archaeology
D11	Extensions and Alterations to Existing Buildings
GI4	Trees and Hedgerows
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access
DM1	Infrastructure and Developer Contributions

2.2 DRAFT 2005 DEVELOPMENT CONTROL LOCAL PLAN (DCLP)

GP1	Design
GP4a	Sustainability
GP4b	Air Quality
GP10	Subdivision of Gardens and Infill Development
GP13	Planning Obligations
NE1	Trees, Woodlands and Hedgerows
HE3	Conservation Areas

HE10	Archaeology
T4	Cycle Parking Standards
H2a	Affordable Housing
H5a	Residential Density

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (DCSD) (Conservation Architect)

3.1 The applicant has responded to previous concerns in respect to internal works, which would have resulted in the loss of historic fabric following the sub division of original rooms. The proposals now seek to reintroduce the original plan form based on surviving evidence and professional opinion. One key aspect of this is the reinstatement of the carriageway. This is a major benefit and better reveals the heritage significance of the listed building and will offset any harm that some of the other alterations may cause. The introduction of duplex apartments across the ground and lower ground floors which has allowed the reinstatement of the staircase for no. 26 Blossom Street is an additional benefit.

3.2 The revised application has also addressed concerns in respect to some of the external works proposed, including clarity in respect to windows, air bricks/extract grilles, gates and reduction to the number of rooflights.

3.3 The proposals introduce mechanical ventilation, which has been carefully handled and considered and on balance this provides an acceptable solution to providing a sustainable future for this listed building.

3.4 The structures proposed for demolition are unsightly and have a negative impact on the listed building's aesthetic and historic value. The massing of the new build elements, whilst have been reduced remain larger than hoped, but it is acknowledged that this reflects, in some way, the original built form of a warehouse at the rear of the property.

3.5 The level of harm is assessed as less than substantial; and overall the revised scheme will better reveal the heritage significance of the building. It will bring back into an appropriate residential use a building that has suffered from years of inappropriate alterations.

Design, Conservation and Sustainable Development (DCSD) (Landscape Architect)

3.6 There is a group of sycamores at 22-26 Blossom Street, and the proposed development would have an impact upon the root protection area of approximately

10% and this would be considered tolerable. The trees are mature and should be protected at an early state to protect the trees during construction and accidental damage.

3.7 There is concern that the development may have unreasonable obstruction of sunlight in an area where there is probably already significant constraints on sunlight due to the proximity of existing buildings.

Design, Conservation and Sustainable Development (DCSD) (Archaeologist)

3.8 An archaeological investigation has taken place on the small plot to the rear of the existing building confirming a Roman presence on the western part of the site. Given the constraints on site, only a general depth for the deposits could be ascertained. The top of the Roman level was encountered directly beneath the floor of a cellar from an 18th century building which previously occupied part of the garden (c.13.71m AOD/2m BGL). The results of this evaluation combined with the 1852 plan of the site heavily suggests that the top 1.8m-2m of ground along the western edge of the site is taken up by these cellars. The full extent of the cellars can't be determined as they appear to extend beyond the eastern limit of the building depicted on the 1852 map. It is probable that outside the footprint of the 18th century building and cellar, the archaeology survives at a higher level than recorded during the evaluation.

3.9 The footprint of the new build is within the area covered by 18th-19th century cellared buildings, and will be some c.69cm above the known Roman level below the cellars. Assuming the cellars continue across the length of the proposed new build footprint the only impact into the Roman levels will be from piling and the foundation construction. The foundation plan will need to comply with the standard condition to preserve at least 95% of the archaeology on this site in-situ.

3.10 Any impacts below 13.75m AOD on the new build footprint will need to be included within the foundation calculation. Excavation for the construction of the new build will need to be archaeologically monitored and features/deposits hand excavated where necessary. All Roman deposits will need to be hand excavated.

3.11 The following features (attenuation tank, lightwell, existing building) are located within an area which has not been archaeologically evaluated and where Roman archaeology is expected to survive at a higher level than where it was noted truncated by the construction of the 18th century cellars. These can be monitored by a watching brief until Roman deposits are encountered at which point hand-excavation will be required. A watching brief will also be required during any GI works, groundworks for new drainage on the site and landscaping.

3.12 A building recording of the existing listed building to Historic England Level 2 should be provided and should include the existing plans and elevation drawings supplied with the application.

Housing Development

3.13 The applicant has justified seeking vacant building credit as a mechanism to incentivise the development. Independent validations have been undertaken to give a unit market value and the affordable housing commuted sum based on a 16 apartment scheme has been calculated as £53,940.

Highways Network Management

3.14 There are limited public car parking options for residents of the new development; the situation is difficult on The Crescent with Blossom Street a key arterial traffic route with waiting restrictions in place and surrounding streets are either private or included in residential parking zones. Consideration has been given to the location of the site and the relatively low number of units proposed. A condition is recommended that the development remains 'car free' in perpetuity, meaning that residents of the development will not be able to apply for a Resident Parking permit with CYC (this excludes parking season tickets in CYC or privately managed car parks).

3.15 A £400/dwelling contribution (£200 to the car club and £200 to cycle facilities) should be secured to promote sustainable transport to first occupiers.

Lead Local Flood Authority

3.16 Following revised drainage report, no objections in principle subject to conditions in order to protect the local aquatic environment and public sewer network.

Public Protection Unit

3.17 The submitted Surface Noise Assessment dated July 2019 is accepted provided that the mitigation measures for glazing and ventilation are adhered to. Specific plant details are not available but can be covered by condition. Given the close proximity to commercial properties a Construction Environmental Management Plan (CEMP) and a condition to control demolition and construction hours is recommended.

3.18 The site is located within the Air Quality Management Area (AQMA). The health based annual mean nitrogen objective is being breached on Blossom Street at the existing monitoring locations. It is considered likely that the health based objectives are also being exceeded directly outside the development site and PP

would recommend a precautionary approach with respect to mitigation. There will be habitable rooms opening onto Blossom Street and measures to reduce exposure of future residents are implemented. The ventilation proposals allow all rooms to the Blossom St facade to be mechanically ventilated. Request all windows to habitable rooms (living areas/bedrooms) to the Blossom Street facade to be non-openable, unless it can be demonstrated by site/floor specific monitoring that air quality is well below the relevant health based standards.

3.19 No past industrial uses have been identified at the site. The Preliminary Investigation report (ref: D9623, dated: 17 July 2019) is acceptable. It is agreed with the recommendations of the report that a site investigation is required to determine whether land contamination is present.

Education

3.20 The development is beneath the minimum threshold of 10 x 2 bed dwellings, no education contribution is required.

Lifelong Learning and Leisure

3.21 The Local Plan Evidence Base: Open Space and Green Infrastructure (Sept 2014) sets out that there is sufficient open space in the Micklegate Ward but a shortage of play provision. The 2 bed apartment generates an off-site contribution to the value of £526 which would be spent on additional equipment at Scarcroft Green Play area.

EXTERNAL

Micklegate Planning Panel

3.22 No response received.

Yorkshire Water

3.23 No comments to make in respect to waste water.

York Civic Trust

3.24 Initial comments made with concerns raised in respect to the part removal of the attic roof and superstructure (including original timber beams), the impact of the front facing dormers on the conservation area (requiring careful design) and the appearance of a new front doorway entrance.

3.25 The revised scheme is a step in the right direction, but there remains key elements that prevent us from fully supporting the scheme:

- Historic roof fabric – it is difficult to evaluate the level of historic roofing structure that would be lost; the attic floor does not include a demolition plan
- rear fenestration- this is greatly improved especially at ground floor level, however the proposed form of the window on the second floor is inexplicably modern and out of keeping with the Georgian style windows; a more sympathetically designed window would be suitable
- iron gate – broadly welcome the use of an iron gate at the entrance however detailed plans should be necessary before conditions stage to ensure an evaluation of its suitability can be made. Landscaping and amenities will be important as the iron gate will allow visualisation into the rear from Blossom Street; hoped that successful management will avoid bins being stored in the carriageway rather than the store.

4.0 REPRESENTATIONS

4.1 Three letters of representation have been received (from two respondents) from the owners of the car park directly behind the site and from the operator of the Premier Inn situated either side of the application site.

- the rear car park is a future development site for an office extension and building close to the boundary may have implications on any proposals
- seek reasonable distances from the boundary so one development does not compromise the other
- practical considerations need to be considered when building so close to site boundaries; access will not be provided
- recommend usual good neighbour style agreements when development of this nature is taking place adjacent to an accommodation business
 - restrictions on hours of operation during construction phase including no works being undertaken at weekends
 - site cleanliness during construction and demolition
 - restriction on hours of deliveries/servicing to include waste collections post opening
- suffer from overshadowing and loss of privacy; request a Grampian style planning obligation is imposed to ensure that appropriate Rights of Lights and Party Wall agreements are entered into prior to the commencement of any construction works.

5.0 APPRAISAL

Key Material Planning Considerations:

- Principle of conversion and introduction of residential uses at this site
- Impact upon vitality and viability of the local centre (Blossom Street)
- Heritage
- Design
- Archaeology
- Impact on Neighbouring Uses

- Living Conditions of Future Occupants
- Climate Change
- Accessibility and parking
- Drainage
- Landscaping
- Affordable Housing
- Off-site Public Open Space

LEGISLATIVE BACKGROUND

5.1 The site is within a conservation area. The LPA has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of designated conservation areas.

5.2 The building is grade II listed and as such Sections 16 (2) and Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

POLICY CONTEXT

National Planning Policy Framework (NPPF) 2019

5.3 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied. The policies are material planning considerations. The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.4 . The NPPF sets out the presumption in favour of sustainable development in paragraph 11.

5.5 Section 5 of the Framework supports the Government's objective of significantly boosting the supply of homes. Paragraph 60 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

5.6 Section 12 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Section 14 of the Framework seeks to meet the challenge of climate change, flooding and climate change.

5.7 Section 16 considers the conservation and enhancement of the historic environment. Paragraph 193 requires consideration to be given to the significance of a designated heritage asset with great weight given to the asset's conservation; the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Publication Draft Local Plan (2018)

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

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

5.9 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. Of relevance to this application, the evidence base includes:

- Strategic Housing Market Assessment (SHMA) (June 2016)
- Strategic Housing Market Assessment Update (SHMA) (2017)
- Strategic Housing Market Assessment Addendum (June 2016)
- Retail Study Update (September 2014)
- Retail Study Update Addendum (September 2014)
- Open Space and Green Infrastructure (Sept 2014) Main Report
- Open Space and Green Infrastructure Update (Sept 2017)

Development Control Local Plan (2005)

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

ASSESSMENT

Principle of conversion and introduction of residential use at this site

- Loss of Community Facility

5.11 The building formerly comprised the New York Club and Institute which ceased operation in January 2019. The applicant states that the social club was one of the oldest in York having been in operation for around 90 years, although it has struggled to attract new members, fell into debt in 2013 and a decision was taken in September 2018 to close the Club, after a majority vote.

5.12 There is no formal definition of a 'community facility' provided by the NPPF, however a community facility can include public houses that provide a community place for different members of society. Paragraph 92 of the NPPF seeks to provide social, recreational and cultural facilities and services the community needs. Policies should plan positively for community facilities to enhance the sustainability of communities and residential environments. Outlined in paragraph 92(c) planning decisions should guard against the loss of valued facilities and services, particularly those where this would reduce the community's ability to meet its day-to-day needs.

5.13 Draft Publication Policy HW1 seeks to protect existing community assets. The loss of such facilities will not be supported unless it can be demonstrated that facilities of equivalent or greater capacity and quality are provided elsewhere on the site, provided off site in a location that better serves the local community's needs, the facilities no longer serve a community function and cannot be adapted to meet other community needs or evidence is provided that demonstrates the facilities are no longer viable.

5.14 There is evidence that the building being home to the New York Club and Institute, as a private members club did act as a community facility when operational. The Heritage Statement (para 6.1.8, p14) sets out that during the 1960s when it changed its name, it formed a social meeting place with strong educational links. It contained a library and had a variety of sections including angling, cribbage, darts, dominoes, football, pigeons, snooker and walking. The building has not been nominated by any group as an 'Asset of Community Value'.

5.15 The applicant has set out a summary of the issues faced by the Club leading up to the decision to sell. It identifies that the value of the facility to the community it served were limited to Members, who were made up of railway workers and were not necessarily locally based. The club was operating at a loss at the time it closed, which had continued for a significant period of time. The Club sold off the land to the rear, which now forms a car park in 2013. The club however continued to become run down and unable to undertake essential repairs and maintenance. The Club Secretary has been referenced in the letter to the LPA stating that the club was

no longer financially viable to run as a working men's club, however any account information or marketing information in relation to the Club/building has not been provided.

5.16 It is acknowledged that the state of disrepair within the building is such that similar facilities could not be re-provided within the site for the community without substantial financial outlay. Consideration has also been given to the Club normally operating at ground floor level, leaving the upper floor levels without viable uses. Whilst there is the potential for viable uses within the upper floors, these use may conflict with the late night operation of the Club, or a similar replacement facility. As part of the wider Working Men's Club affiliation, Members have the option of visiting other WMC in the city or region.

