



Notice of a public meeting of

Planning Committee B

- To:** Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell and Perrett
- Date:** Thursday, 8 December 2022
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

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

2. Minutes

(Pages 1 - 14)

To approve and sign the minutes of the Planning Committee B meetings held on 19 October 2022 and 10 November 2022.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 6 December 2022.

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

Webcasting of Public Meetings

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

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

- a) **1 Ascot Mews, Emerald Street, York, YO31 8LT** (Pages 15 - 32)
[22/01235/FUL]
Change of use from dwelling house (use class C3) to short-term letting holiday accommodation (sui-generis). [Guildhall Ward]
- b) **2 Ascot Mews, Emerald Street, York, YO31 8LT** (Pages 33 - 50)
[22/01236/FUL]
Change of use from dwelling house (use class C3) to short-term letting holiday accommodation (sui-generis). [Guildhall Ward]
- c) **Fishergate CP School, Fishergate, York, YO10 4AF** (Pages 51 - 64)
[22/00787/GRG3]
Installation of enclosed Multi Use Games Area pitch to playing field at rear of school. [Fishergate Ward]
- d) **67 Grantham Drive, York, YO26 4UE** (Pages 65 - 78)
[22/01864/FUL]
Single storey rear and side extension following demolition of existing conservatory. [Holgate Ward]

- e) **17 Newlands Drive, York, YO26 5PQ** (Pages 79 - 94)
[22/01734/FUL]

Change of use from dwelling (use class C3b) to 6.no. occupant House in Multiple Occupation (Use Class C4). [Acomb Ward]

- f) **3 Toft Green, York [20/00314/FULM]** (Pages 95 - 148)

Erection of new building comprising of ground floor music venue (sui generis) and offices (use class E) including external terrace and landscaping to rear at first floor level following demolition of existing buildings at 3-5 Toft Green. [Micklegate Ward]

5. **Urgent Business**

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

Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: jane.meller@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
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- 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)

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City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	19 October 2022
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Daubeney, Fisher, Galvin, Orrell, Perrett and Kilbane (Substitute for Cllr Crawshaw)
Apologies	Councillor Crawshaw
Officers Present	Gareth Arnold, Development Manager Neil Massey, Development Officer Ruhina Choudhury, Senior Solicitor

31. Declarations of Interest (4.32 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

No interests were declared.

32. Public Participation (4.32 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

33. Plans List (4.33 pm)

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

34. Former Piggeries, Rear of Willow Court, Main Street, Holtby, York [22/00586/FUL] (4.33 pm)

Members considered a full application for the variation of condition 2 of the permitted application 17/02982/FUL, to amend the internal layout, external

appearance and orientation of plot 4 at Former Piggeries, Rear of Willow Court, Main Street, Holtby, York.

The Development Manager gave a presentation on the application and updated the Committee on a further objection from a neighbour of the property which related to loss of privacy and views.

In response to Members questions, the officer confirmed the main differences in the plans from the original application. He also explained that the original conditions for the development pre-date the draft Local Plan, the commencement condition was linked to the original development and therefore should the application be granted, permission would be in place in perpetuity.

Public Speakers

Cllr Warters, Ward Member for Osbaldwick and Derwent, spoke in objection to the application. He raised concerns regarding the footpath which had been agreed as part of the original development, he stated that the new design would be out of keeping with the rest of the development. In response to questions, he suggested that Members compare both sets of plans.

Jeremy Dowell, spoke in support of the application on behalf of the applicant. He stated that the property, which did not front the street, had been designed in accordance with the Village Design Statement (VDS). It complemented the existing buildings and met all environmental requirements. He explained, in response to questions, that the redesign had been necessary to meet his client's requirements.

Officers responded to Members questions and explained that the footpath had formed part of a s106 agreement in 2014, current s106 agreements did not cover footpaths.

The VDS provided supplementary guidance and had some weight in the decision-making process, whilst old, it was not necessarily out of date.

Following debate, Cllr Galvin moved to approve the officer recommendation, this was seconded by Cllr Fisher. Members voted unanimously in favour and it was;

Resolved: That the application be approved subject to a deed of variation to the existing Section 106 Agreement to ensure that the permission is subject to the obligations of the Section 106 Agreement for 17/02982/FUL.

Reason: The proposal would not result in further harm to the openness of the Green Belt, character and appearance of the development and surrounding area, or residential amenity for existing and future occupants, and would be considered to comply with National Planning Policy Framework (2021), policies DB1 and GB1 of the City of York Publication Draft Local Plan 2018, policies GP1 and GB1 of the 2005 City of York Draft Local Plan, and the contents of the Holtby Village Design Statement. The proposal would have no impact on the consideration of highway safety, biodiversity, or contamination, which can be mitigated by the imposition of conditions or through a Section 106 Agreement, and the proposed amendments to the previous approval are not considered to be fundamental or substantial. Approval is therefore recommended, subject to the imposition of those conditions from the previous approval 17/02982/FUL that this Section 73 application does not seek to vary, updated to take account of the details approved under AOD/19/00340 and to include a condition to cover surfacing materials for the proposed driveway. As the previous application was subject to a Section 106 Agreement