5.17 Having reviewed the justification statement providing a background as to the level of consultation undertaken with the community the Club served, the level of dis-repair within the building, and the conclusion that the Club continuing to operate from the premises is no longer financially viable, it is considered that the provisions of paragraph 92 of the NPPF and draft policy HW1 of the 2018 Draft Plan are generally satisfied.

- Proposed Residential Use

5.18 The Framework supports the Government's objective of significantly boosting the supply of homes. Draft 2018 Local Plan policy SS3 considers residential development to be acceptable in principle within the city centre, with a particular focus on the reuse of upper floors.

5.19 Draft policy SS3 considers that sustainable homes should be delivered that provide quality, affordability and choice for all ages, including a good mix of accommodation. The scheme seeks to provide 16 residential units in total; 8 flats within the existing building and a further 8 flats within the proposed rear residential building. Across the scheme, 4 studio flats, 9 x 1 bedroom and 3 x 2 bedroom units will be provided. The detached building comprises the majority of the studio and one bedroom flats, with the existing building providing more of a mix and the larger units. Consideration has been given to the city centre location, lack of individual external amenity areas and its accessibility, on balance the mix of accommodation across the site is considered to be appropriate in this location.

Impact upon vitality and viability of the local centre (Blossom Street)

5.20 The Council's Retail Study Update Addendum (September 2014) designates Blossom Street as a local centre, which has a role of catering for the day-to-day needs of the local communities they serve. They are primarily intended to service the needs of the population within walking distances. Local centres will include a range of small shops of a local nature, which might include a small supermarket, a

newsagent, a post office and a pharmacy, along with other facilities such as a hot food takeaway and laundrette.

5.21 There are a number of public houses in close proximity (less than 200m away) to the application site, most notably 'The Punch Bowl' at 5-9 Blossom Street, 'The Windmill' at 14-12 Blossom Street, 'The Bay Horse' at 55 Blossom Street and 'The Mount' at 72 The Mount.

5.22 It is not considered that the existing site provides services or facilities that would be expected to meet the day to day needs of the local community, as a retail local centre. NPPF paragraph 85 states that planning decisions should take a positive approach to the growth, management and adaptation of town centres. The loss of this use is not considered to have a detrimental impact upon the long term vitality and viability of this local centre taking into account the acceptability of residential use in this city centre location and the heritage benefits of reverting the building back to residential uses.

Heritage

The statutory duties contained in sections 16(2), 66 (1) and 72 of the 1990 Act are in addition to government policy on heritage assets contained in Section 16 of the NPPF. The NPPF classes listed buildings and Conservation Areas as "designated heritage assets". Paragraph 190 of the NPPF advises that the particular significance of a heritage asset that may be affected by the development proposal should be identified and assessed. Paragraph 192 states with regard to heritage assets that when determining applications local planning authorities should take account of:

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

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

The NPPG states that "It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

- Listed Building

5.23 The building dates from 1789 and altered early c19 and 1934. The building was constructed by John Horner as a pair of dwellings of unequal size pierced by a central carriageway leading to a warehouse (No. 24) behind. The building is brick built, three storey (plus attics) and slate roof with substantial brick chimneys, timber fenestration and a timber, eaves cornice to the front elevation.

5.24 The building previously occupied a much larger, linear plot, however land to the rear was sold off in 2013 and now forms a private car park. The 1892 OS map shows the linear plot previously containing extensive ranges of historic outbuildings, including the warehouse (No. 24), stables, yard and other outbuildings to the rear of both No. 22 and 26. The date of the demolition of the warehouse is unknown, however no reference is made to the warehouse or other outbuildings in the list description dated 1971.

5.25 The York Railwaymen's Club took over ownership of the building and rear yard in 1927 from the North-Eastern Railway (N.E.R) who used it as residences of the York stationmaster and railway inspector. The Club subsequently made extensive internal and external alterations to adapt the building to its new use. Extensions were added to the rear to form a concert/ball room and toilets with the external carriageway incorporated into the footprint of the building.

5.26 The heritage significance of the application site, the buildings and yard, relates to its historical value; the central carriageway is an unusual characteristic in York and it is one of the earliest three storey houses outside the city walls and contributes highly to the architectural and historic character of this part of the York Central Historic Core Conservation Area. Additionally, the heritage statement assesses that the building has aesthetic values derived from the building being designed with

consideration for visual impact of the structure's appearance, not just with function in mind.

5.27 The external alterations to the building includes the removal of the c20 extensions to the rear elevation to better reveal the architectural details, the reinstatement of the external carriageway and principal access point from Blossom Street, the removal of the white paint from the front facade and restoration of historic fabric. Revisions have involved the reduction to the number of rooflights within the rear roofslope from 3 to 1, removing modern insertions. There would be some infill brickwork where required, to match the existing building and air bricks to match the brickwork would be inserted within the rear elevation in order to facilitate the installation of the mechanical ventilation. The proposals also seek the reinstatement of a dormer window in the front elevation, with historical photographs indicating this was an original feature.

5.28 The proposals seek a new residential building, which is intended to reflect the footprint of the original warehouse and stables to the rear. This contains an attached bin store, and there have been attempts to improve the physical separation between the listed building and this new residential building. It is acknowledged that the separation between the buildings is in conjunction with the removal of the extensions on the rear elevation of the host building. Whilst already segregated in part, the rear yard would retain its linear arrangement, and there would be less segregation by the provision of a communal space external space, rather than individual amenity plots.

5.29 The new residential building is larger, taking into account the loss of the rear part of the original plot, however this is balanced against the improvements proposed to the rear elevation; the existing extensions are unsightly and have a negative impact upon the aesthetic and historical significances of the listed building. It is also acknowledged that the new build, reflects in some way the original built form of a warehouse that formed No. 24 at the rear of the property. Overall, the scheme seeks to reintroduce the original plan form, including the carriageway and historical features such as the dormer to the front, as well as removing harmful alterations that have been undertaken. However, despite the above, the proposals however will not override all harmful alterations and will introduce elements that are considered to result in harm; its sub-division to form the number of flats proposed will result in the removal of small sections of historic fabric and bathroom pods will be inserted into rooms on the first and second floor resulting in harm to the historic and aesthetic values that contribute to the significance of this heritage asset. Paragraph 193 advise that great weight should be given to the asset's conservation, the more important the asset, the greater the weight should be.

5.30 The significance of this listed building lies in its historical and aesthetic values and the level of harm arising from the proposals upon these values has been assessed as resulting in less than substantial harm to the significance of this

designated heritage asset. In line with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

- Conservation Area

5.31 The York Central Historic Core Conservation Area appraisal identifies that there is a good mix of historic buildings from different periods within this character area. The application building is the only eighteenth century building on the north side of Blossom Street, and provides a sense of what Blossom Street would have looked like at this time. It was one of the earliest three storey houses outside the city walls and contributes highly to the architectural and historic character of this part of the York Central Historic Core Conservation Area.

5.32 The proposed works that would have the most impact upon the conservation area include the reinstatement of the central carriageway within the building, the front dormer and the works to its façade. These works are considered to reinstate the features that have been lost over time and are reflective of the original design of the building, enhancing the historic and aesthetic character the conservation area possesses. In terms of the conservation area, this would improve the visual impact of the building, in its immediate and wider setting, as well as contributing to the historic setting of Micklegate Bar.

- Conclusion on heritage assets

5.33 Notwithstanding the above identified harms, the external alterations proposed to the listed building to facilitate this residential scheme are considered to be a positive benefit to the conservation of the heritage asset; the setting of this grade II listed building itself, and this part of the York Central Historic Core Conservation Area (Character Area 23). However, there remains a level of harm to the historical and aesthetic values that attribute to the building's significance, this level of harm has been assessed as less than substantial to the significance of the designated heritage asset. In line with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

5.34 The applicant has set out the public benefits of the proposal, which includes;

- repair, restoration and enhancement of the vacant heritage asset, halting its further decline;
- sustainable and viable use of the listed building for residential uses (reverting back to its original use);
- provision of a number of small residential units in a sustainable location within the city centre

5.35 The proposal would add to the overall existing housing stock, and whilst being assessed at less than substantial harm to the significance of the listed building, the

works are considered on the whole to protect historic environment and therefore the proposal is considered to represent a public benefit that would outweigh the identified harm to the setting of this grade II listed building..

Design

5.36 Paragraph 127 of the Framework sets out six design expectations for new developments which includes a requirements that developments will (a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (c) are sympathetic to local character and history, while not preventing innovation or change; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

5.37 Publication Draft (2018) local plan policy D1 Placemaking sets out that development proposals will be supported where they improve the poor existing urban and natural environment, enhance York's special qualities and better reveal the significances of the historic environment. This policy sets out the Council's five design points; i. Urban Structure and Grain; ii. Density and Massing; iii. Streets and Spaces; iv. Building Heights and Views; and v. Character and Design Standards.

5.38 Primary design considerations relates to the proposal for an additional residential building with an attached bin store located on the south western boundary of the site. The building is designed as a part three storey, part two storey (with rooms in the roofspace) and a single storey bin store. There will be some excavation to provide the lower ground floor level at a subterranean level. It is positioned 3m (to the single storey bin storey) and 6.1m (to the residential part of the building) from the rear elevation of 22-26 Blossom Street, following the removal of the extensions and set in 0.5m from the north-western rear boundary of the site. Access to the lower ground floor flats will be via three individual external steps with the flats on the upper levels served by two individual external stairs with stairs to the first floor flats continuing internally within the building.

5.39 The building is designed as a rectangular building, with an asymmetrical roof. Its footprint 21m x 6.5m (extending to 8.7m including the external access /lightwell area) is designed to reflect the warehouse (No.24 Blossom Street) that previously occupied the site to the rear of No. 26. Following concerns, the design and scale of the residential building has been amended; the part of the building closest to the adjacent listed building are now considered to be smaller in scale and the overall massing reduced by a set-back and set down at roof level at a part of the building that serves communal purposes. Overall, the building now appears as more of a subservient addition within the rear garden and to the main building. The asymmetrical roof has been retained, despite concerns that it appears slightly incongruous in this location, however there is a variety of roofscapes in this particular location, and its backdrop against substantial built development forming the hotels on either side, on balance this design feature is considered acceptable,

taking into account a compromise on the wider ability to deliver much needed housing on the site.

5.40 The building is of a modern and contemporary design, and this does not conflict with the appreciation of the aesthetic and historical significances of the listed building. Its modern and contemporary design is further enhanced by the palette of materials, which includes brickwork for the main building facade and brick cladding light grey to the lower ground floor level facade, and standing seam zinc roof and metal windows and doors.

5.41 It is considered that the new residential building responds appropriately to local character and history and optimises the potential of the site for the delivery of further housing, in line with paragraph 127 specifically parts (c) and (e) of the Framework. Further, the scheme for the new residential building would help to improve the urban environment in this part of Blossom Street, meeting the general aims of Draft Policy D1 'Placemaking' of the 2018 Draft Plan.

Archaeology

5.42 The application site is located within the Central Area of Archaeological Importance (AAI) and in an area where nationally significant Roman archaeological features and deposits are located. It lies within the known boundaries of the Blossom St mixed cemetery, additionally two roman roads may converge and run through the proposed development site.

5.43 Paragraph 194 (b) of the NPPF includes footnote 63 which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as set out in Section 16 of the NPPF). Paragraph 194 b) states that substantial harm to or loss of assets of the highest significance (including scheduled monuments) should be wholly exceptional. Paragraph 193 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Para.194).

5.44 Publication Draft Local Plan Policy D6 states that proposals that affect archaeological features and deposits will be supported where they are accompanied by (i) an evidence based heritage statement, (ii) designed to avoid substantial harm to archaeological deposits; and where harm to archaeological deposits is unavoidable, detailed mitigation measures have been agreed with the Council.

5.45 The application is supported by a desk-based assessment which concluded that there was a high likelihood of uncovering archaeological remains across the development site, along with a high likelihood of these being Roman remains. Further an archaeological evaluation has taken place on a small plot to the rear of the existing building. This evaluation has revealed Roman deposits, the top of this Roman level was encountered directly beneath the floor of a cellar form an 18th century building which previously occupied part of the garden.

5.46 It is probable, given nearby excavations recording the presence of Roman and medieval archaeology that archaeology survives at a higher level outside the footprint of the 18th century building and cellar. The footprint of the new residential building is within the area covered by 18th – 19th century cellared building. This new construction will involve excavation to provide a lower ground floor level, which would be some c.69cm above the known Roman level below the cellars. Concern is therefore raised to the impact upon the Roman levels from piling and foundation construction. A foundation plan has not been provided at this stage, although it is envisaged that pile caps and ground beams could impact onto the Roman levels on this part of the site. The Council's Archaeologist has recommended a foundation plan to be secured by condition, to ensure that at least 95% of the archaeology on this site remains in situ. This calculation shall include any impacts of the new residential building below 13.75m AOD. Conditions are recommended to ensure that the construction of the new residential building is archaeologically monitored, with any features/deposits hand excavated where necessary, as well as all Roman deposits to be hand excavated.

5.47 There are other subterranean features that form part of the proposal (such as the attenuation tank and lightwell) that are located within areas that have not been archaeologically evaluated, but where Roman archaeology is expected to survive at higher levels than where it was noted truncated by the construction of the 18th century cellars.

5.48 Whilst the significance of the archaeological interests is high, it is concluded that harmful impacts upon archaeological deposits could be mitigated, through the use of planning conditions requiring foundation plans, watching briefs, archaeological monitoring and hand excavation.

5.49 The scale of harm to the significance on archaeological features and deposits is considered to result in less than substantial harm. The scheme would add to the overall housing stock as well as making effective use of land and on the whole will protect historic environment and therefore these are considered to represent a public benefit that justifies this harm. The proposals are not considered to conflict with paragraphs 194, 196 and 199 of the NPPF and draft policy D6 of the 2018 Local Plan.

Impact on Neighbouring Uses

5.50 Paragraph 127 (f) of the NPPF sets out that a design criteria for new developments is to create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

5.51 The application site is surrounding on both sides by built development, forming the Premier Inn Hotel. The site to the rear, formerly being part of the curtilage to the application site is currently in use as a car park. Hotel developments are considered differently to residential developments, given the more transient nature of the guests. The Hotel has objected to the proposals on overlooking, however, windows in the proposed new residential building are primarily contained in the north eastern facing elevation, looking into the site and thus would not result in any detrimental overlooking, given the extent of boundary treatment to the north eastern side boundary. Rooflights are indicated in the north western roofslope, with that elevation remaining blank and would therefore not cause a concern for overlooking.

5.52 The owners of the Hotel chain have also cited an objection on the impact of overshadowing to their property. The Hotel building abutting the site to the south west of the site is a 'T' shaped building, with the frontage extending along Blossom Street. The narrow extension to the rear is set in 9m (approx.), and the area adjacent to the siting of the new residential building appears to contain a number of plant and machinery equipment. The ground floor rooms appear to serve back-of house functions however the first – third floors contain bedrooms (each served by a window). Due to the land levels across both sites, and that the residential building will be set below 1-2m below ground level, its height will be no higher than the first floor of the Hotel. Additionally, the orientation of the buildings would mean that overshadowing would be limited and the new building would not result in a significant level of overshadowing or oppressiveness to warrant refusal of the application.

5.53 It is not considered that the scale, siting and orientation would restrict appropriate development within the car park to the rear of the application site. No windows are proposed in the northern rear elevation of the new residential building, preserving the privacy of any future users at this adjacent site. There are no proposals that the LPA is aware of for the development of this land; there is no extant permissions in place and any future development proposals would have to consider the surrounding site characteristics. Therefore the objection in this respect can only be given limited weight in the assessment of the application.

5.54 The hotel owners have requested restrictions in place in respect to building works, including no construction at weekends. There are specific controls outside planning legislation and other legislation that can appropriately manage construction impacts, particularly in a commercial area such as this where there are no residential neighbouring properties. Additionally, a separate condition restricting hours of operation would not be appropriate, given that the Council's standard work

hours conditions permits some work at weekends, this would not satisfy the objector's concerns.

Living Conditions of Future Occupants

5.55 In terms of the proposed flats within both the existing building and the new rear residential building, these are considered to be of an adequate size (studios measuring between 29.8-33sqm, one bedroom flats 38-43sqm and 2 bedroom flats between 48 -77sqm) noting that there is no relevant current local plan policy relating to space standards.

5.56 The flats within the new residential building all have single aspect outlook, which is over the rear garden of the application site. Within the existing building, half of the flats are maisonettes, with the two flats split over the lower and ground floor levels being dual aspect, as well as flat identified as 'AP6' split over the second and third (attic) floors. However, the remaining maisonette identified as 'AP8' has an outlook over the rear, with the two bedrooms contained within the third floor attic being served by a dormer to front and a rooflight. Overall, the internal arrangement is considered to provide a suitable living accommodation across the development, which would provide additional housing to contribute to the overall housing stock, whilst also achieving flatted accommodation whilst appreciating the historic plan form of the listed building.

5.57 A daylight and sunlight assessment has been submitted in order to demonstrate that the proposed development would provide satisfactory living conditions for future occupiers. In terms of the proposed flats within the existing building, the lower ground floor bedrooms fall below BRE (Building Research Establishment) targets for Average Daylight Factor (ADF), which assesses the level of light inside a building. However as BRE targets are met in the ground floor living accommodation and the BRE guidance states that bedrooms have a lesser expectation of daylight and thus the level of daylight across the flats is considered acceptable. The initial scheme sought to provide two self-contained dwellings within the lower ground floors, and the incorporation of these into the ground floor accommodation results in space within this historic building to be used more effectively, especially as this would help to meet an identified housing need and increase the size of dwellings provided within the development. A condition is recommended to control the arrangement of flats AP1 and AP2.

5.58 In respect to the new residential building, the majority of windows and habitable rooms meet the BRE targets in terms of Average Daylight Factor (ADF). In terms of ADF the living room window (identified as R8) falls marginally short of the target by 0.02%, however this is a one bedroom flat and as the bedroom meets the target there is a good level of daylight throughout the flat.

5.59 With the exception of Flats AP1 and AP2, the flats would all have access to a communal external amenity space located to the north western corner of the site. Flats AP1 and AP2 will have private external access to patio areas created in the lightwell, to the rear of the building. The external areas will be a particular benefit and create a positive environment for future occupiers in this city centre location.

5.60 NPPF paragraph 180 (Section 15) consider that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

5.61 Blossom Street is heavily trafficked throughout the day and night, and contains a number of late-night entertainment uses. There is a concern that the conversion of the building fronting Blossom Street could result in noise disturbance to prospective occupiers.

5.62 The site is located within the Air Quality Management Area (AQMA), declared on the basis of exceedances of the health based annual mean nitrogen dioxide objective. Draft Local Plan policy ENV1 covers Air Quality, which states that development will only be permitted if the mechanisms are in place to mitigate adverse impacts and prevent future exposure to poor air quality, helping to protect human health.

5.63 An indicative ventilation strategy has been produced without detrimental harm to the historic fabric of the building, whilst also enabling the windows to habitable rooms facing Blossom Street to be non-openable. The scheme allows all the rooms to the Blossom Street facade to be mechanically ventilated. A condition shall secure a full ventilation strategy to be submitted and approved. Therefore, whilst located within an Air Quality Management Area, the scheme is considered to mitigate the adverse impacts of this and prospective occupiers would be prevented from unacceptable levels of poor air quality and noise disturbance.

5.64 The new rear residential building will be fitted with double glazing, and given its orientation, it is anticipated that prospective occupiers will be sufficiently protected from external noise sources, including Blossom Street and the external garden within the application site.

Climate Change

5.65 It is set out in section 14 of the Framework, that the planning system should support the transition to a low carbon future in a changing climate. This includes encouraging the reuse of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure (para. 148 of NPPF).

5.66 Publication draft (2018) plan policies CC1 and CC2 seek to encourage the use of renewable and low carbon energy generation and high standards of sustainable design and construction. Both policies are applicable to the new residential building, however only Policy CC2 is relevant to the conversion of the existing building to residential.

5.67 The applicant has confirmed that the principles of policies CC1 and CC2, the minimisation of greenhouse gas emissions and the use of resources efficiently will be employed during the construction of the development, where they can be applied in a manner consistent with the appropriate conservation of the heritage assets. The applicant has agreed to a condition requiring details to be submitted that sets out how the design and construction of the development will achieve the requirements of policies CC1 and CC2.

Accessibility and parking

5.68 Paragraph 103 of the Framework advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

5.69 Blossom Street is a key arterial traffic route which offers cycle routes and is a major route for public transport. The train station is in close proximity to the site. The site is considered to be a sustainable location which can promote walking, cycling and use of public transport. The development is designed as a car-free scheme as it has no existing off-street car parking provision and is landlocked. There is limited public car parking options for any prospective resident and surrounding streets are either private or are included within residential parking zones. Additionally, Blossom Street has waiting restrictions in place.

5.70 Measures to incentivise sustainable transport have been sought and agreed with the applicant, on the basis of £200/dwelling contribution towards cycle provision and £200/dwelling towards car club (£400 in total per dwelling). The contribution to cycle provision and car club is appropriate given that the application site is well served by cycle links, which means there is a strong potential for occupiers to switch from cars with the right incentives, and as the development and surrounding areas offers no or very limited parking, there is a requirement to avoid additional demand for on-street parking. Publication draft policy T7 identifies the need for mitigation, or other measures in order to reduce the number of trips generated by the particular development.

5.71 In line with the Council's cycle parking standards (Appendix E), cycle parking spaces should be provided at a ratio of 1 cycle space per residential flat. The plans indicate that 16 cycle parking spaces shall be provided to the rear of the site, extending along the north eastern boundary. The cycle parking shall be provided by

Sheffield stands, which would accommodate two bikes per stand, which is more user friendly than the previously proposed semi-vertical bike stands. The plans do not at this stage provide indicative enclosure, however it is acknowledged that the details can be secured through condition. Emphasis however will be placed upon the design of the enclosure, given the historic environment, but also in respect to how bicycles would be secured and accessed.

- Bin and waste stores

5.72 The new residential building sited to the rear contains an attached bin and waste store. The waste services team will be able to access the bin store. A condition will ensure that the bin store is provided prior to occupation and maintained for this use for the lifetime of the development.

Drainage and Flood Risk

5.73 The site is in Flood Zone 1 where there is a low risk of flooding. The site is partly covered by existing buildings or areas of hardstanding which is similar to the proposed scheme. There is an existing private combined water sewer connection which shall be used for foul water. The existing building positively connects to the existing private combined system and will allow surface water to discharge to it. The Lead Local Flood Authority (LLFA) do not raise any objections to the development in principle and it is considered that conditions can be imposed to ensure that a drainage scheme can be agreed to development commencing.

Landscaping and Trees

5.74 There are a group of mature Sycamore trees on site that are protected under a Tree Preservation Order (CYC253-G1). It is acknowledged that the proposed development will have an impact upon the root protection areas of this grouping, however this impact has been calculated as 10%, which is considered to be within tolerable levels.

5.75 Given the deficit of trees on Blossom Street and that the grouping of the trees within the site are visually important, it is considered that conditions shall be imposed in order that they are protected during the demolition and construction phases of the development.

5.76 Other opportunities to enhance the natural environment of this site are limited to the lawned communal garden area. However the plans indicate that the cycle store(s) and bin store will have green roofs, which is welcomed in terms of enhancing biodiversity in this city centre location and the quality of the development.

Affordable Housing / Vacant Building Credit

5.77 Publication draft policy H10 seeks affordable housing provision for residential developments where 11 or more homes (or a residential floorspace of 1000sq.m) will be provided. Paragraph 63 of the NPPF provides an incentive for brownfield development on sites containing vacant buildings. The vacant building credit applies a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the LPA calculates any affordable housing contribution which will be sought. NPPF Footnote 28 states that this does not apply to vacant buildings that have been abandoned.

5.78 In considering how the VBC should apply to a particular development, regard should be given to the intention of national policy and guidance states that it may be appropriate for authorities to consider:

- whether the building has been made vacant for the sole purposes of re-development
- whether the building is covered but an extant or recently expired planning permission for the same or substantially the same development

5.79 There is substantial information provided by the applicant in respect to the cessation of the New York Club and Institute operating from this premises, in section 'loss of community facilities' above. The applicant sets out that the Club was struggling to survive, with dwindling existing membership and custom and lack of new memberships, as well as the financial burden of maintaining the building. Assets, such as the rear yard have been sold off in order to raise revenue. As the Club is run by its Members, there is evidence that they were involved in the decision to close the Club and ultimately vacate the premises, although it does appear that there have been no attempts to market the premises for other commercial uses. On balance, the LPA does not have any evidence to the contrary that would suggest it was made vacant for the sole purposes of redevelopment.

5.80 There are no extant or recently expired planning permissions relating to this application site, and therefore it is considered that vacant building credit can be applied to this development.

5.81 Independent validations have been undertaken to give a unit market value and the affordable housing commuted sum based on a 16 apartment scheme has been calculated as £53,940.

Provision of Off-Site Open Space

5.82 The Council's Open Space and Green Infrastructure update (2017) which is part of 2018 Draft Plan's evidence base sets out that within the Micklegate Ward there is sufficient open space, however there is a shortage of play provision. As the development seeks 2 x 2 bedrooomed units there is the opportunity to provide a contribution towards off-site play equipment within 300m of the application site at Scarcroft Green Play area. A contribution of £526 is requested by the Council's

Public Health Programme Officer for this provision to improve off-site play equipment in the locality.

6.0 CONCLUSION

6.1 The site is previously developed land, sustainably located close to the city centre and on a key arterial route with access to public transport and other means of travel other than the car. The NPPF promotes the effective use of land in meeting the need for homes and other uses, in addition to the Government's objective of significantly boosting the supply of homes. The flats to be provided will provide an acceptable standard of residential amenity for the prospective occupiers in terms of daylight and sunlight and a condition to develop further a ventilation strategy will ensure that occupiers are not exposed to poor air quality. Whilst the development will be car free, there will be adequate cycle parking, external amenity spaces and bin storage areas.

6.2 The loss of the use of the building as a community facility is on balance acceptable; due to the cessation of the Club, the level of disrepair within the building and that the operation of the Club is no longer financially viable. Its loss would not be so detrimental to the long term vitality and viability of the local centre or the provision of community facilities.

6.3 The proposal has been revised to enhance the significance of the setting of the listed building and the character and appearance of the York Central Historic Core Conservation Area. There will be less than substantial harm to designated heritage assets and considerable importance and weight is given to the desirability of avoiding harm to the designated heritage assets in accordance with the statutory duties. There is also less than substantial harm to assets of archaeological interest. The public benefits of the proposal are considered to outweigh the less than substantial harm to these heritage assets. In more general design terms, the new residential building is considered to respond appropriately to local character and history, in terms of built form whilst forming a more modern building.

6.4 The application, subject to appropriate conditions satisfies other aspects in terms of archaeology, impact on protected trees and environmental quality and climate change. It is considered that there are no protective policies within the NPPF which provide a clear reason for refusal and that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour. Accordingly, the recommendation is one of approval subject to a Section 106 Agreement to provide a financial contribution towards off-site open play provision and to secure affordable housing provision. The obligations set out in the report are considered to be necessary to make the development acceptable in

planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

7.0 RECOMMENDATION:

i That delegated authority be given to the Assistant Director for Planning and Public Protection to APPROVE the application subject to

a. the completion of a Section 106 Agreement to secure the following obligations

- Sustainable travel - £200/dwelling contribution towards cycle provision and £200/dwelling towards car club (£400 in total per dwelling)(Index linked)
- Affordable housing - £53,940 contribution towards off-site provision (index linked)
- Off-site play provision - £526 (index linked)

b. the conditions set out below.

ii The Assistant Director be given delegated authority to finalise the terms and details of the s106 Agreement

iii The Assistant Director be given delegated powers to determine the final detail of the planning conditions.

1 TIME2 Development start within three years

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

105 P02 Proposed Site Plan; 109 P01 Proposed Lower Ground Floor Plan; 110 P02 Proposed Ground Floor Plan; 111 P02 Proposed First Floor Plan; 112 P02 Proposed Second Floor Plan; 113 P02 Proposed Third Floor Plan; 120 P01 Proposed Site Section A; 121 P01 Proposed Site Section B; 122 P01 Proposed Site Section C; 130 P02 Proposed Elevations Front Elevation 01 (SE); 131 P01 Proposed Elevations/Sections Rear Elevation 02 (NW); 132 P01 Proposed Elevations/Sections Rear Elevation/Section 03 (NW); 133 P01 Proposed Elevations/Sections Rear Elevation 04 (NW); 134 P01 Proposed Elevations/Sections Section 05 (NW); 135 P01 Proposed Elevations/Sections Side Elevations 06 (NE); 136 P01 Proposed Elevations/Sections Side Section/Elevations 07 (NE); 137 P01 Proposed Elevations/Sections Side Section/Elevation 08 (NE); 138 P01 Proposed Elevations/Sections Side Section 09; 139 P01 Proposed Elevations/Sections Side Elevation 10 (SW); 140 P01 Proposed Elevations Side Elevation 11

Reason: For the avoidance of doubt and to ensure that the development is carried

out only as approved by the Local Planning Authority.

3 LC1 Land contamination - Site investigation

4 LC2 Land contamination - remediation scheme

5 LC3 Land contamination - remedial works

6 LC4 Land contamination - unexpected contam

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

- i. the flow control device manhole, the means by which the surface water discharge rate shall be restricted to a maximum rate of 1.14 (one point one four) litres per second, and
- ii. the attenuation tank, the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved

The development shall be carried out in accordance with the approved details.

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

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

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

8 No development shall commence until a foundation design and statement of working methods (including a methodology for identifying and dealing with obstructions to piles and specification of a level in mAOD below which no destruction or disturbance shall be made to archaeological deposits except for that caused by the boring or auguring of piles for the building foundation) which preserve 95% of the archaeological deposits on the site has been submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the approved foundation design and statement of working methods.

Reason: The site lies within an Area of Archaeological Importance which contains significant archaeological deposits. No foundation design has been included within the application and it is important that the development preserves 95% of the archaeological deposits within the footprint of the building(s). This is to comply with Section 16 of the National Planning Policy Framework and Draft Policy D6 of the City of York Publication Draft Local Plan (2018).

9 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief and where appropriate excavation is required.

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

A) No new development to the rear of the building shall take place until a written scheme of investigation (WSI) for a watching brief on all groundworks and an archaeological excavation 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 (or publication if required) shall be deposited with City of York Historic Environment Record 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.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction. This is to comply with Section 16 of the National Planning Policy Framework and Draft Policy D6 of the City of York Publication Draft Local Plan (2018).

10 A programme of archaeological building recording, specifically a written description and photographic recording of the standing (existing) building to Historic England Level of Recording 2 is required for this application.

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

A) No demolition/development/alteration 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 the Archaeological Data Service (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 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.

Reason: The buildings on this site are listed and are of archaeological interest and must be recorded prior to alteration or removal of fabric. This is to comply with Section 16 of the National Planning Policy Framework and Draft Policies D5 and D6 of the City of York Publication Draft Local Plan (2018).

11 Prior to the commencement of development, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. The energy statement shall set out how the design and construction of the proposed development will minimise greenhouse gas emissions and the use of resources in line with the requirements of policies CC1 and CC2 of the Publication Draft Local Plan (2018). The measures outlined in the energy statement shall be incorporated into the design and construction of the development and shall be operational for the lifetime of the development.

The requirements of Policy CC1 is applicable to both the conversion of the existing building to residential and the new residential building.

The new residential building should [seek to] achieve:

- 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).

- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).
- A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

The conversion of the existing building to residential should aim to achieve BREEAM domestic refurbishment 'very good'.

As the existing building is grade II listed, the extent to which the requirements of Policies CC1 and CC2 can be applied to the building in a manner consistent with its appropriate conservation shall be demonstrated.

Reason: In the interests of sustainable design and in accordance with Section 14 of the National Planning Policy Framework and policies CC1 and CC2 of the Publication Draft Local Plan 2018.

12 Notwithstanding what is shown on the approved plans, prior to any demolition, site clearance or building work, a method statement explaining the measures you will take to protect the trees on the site during all demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved method statement. If any of the trees dies or becomes seriously damaged or diseased within a period five years of the substantial completion of the development, it shall be replaced in the next planting season with a replacement tree of a similar size and species, unless the Local Planning Authority approves an alternative in writing.

Reason: To safeguard the protected trees during construction works that are integral to the visual amenity of the site and surrounding area.

13 Prior to the commencement of development (excluding demolition) of the existing building, details of the ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The approved ventilation strategy shall be installed and operational prior to first occupation of any of the residential flats contained within this building and shall thereafter remain operational for the lifetime of the development.

The ventilation strategy should incorporate heat recovery (MVHR) and be designed to meet current building regulations with respect to the provision of fresh air and the extraction of stale air. The system should be designed to provide continuous mechanical supply and extract to the rear of the building and for all windows facing Blossom Street to be non-opening.

Details should be provided of the location and specification of all new services (where they terminate externally), including flues, extracts and vents. Scaled cross sectional drawings should be provided to demonstrate the routing of the ventilation

system internally. You are advised to avoid features of special architectural or historic interest.

Reason: The site is located within an Air Quality Management Area (AQMQ), where pollution levels are currently exceeding health based standards. The ventilation strategy will ensure that prospective occupiers of this building will have reduced exposure to poor air quality, whilst also protecting the special architectural or historic interest of this listed building. This is to comply with Section 15 and 16 of the National Planning Policy Framework and Policy ENV1 of the City of York Publication Draft Local Plan (2018).

14 Prior to the commencement of development (excluding demolition) to the existing building, details of the location and specification of all new services where they terminate externally (other than those required for the ventilation system) including flues, extracts or vents shall be submitted to and approved in writing by the Local Planning Authority and thereafter constructed only in accordance with the approved plans.

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 and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework.

15 All windows to the Blossom Street facing facade within the existing building will be fixed shut and non-openable and shall be permanently retained as such.

Reason: In order to protect prospective residents of the flats within this building from poor air quality and noise disturbance and to accord with Section 15 of the National Planning Policy Framework, specifically paragraphs 180 and 182 and Policies ENV1 and ENV2 of the City of York Council Publication Draft Local Plan (2018).

16 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 for the new residential building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials and thereafter retained.

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

Reason: So 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 and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

17 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details shall be submitted to illustrate the colour, texture and bonding of brickwork and mortar treatment to be used for the infill areas to the rear elevation prior to the commencement of the demolition of the 20th century extensions on the existing building shall be submitted to and approved in writing by the Local Planning Authority. The infill works to the rear elevation shall be carried out using the approved details and thereafter retained.

Note: We would accept a sample panel of brickwork to be erected on site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So 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 and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

18 Notwithstanding what is shown on the approved drawings, prior to the commencement of the demolition of the 20th century extensions on the existing building, scaled elevations and cross sections of all new windows including the dormer window shall be submitted to and approved in writing by the Local Planning Authority and installed only in accordance with the approved details and thereafter retained.

i. elevation and vertical cross section through all new windows (scale 1:5) illustrating inter alia window head, windows and sills.

ii. cross section through windows (scale 1:1) illustrating inter alia frames, glazing bars, spacers, and gaskets and fixers for single glazed units.

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 and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

19 Notwithstanding what is shown on the approved plans and prior to works

commencing on site (excluding demolition) to the existing (standing) building, full details (scaled drawings and sections) including design and materials of the new (one) rooflight shall be submitted to and approved in writing by the Local Planning Authority and installed only in accordance with these approved details and thereafter retained.

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 and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework.

20 Prior to the occupation of any residential property hereby permitted, scaled details of the proposed cycle store enclosure to accommodate 16 cycles using Sheffield stands shall be submitted to and approved in writing by the Local Planning Authority. The cycle enclosure shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development and shall be solely used for this and no other purpose.

Reason: To ensure that the visual appearance of the enclosure is appropriate in this sensitive location and to promote use of cycles thereby reducing congestion on the adjacent roads, in the interests of highway safety.

21 The bin store attached to the new residential building as shown on drawing No. 110 P02 Proposed Ground Floor Plan shall accommodate adequate space for the storage of 2,880litres of refuse and 2,640litres of household recyclable materials. This area shall be kept clear at all time and used solely for such purposes.

Reason: In order that the communal area has adequate waste and recycling facilities to serve the development.

22 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 first occupation and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 46dB(A) LA90 1 hour during the hours of 07:00 to 23:00 or 38dB(A) 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area and to accord with Section 15 of the National Planning Policy Framework and Policy ENV 2 of the City of York Publication Draft Local Plan (2018).

23 Prior to the occupation of any residential property hereby permitted, scaled details including its design and materials of the gates to Blossom Street shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed before occupation of any residential property and in the approved form as shown on the approved plans and maintained for the lifetime of the development.

No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: In order to that the development is secured, to prevent obstruction to other highways users and to ensure that the visual appearance of the gate is appropriate in this part of the York Central Historic Core Conservation Area.

24 The arrangement of the flats titled 'AP1' and 'AP2' as shown on the approved plans Drawing No. 109 P01 Proposed Lower Ground Floor Plan and 110 P02 Proposed Ground Floor Plan shall be maintained as two separate maisonette apartments.

Reason: Due to the unsatisfactory light levels within the lower ground floor, independent accommodation at this level this would not form an acceptable standard of accommodation in line with Paragraph 127 of the National Planning Policy Framework and Policy D1 of the City of York Publication Draft Local Plan (2018).

8.0 INFORMATIVES:

Notes to Applicant

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

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

- Negotiation in respect to heritage issues, discussion of air quality issues and strategy, transport mitigation and daylight and sunlight assessment.

2. 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

Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575

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D5 Listed Buildings

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development (DCSD) (Conservation Architect)

3.1 The applicant has responded to previous concerns in respect to internal works, which would have resulted in the loss of historic fabric following the sub division of original rooms. The proposals now seek to reintroduce the original plan form based on surviving evidence and professional opinion. One key aspect of this is the reinstatement of the carriageway. This is a major benefit and better reveals the heritage significance of the listed building and will offset any harm that some of the other alterations may cause. The introduction of duplex apartments across the ground and lower ground floors which has allowed the reinstatement of the staircase for no. 26 Blossom Street is an additional benefit.

3.2 The revised application has also addressed concerns in respect to some of the external works proposed, including clarity in respect to windows, air bricks/extract grilles, gates and reduction to the number of rooflights.

3.3 The proposals introduce mechanical ventilation, which has been carefully handled and considered and on balance this provides an acceptable solution to providing a sustainable future for this listed building.

3.4 The structures proposed for demolition are unsightly and have a negative impact on the listed building's aesthetic and historic value. The massing of the new build elements, whilst have been reduced remain larger than hoped, but it is acknowledged that this reflects, in some way, the original built form of a warehouse at the rear of the property.

3.5 The level of harm is assessed as less than substantial; and overall the revised scheme will better reveal the heritage significance of the building. It will bring back into an appropriate residential use a building that has suffered from years of inappropriate alterations.

Micklegate Planning Panel

3.6 No response received to date.

York Civic Trust

3.7 Generally comments initially made with concerns raised in respect to the part removal of the attic roof and superstructure (including original timber beams), the

impact of the front facing dormers on the conservation area (requiring careful design) and the appearance of a new front doorway entrance.

3.8 The revised scheme is a step in the right direction, but there remains key elements that prevent us from fully supporting the scheme:

- Historic roof fabric – it is difficult to evaluate the level of historic roofing structure that would be lost; the attic floor does not include a demolition plan
- rear fenestration- this is greatly improved especially at ground floor level, however the proposed form of the window on the second floor is inexplicably modern and out of keeping with the Georgian style windows; a more sympathetically designed window would be suitable
- iron gate – broadly welcome the use of an iron gate at the entrance however detailed plans should be necessary before conditions stage to ensure an evaluation of its suitability can be made. Landscaping and amenities will be important as the iron gate will allow visualisation into the rear from Blossom Street; hoped that successful management will avoid bins being stored in the carriageway rather than the store.

4.0 REPRESENTATIONS

4.1 No letters of representation raising listed building issues have been submitted.

5.0 APPRAISAL

5.1 Key Issue:

- Impact of the proposed works on the special architectural and historic interest of 22-26 Blossom Street (Grade II).

LEGISLATIVE BACKGROUND

5.2 The building is grade II listed and as such Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that 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.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

5.3 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied. The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.4 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this policy Framework that the proposal should principally be addressed. The NPPF sets out the presumption in favour of sustainable development.

5.5 Section 16 considers the conservation and enhancement of the historic environment. Paragraph 193 requires consideration to be given to the significance of a designated heritage asset with great weight given to the asset's conservation; the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

PUBLICATION DRAFT LOCAL PLAN (2018)

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policy D5 can be afforded limited weight.

DEVELOPMENT CONTROL LOCAL PLAN (2005)

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

ASSESSMENT

5.8 The statutory duties contained in section 16 of the 1990 Act are in addition to government policy on heritage assets contained in Section 16 of the NPPF. The NPPF classes listed buildings as "designated heritage assets". Paragraph 190 of the NPPF advises that the particular significance of a heritage asset that may be affected by the development proposal should be identified and assessed. Paragraph 192 states with regard to heritage assets that when determining applications local planning authorities should take account of:

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

5.9 Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.10 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against consent being granted.

5.11 The application site is referred to on the statutory listing as 'Railwaymen's Club and Institute, 22, 24 and 26 Blossom Street'. It states that the building was two houses and warehouse, now railwaymen's club. The building dates from 1789 and altered early c19 and 1934.

5.12 The building was constructed by John Horner as a pair of dwellings of unequal size pierced by a central carriageway leading to a warehouse (No. 24) behind. The building is brick built, three storey (plus attics) and slate roof with substantial brick chimneys, timber fenestration and a timber, eaves cornice to the front elevation.

5.13 The building previously occupied a much larger, linear plot, however land to the rear was sold off in 2013 and now forms a private car park. However the 1892 OS map shows the linear plot previously containing extensive ranges of historic outbuildings, including the warehouse (No. 24), stables, yard and other outbuildings to the rear of both No. 22 and 26. The date of the demolition of the warehouse is unknown, however no reference is made to the warehouse or other outbuildings in the list description dated 1971.

5.14 The York Railwaymen's Club took over ownership of the building and rear yard in 1927 from the North-Eastern Railway (N.E.R) who used it as residences of the York stationmaster and railway inspector. The Club subsequently made extensive internal and external alterations to adapt the building to its new use as a Working Men's Club. Extensions were added to the rear to form a concert/ball room and toilets with the external carriageway incorporated into the footprint of the building.

5.15 The heritage significance of the application site, the buildings and yard, relates to its historical value; the central carriageway is an unusual characteristic in York

and it is one of the earliest three storey houses outside the city walls and contributes highly to the architectural and historic character of this part of the York Central Historic Core Conservation Area. Additionally, the heritage statement assesses that the building has aesthetic values derived from the building being designed with consideration for visual impact of the structure's appearance, not just with function in mind. Furthermore, the properties have been home to a number of notable people, which contributes to the historical associative value.

5.16 The existing c20 extensions are unsightly and have a negative impact upon the aesthetic and historical significance of the listed building and their removal will help to better reveal the architectural details of the building. The reinstatement of the external carriageway and principal access point from Blossom Street along with how this will be made secured, the removal of the white paint from the front facade and restoration of historic fabric are all welcomed. Revisions have involved the reduction to the number of rooflights within the rear roof slope from 3 to 1, removing modern insertions. There would be some infill brickwork where required, to match the existing building and air bricks to match the brickwork would be inserted within the rear elevation in order to facilitate the installation of the mechanical ventilation. The proposals also seek the reinstatement of a dormer window in the front elevation, with historical photographs indicating this was an original feature.

5.17 There has been substantial alterations since the original submission in respect to the internal alterations. This has included the removal of the proposed lift in order to be able to reinstate the original staircase and landing. The original plan form and layout has been reintroduced wherever possible; and to avoid significant losses of historic fabric as a result of alterations to the roof trusses, the third floor flat has been removed from the scheme reducing the amount of alteration at this level. The amalgamation of the lower ground floor flats with the ground floor flats has also been a part of the revised proposals, and allows for the reinstatement of the staircase for no. 26 Blossom Street. In order to provide residential uses within the building, they will require bathroom services that are unable to be provided within the existing building fabric. The subdivision of rooms to provide bathroom 'pods' has been carefully considered their detail can be secured by condition.

5.18 The revisions to the scheme including the reintroduction of the original plan form based on surviving evidence and professional opinion, including the reinstatement of the carriageway and the staircases as well as works that would remove harmful alterations that have been undertaken are considered to be a major benefit and better reveals the heritage significance of the listed building and will offset any harm that some of the other alterations may cause. However, despite the above, the proposals however will not override all harmful alterations and will introduce elements that are considered to result in harm; its sub-division to form the number of flats proposed will result in the removal of small sections of historic fabric and bathroom pods will be inserted into rooms on the first and second floor resulting in harm to the historic and aesthetic values that contribute to the significance of this

heritage asset. Paragraph 193 advise that great weight should be given to the asset's conservation, the more important the asset, the greater the weight should be.

5.17 The significance of this listed building lies in its historical and aesthetic values and the level of harm arising from the proposals upon these values has been assessed as resulting in less than substantial harm to the significance of this designated heritage asset. In line with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

5.18 The applicant has set out the public benefits of the proposal, which includes;

- repair, restoration and enhancement of the vacant heritage asset, halting its further decline;
- sustainable and viable use of the listed building for residential uses (reverting back to its original use);
- provision of a number of small residential units in a sustainable location within the city centre

5.19 The overarching proposal will provide 16no. residential flats, with 8 of these being provided within the listed building itself. The location is close to public transport links and local shops and services, reducing the need to travel. The NPPF sets out in paragraph 8 (b) that one of the three overarching objectives to achieving sustainable development is a 'social' objective, which seeks to support strong, vibrant and healthy communities by ensuring that a sufficient and range of homes can be provided to meet the needs of present and future generations. The building would be converted back to its original use, residential, albeit split into flats, rather than two separate dwellings. There would be a temporary economic benefit in terms of construction jobs. The works are considered to protect the historic environment, one of the environmental objectives set out in paragraph 8 (c) of the Framework.

5.20 The harm to the listed building has been assessed at less than substantial harm, considerable importance and weight has been given to the desirability of avoiding such harm, on assessment the proposals are considered to represent a public benefit that would outweigh the identified harm to this grade II listed building.

6.0 CONCLUSION

6.1 No. 22-26 Blossom Street is a Grade II listed building and its significance derives from its historical and aesthetic values. The internal and external alterations, including the removal of c20th extensions and the re-introduction of the original plan form and layout and reinstatement of features, such as staircases and the carriageway are considered to be of better and better reveal the significance of this heritage asset. The public benefits demonstrated by the application are considered to outweigh the less than substantial harm to this heritage asset. The

application is considered to comply with the requirements of NPPF and Policy D5 of the Publication Draft Local Plan (2018).

7.0 RECOMMENDATION: Approve

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

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

130 P02 Proposed Elevations Front Elevation 01 (SE); 133 P01 Proposed Elevations/Sections Rear Elevation 04 (NW); 134 P01 Proposed Elevations/Sections Section 05 (NW); 109 P01 Proposed Lower Ground Floor Plan ; 110 P02 Proposed Ground Floor Plan; 111 P02 Proposed First Floor Plan; 112 P02 Proposed Second Floor Plan; 113 P02 Proposed Third Floor Plan; 135 P01 Proposed Elevations/Sections Side Elevations 06 (NE); 139 P01 Proposed Elevations/Sections Side Elevation 10 (SW)

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

3 Prior to the commencement of development (excluding demolition) of the existing (standing) building, details of the ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The ventilation strategy shall be installed and operational prior to first occupation of any of the residential flats contained within this building.

Details should be provided of the location and specification of all new services, including flues, extracts and vents. Scaled cross sectional drawings should be provided to demonstrate the routing of the ventilation system internally. You are advised to avoid features of special architectural or historic interest.

Reason: So that the Local Planning Authority may be satisfied with the location finished appearance of these details prior to the commencement of building works to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework.

4 Prior to the commencement of development (excluding demolition) of the existing (standing) building, details of the location and specification of all new services (other than those required for the ventilation system) including flues, extracts or vents shall be submitted to and approved in writing by the Local Planning Authority and thereafter constructed only in accordance with the approved plans.

Reason: So that the Local Planning Authority may be satisfied with the location

finished appearance of these details prior to the commencement of building works to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework.

5 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details shall be submitted to and approved in writing by the Local Planning Authority to illustrate the colour, texture and bonding of brickwork and mortar treatment to be used for the infill areas to the rear elevation prior to the commencement of the demolition of the 20th century extensions. The infill works to the rear elevation shall be carried out using the approved details.

A sample panel of brickwork shall be erected on site.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of demolition works in view of their sensitive location and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework, specifically section 16 and Policy D5 of the City of York Publication Draft Local Plan (2018).

6 Notwithstanding what is shown on the approved drawings, prior to the commencement of the demolition of the 20th century extensions to the existing building, scaled elevations and cross sections of all new windows including the dormer window shall be submitted to and approved in writing by the Local Planning Authority and installed only in accordance with the approved details.

i. elevation and vertical cross section through all new windows (scale 1:5) illustrating inter alia window head, windows and sills.

ii. cross section through windows (scale 1:1) illustrating inter alia frames, glazing bars, spacers, and gaskets and fixers for single glazed units.

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 and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework, specifically section 16 and Policy D5 of the City of York Publication Draft Local Plan (2018).

7 Notwithstanding what is shown on the approved plans and prior to works commencing on site (excluding demolition) to the existing (standing) building, full details (scaled drawings and sections) including design and materials of the new (one) rooflight shall be submitted to and approved in writing by the Local Planning Authority and installed only in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework.

9 Prior to the occupation of any residential property hereby permitted, scaled details including its design and materials of the gates to Blossom Street shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed as approved and maintained in the approved form for the lifetime of the development.

Note: No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework.

10 Prior to construction of the bathroom/toilet pods within the rooms marked as AP1, AP3, AP4, AP6, AP7 on the approved floor plans, drawings showing the proposed elevations and cross sections of each bathroom or toilet pods shall be submitted for the written approval of the local planning authority. All works shall be carried out and maintained in accordance with the details so approved.

Reason: To protect the special architectural or historic interest of the listed building and to comply with paragraph 193 of the National Planning Policy Framework.

8.0 INFORMATIVES:

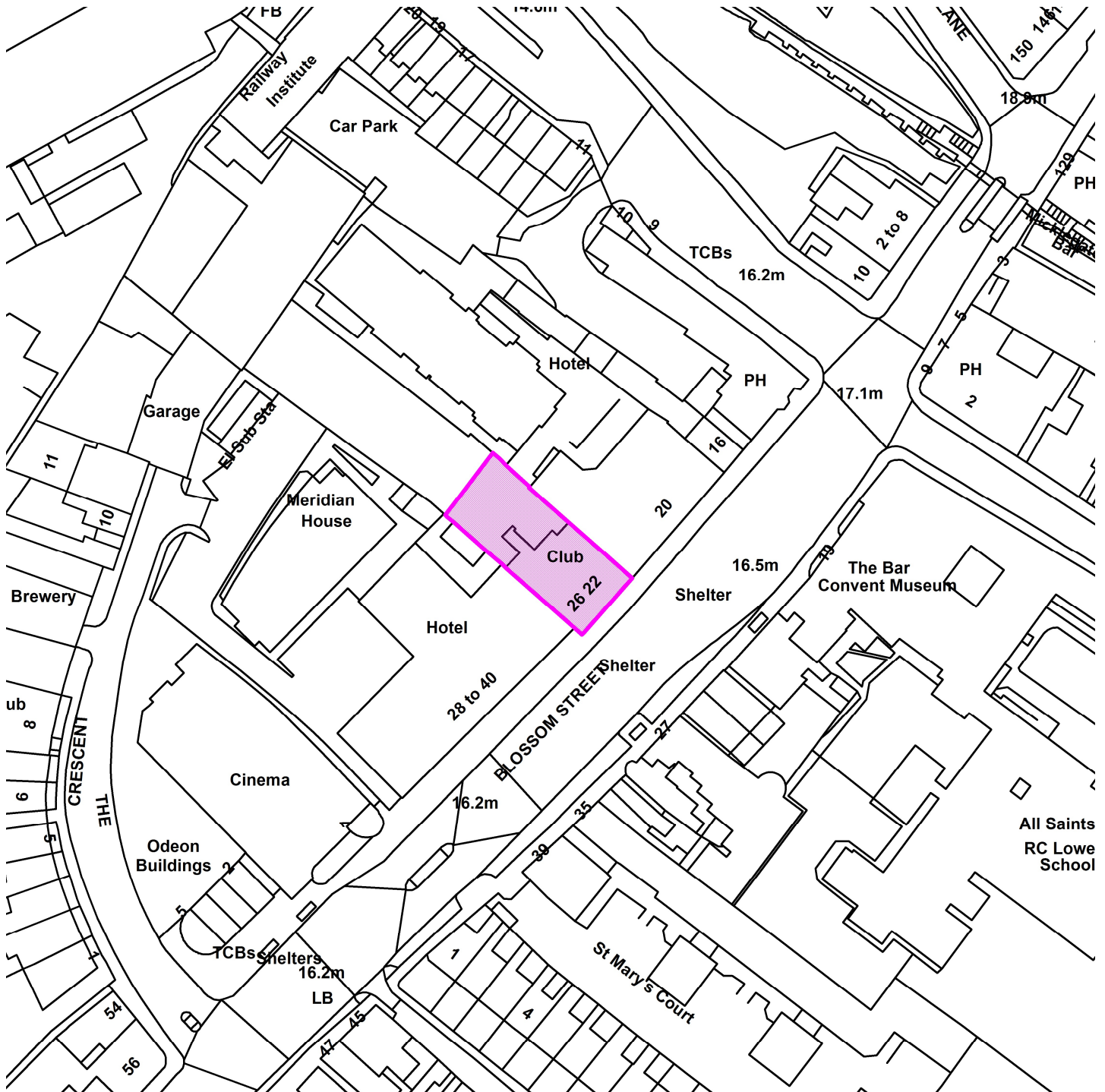
Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575

19/001588/FULM

York City Living Limited, 22-26 Blossom Street



Scale : 1:1138

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Department	Not Set
Comments	Not Set
Date	07 July 2020
SLA Number	Not Set

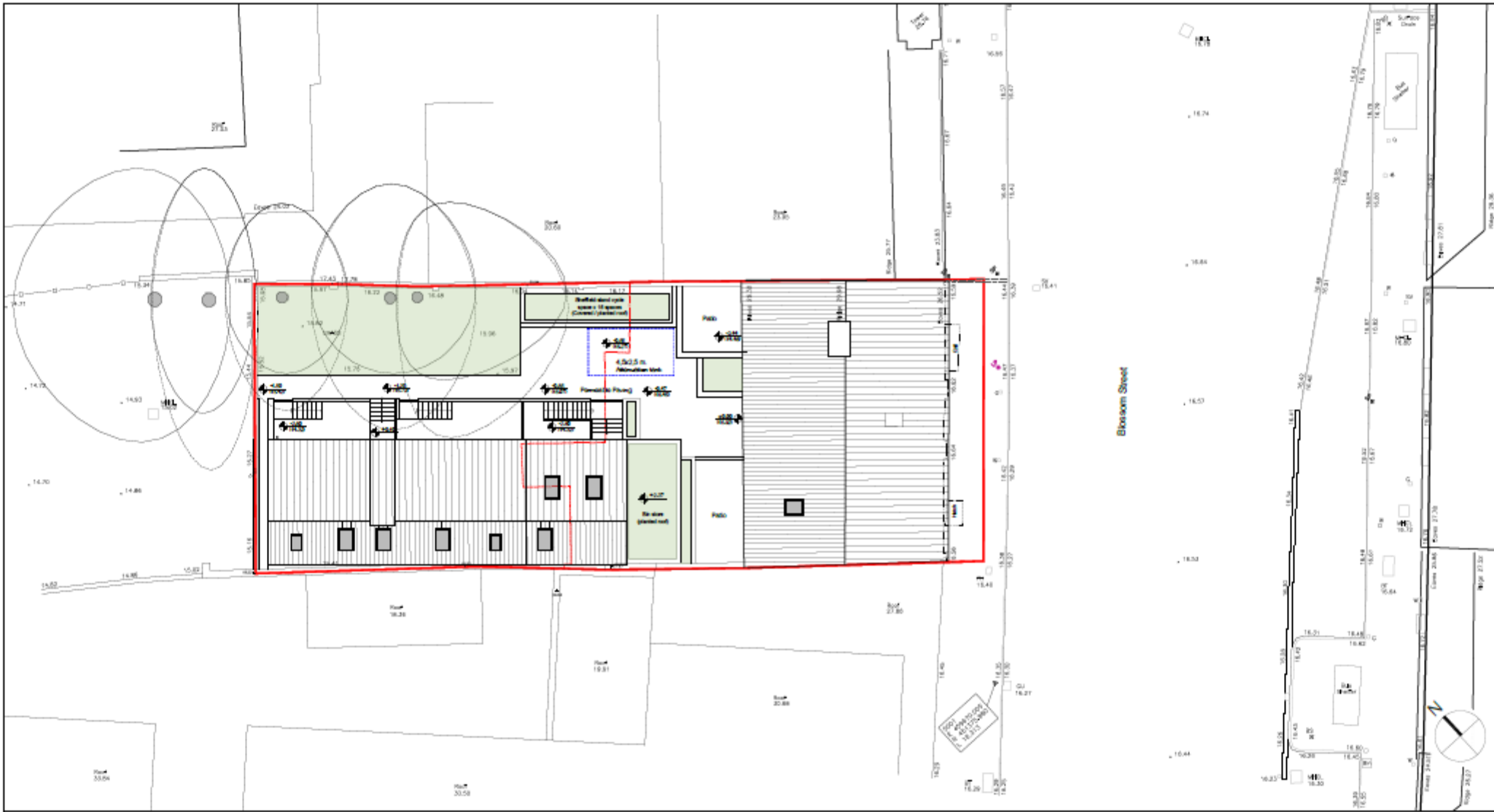
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Area Planning Sub-Committee

19/01588/FULM and 19/01589/LBC

22 - 26 Blossom Street



PROPOSED SITE PLAN

LEGEND	
	Boundary line
	Existing well Dimension category B10
	Existing well to be removed/abst.
	Flow levels
	Existing structure to be demolished

Notes

NO	02/2020	Revision to cycle space
NO	03/2020	Access/Drainage following PCA & CD comments
NO	NO	NO

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dca
 Proposed Residential Development at
 22-26 Blossom Street, York

Project
 Proposed Site Plan

Date
 18/07/19

Scale
 1:200 @ A3

Drawing Number
 108

Drawing Title
 Proposed Site Plan

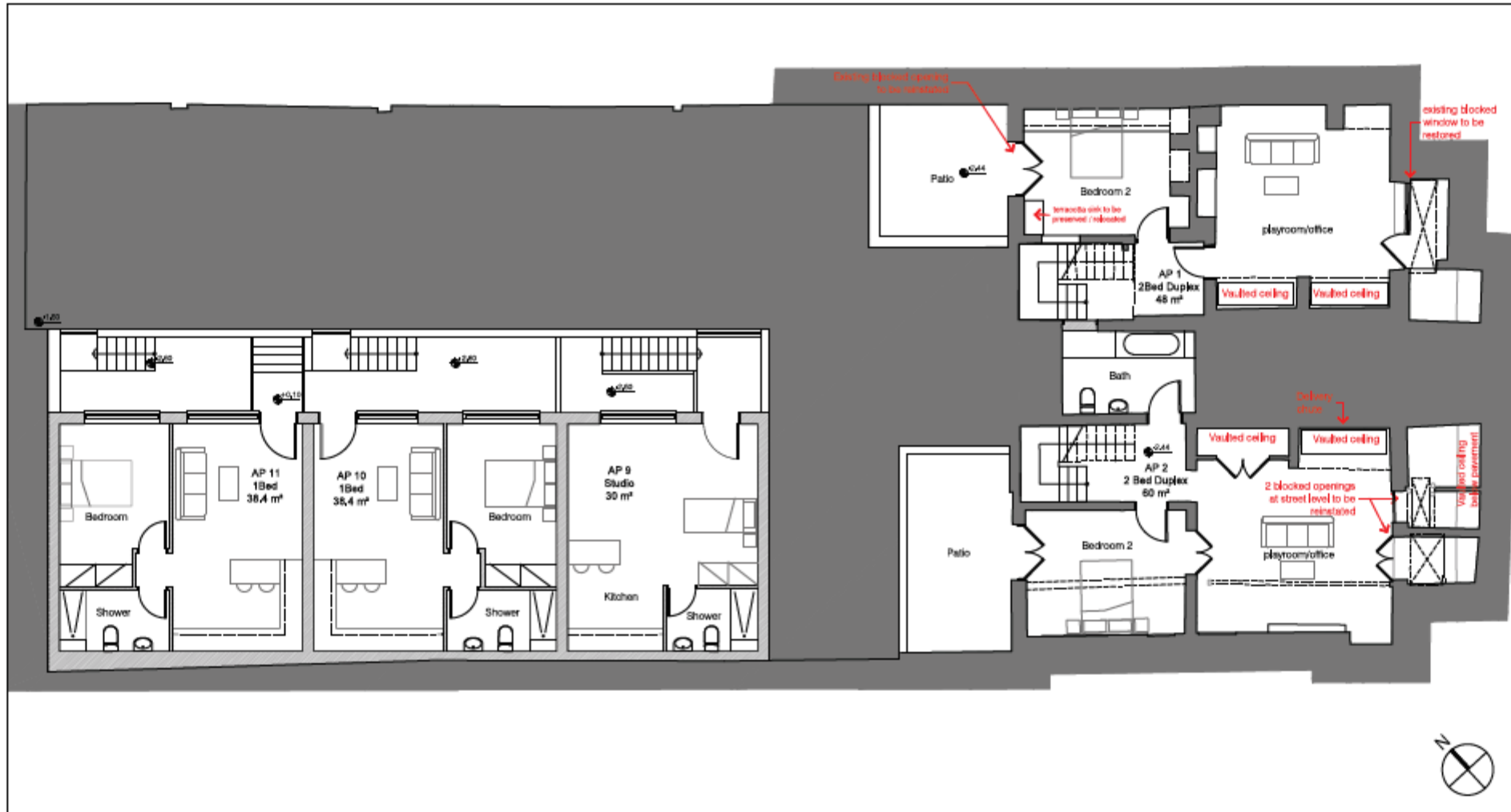


Front elevation (Blossom St)

Front Elevation



Rear Elevation



PROPOSED LOWER GROUND FLOOR PLAN

LEGEND

- Existing structure
- New walls

doarchitects
 Suite 11, Middlebrook Square
 200 Bell Lane, Southampton, T9A 1DQ, UK
 T: 01703 708811 | E: info@doarchitects.com



Project
 Proposed Residential Development at
 23-25 Boswell Street, York

Client
 Proposed Lower Ground Floor Plan

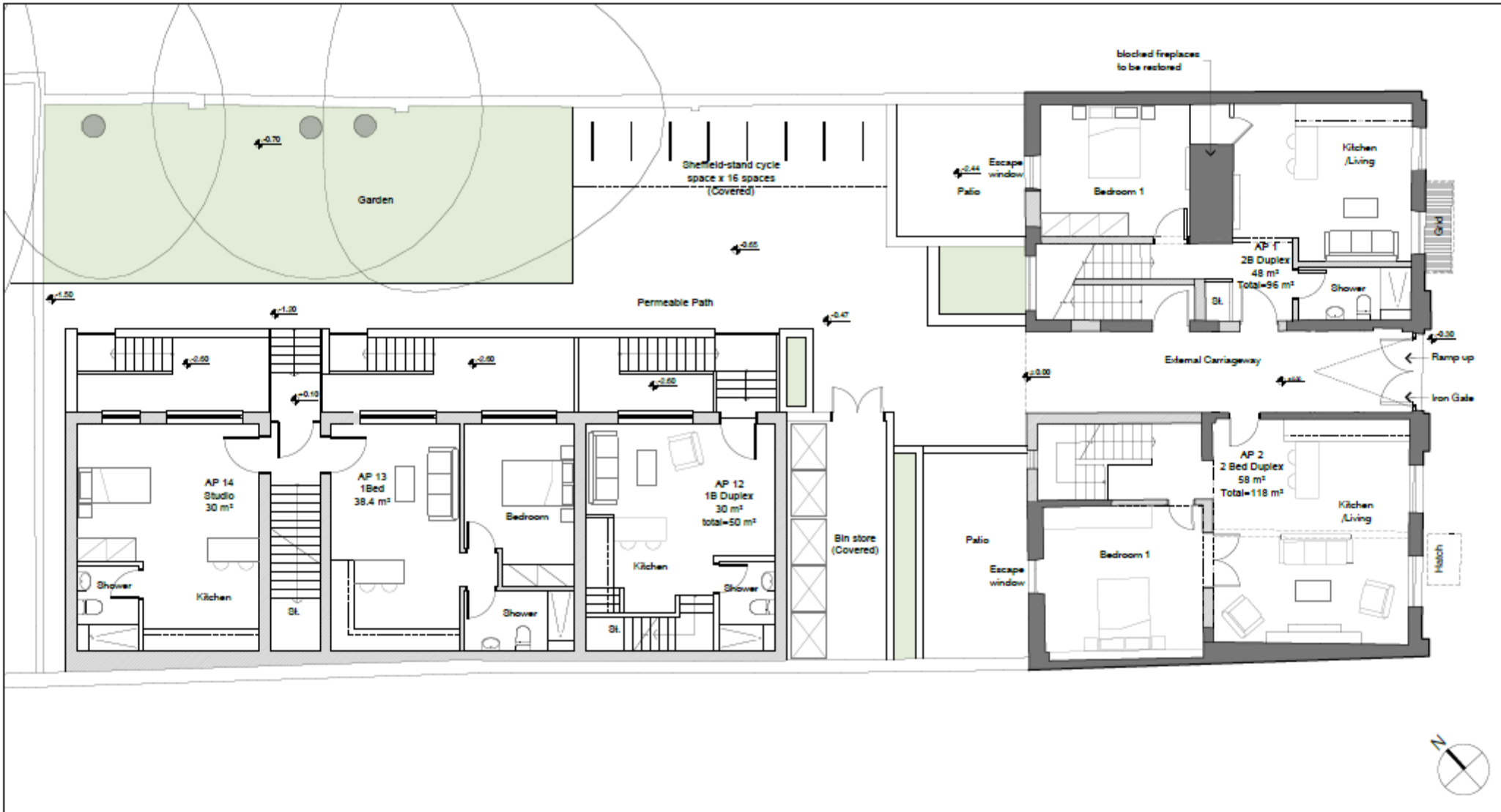
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Project No. 19073
 Date 12/07/19
 Drawing No. 100
 Version P01

Notes

19073 - 190733 - Architectural Working File - 03 - 01 - 000000

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PROPOSED GROUND FLOOR PLAN

LEGEND	
	Existing structure
	New walls

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 10000 Lakeside, North York, YO23 3BQ
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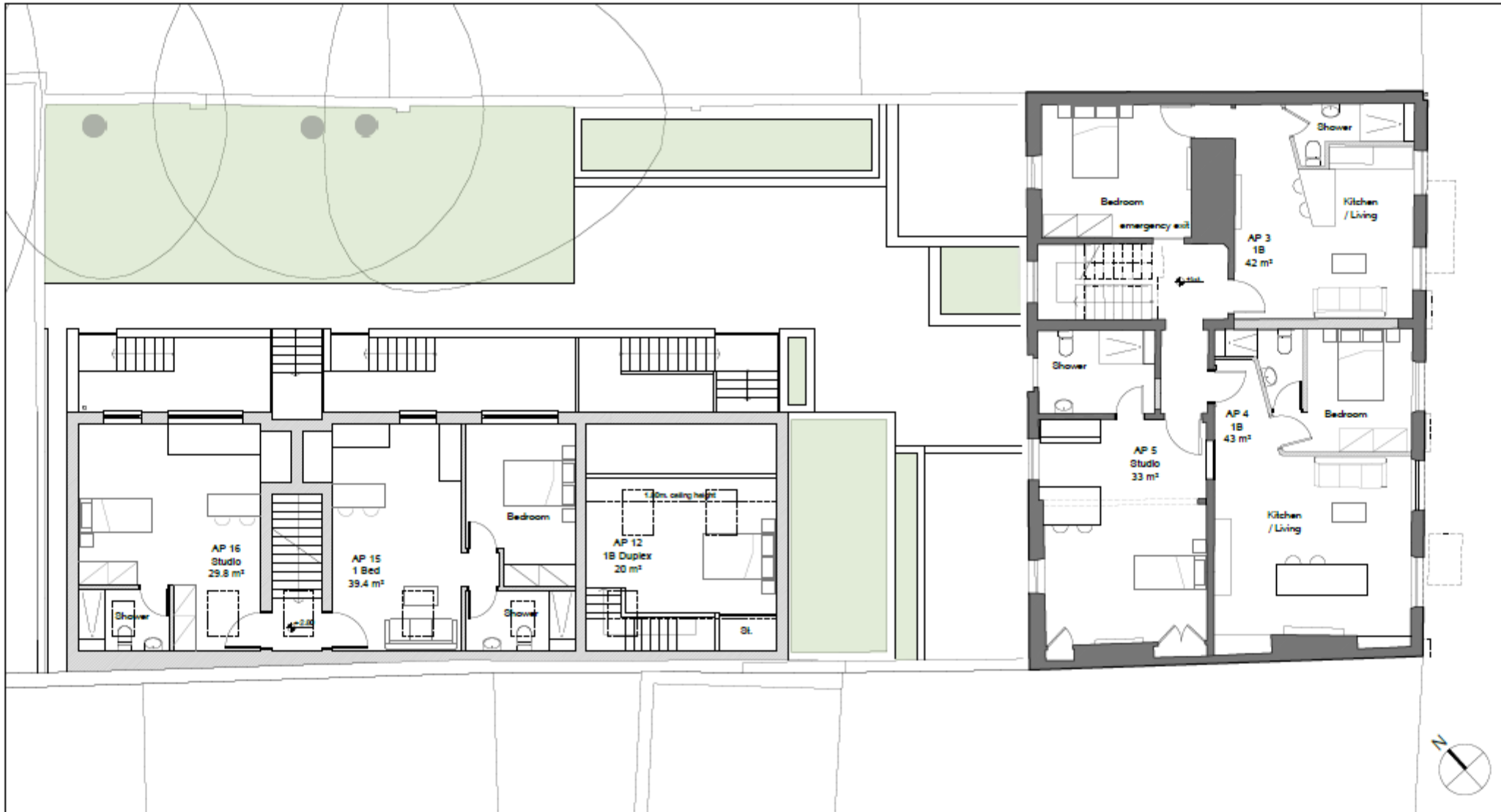
dc a

Proposed Residential Development at
 22-26 Blossom Street, York



Proposed Ground Floor Plan

Scale
 1:100 @ A3

18073 190719 Planning 110 P02



PROPOSED FIRST FLOOR PLAN

LEGEND	
	Existing structure
	New walls

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 100 Mill Lane, Westbury, York, YO23 3BD
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dc a

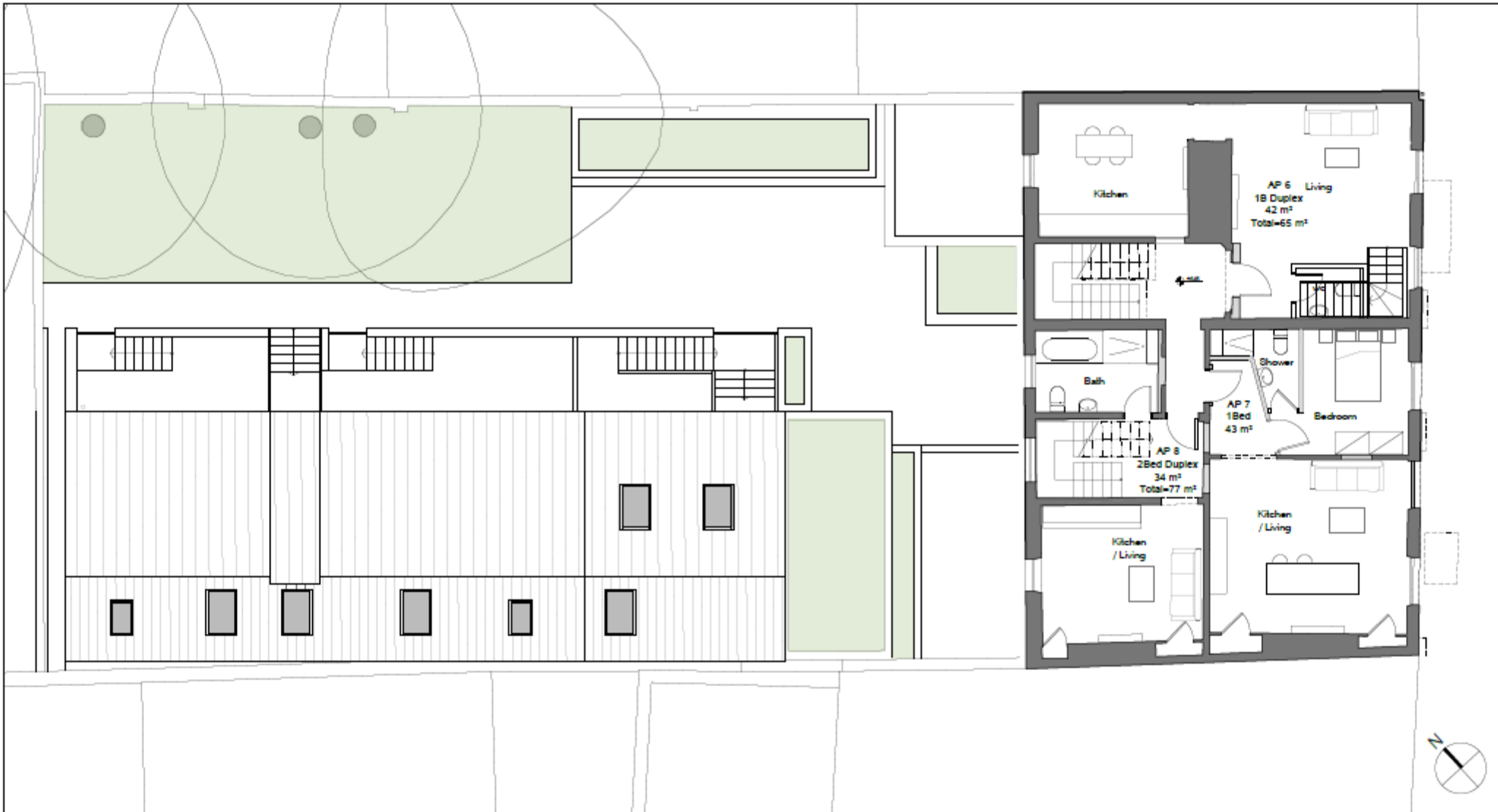
Project:
 Proposed Residential Development at
 22-26 Blossom Street, York

Drawing:
 Proposed First Floor Plan

Date:
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Job number: 18073 Date: 19/07/19 Drawing number: 111 Author: PO2

NO	DATE	DESCRIPTION
PO2	02/07/19	Reaction to cycle space
PO2	02/07/19	Access to Meeting PO2 & PO3 corridors



PROPOSED SECOND FLOOR PLAN

LEGEND	
	Existing structure
	New walls

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 Mark D. Goldberger Architect
 100 Nassau Street, New York, NY 10038
 212 677 7000 | www.do-architecture.com

dc a

Project
 Proposed Residential Development at
 22-26 Blossom Street, York

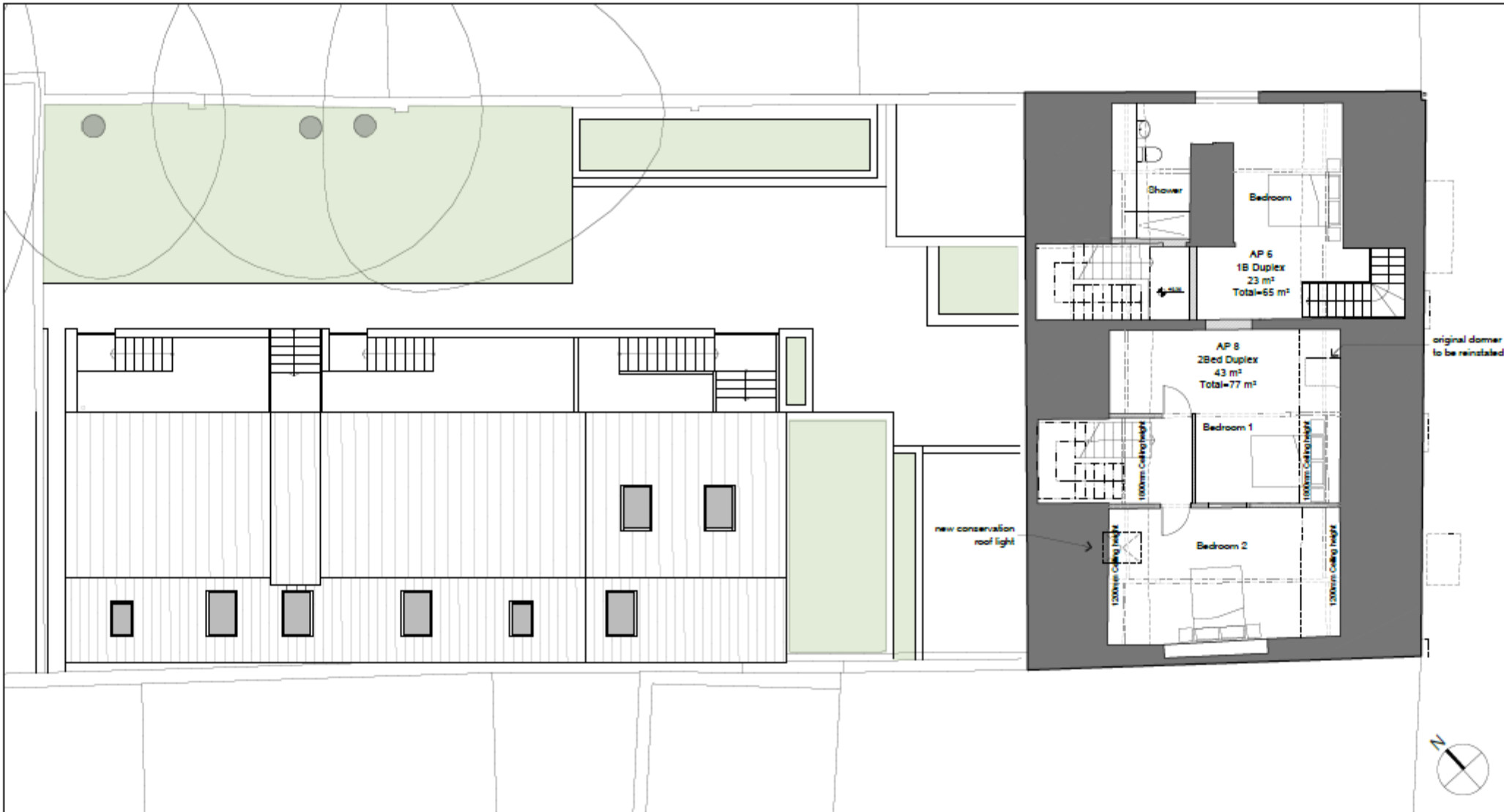
Drawing
 Proposed Second Floor Plan

Date
 1:100 @ A3



Job number
 18073 190719 Planning 112 P02

P02 02/02/20 - Revision to cycle space
 P01 02/02/20 - Approved Planning PCA & CD documents
 Author: [redacted] Date: [redacted]

Notes



PROPOSED THIRD FLOOR PLAN

LEGEND	
	Existing structure
	New walls

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dc a

Project
 Proposed Residential Development at
 22-26 Blossom Street, York

Drawing
 Proposed Third Floor Plan

Date
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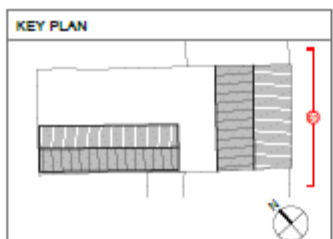
Job number
 18073 190719 Planning 113 P02

NO	DATE	DESCRIPTION
P02	02/05/20	Revised to cycle space
P01	02/05/20	Approved for Planning PCA & CD approvals
Author	AM	Architect

Notes



PROPOSED ELEVATION 01



LEGEND

	Existing structure
	New walls

MATERIALS

- Standing seam zinc roof
- Brickwork
- Brick cladding light gray
- Zinc downpipe
- Metal railings
- Steel frame doors

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dc a

Proposed Residential Development at
 22-26 Blossom Street, York

Proposed Elevations
 Front Elevation 01 (SE)

Scale
 1:100 @ A3

Project Number: 18073
 Date: 19/07/19
 Drawing Number: 130
 Sheet: P02

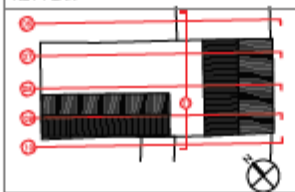
Notes

NO 026620 - Revision to cycle space
 NO 026620 - Access/Drinks 150mming PCA & CO comments
 Author: dm
 Designer: acp/ghp



PROPOSED SECTION/ELEVATION 08

KEY PLAN



LEGEND

- Existing structure
- New walls

MATERIALS

- ① Standing seam zinc roof
- ② Brickwork
- ③ Brick cladding light gray
- ④ Zinc downpipe
- ⑤ Metal sills
- ⑥ Steel frame doors

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Proposed Residential Development at
28/29 Blossom Street, York

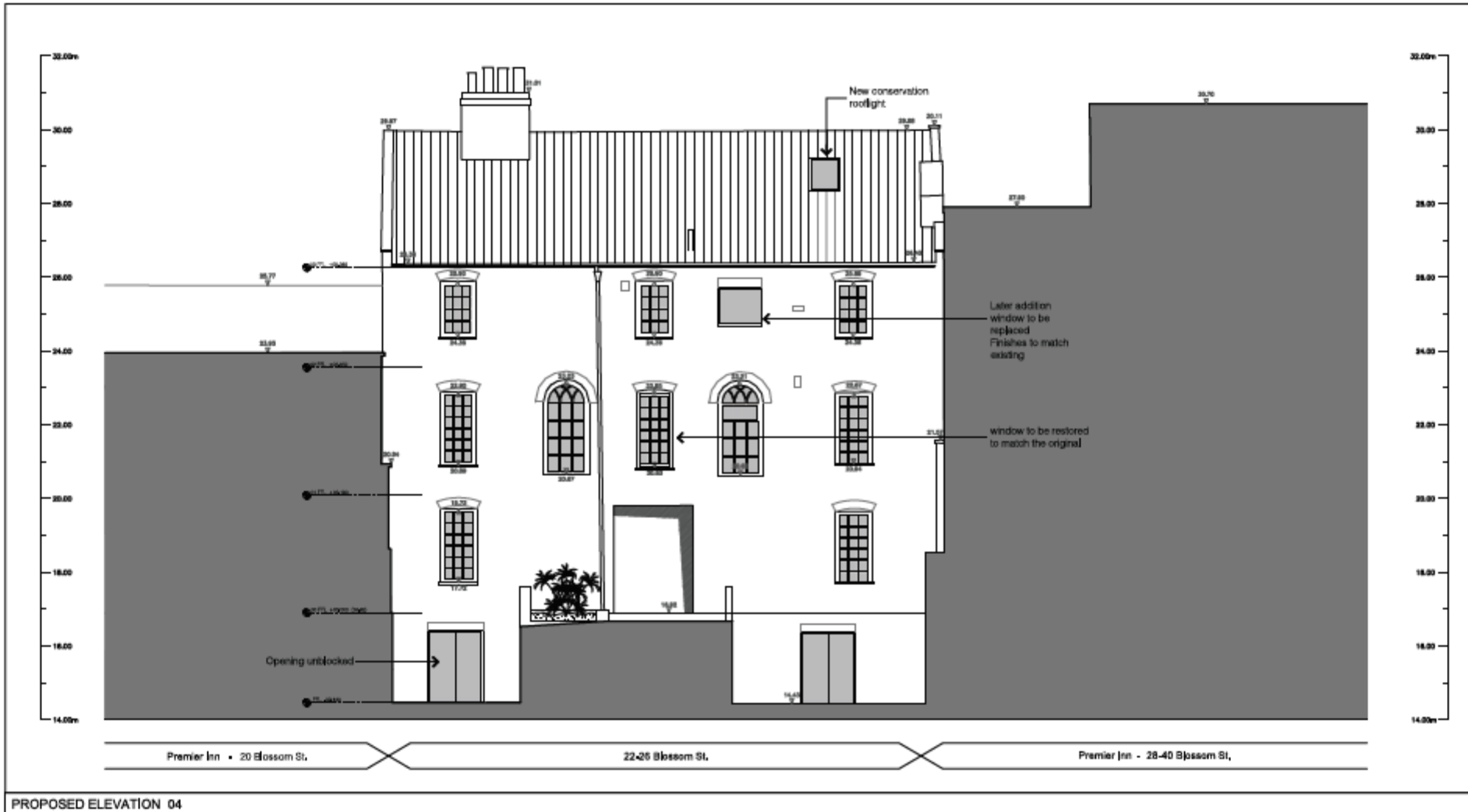
Proposed Elevations/Sections
Side Section/Elevation 08 (NE)

Scale
1:100 @ A3

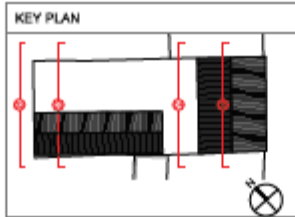
DATE	BY	CHKD	REVISION	NO.
19/07/24	AS	AS	Planning	137

Notes

NO.	DATE	DESCRIPTION
1	19/07/24	As per drawing



PROPOSED ELEVATION 04



LEGEND

	Existing structure
	New walls

MATERIALS

- ① Standing seam zinc roof
- ② Slickwork
- ③ Slick decking light grey
- ④ Zinc downpipe
- ⑤ Veral railings
- ⑥ Steel frame doors

Notes

REV	DATE	REVISIONS

dsarchitects
 Suite 15, Millers Square Park
 201-203 Ave, Manchester, Tel: 0161 275 2822
 E: 0161 275 2822 x studio@dsarchitects.com

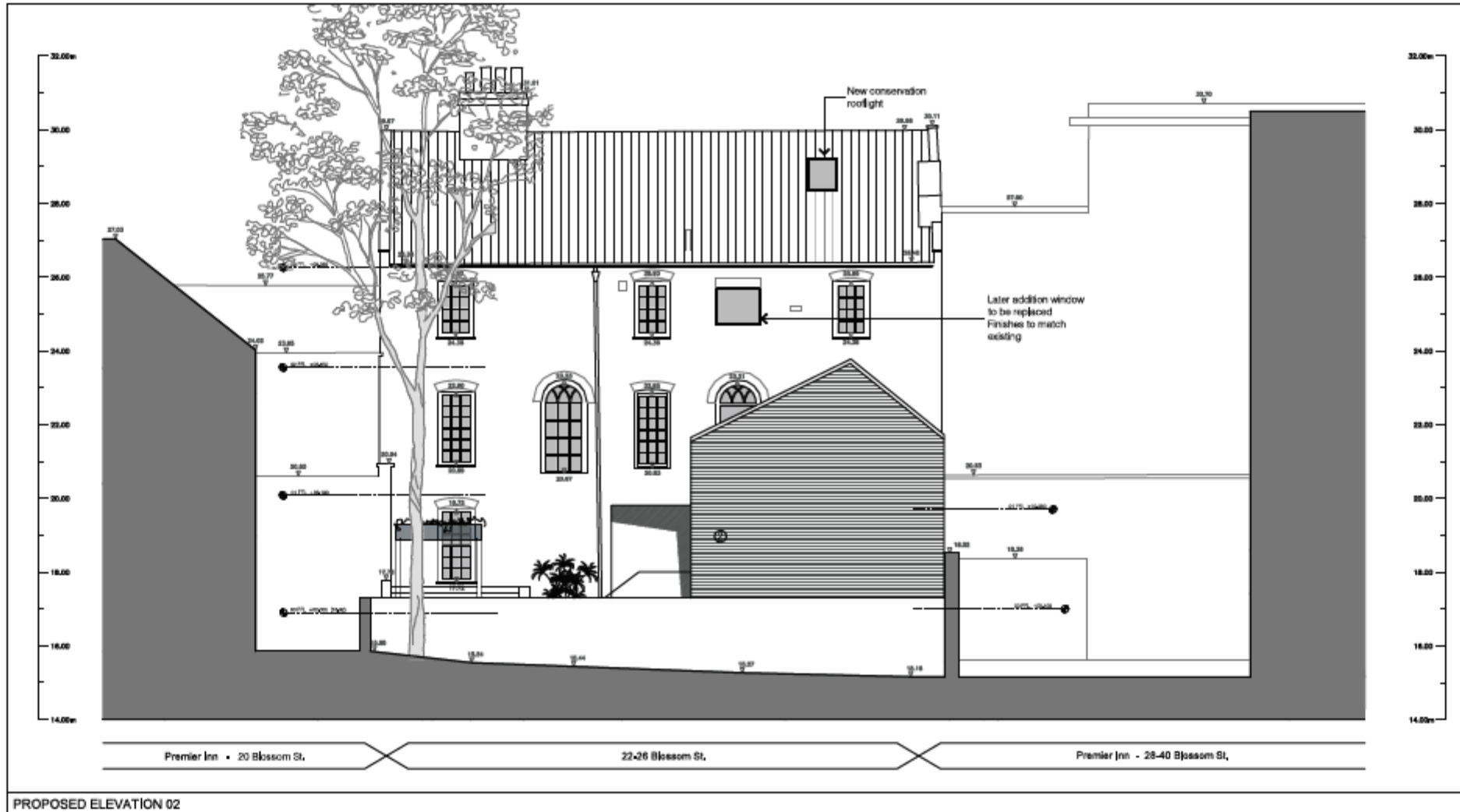
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Proposed Residential Development at
 22-26 Blossom Street, York

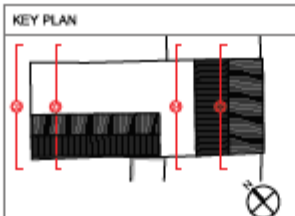
Proposed Elevations/Sections
 Rear Elevation 04 (NW)

Scale: 1:100 @ A3

sheets	of	date	drawing number	notes
18073	160719	Planning	133	PD1



PROPOSED ELEVATION 02



LEGEND

	Existing structure
	New walls

MATERIALS

	Standing seam zinc roof
	Brickwork
	Brick cladding light gray
	Zinc downpipe
	Metl railings
	Steel frame doors

Note

1:100 @ A3

doerchitecture
 Suite 11, Midtown Square
 200 Bell Ave. (at Blossom), York, ON M3J 2K2
 T 905.709.1111 | info@doerchitecture.com

doa

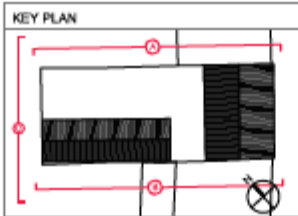
PROJ: 190703 - Architectural Elevation 02 & 03 - 02/2019

DATE: 02/2019

190703 - 02/07/19 - Planning - 131 - P01



PROPOSED SITE SECTION C



dearchitect
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 200 West 57th Street, New York, NY 10019
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Project
 Proposed Residential Development at
 200 West 57th Street, New York

Client
 Proposed Site Section C

Scale
 1/32" = 1'-0"

Date
 10/07/19
 Drawing Number
 122
 Sheet
 P01

Note

REV 10/07/19 Architectural Working Model & CD comments

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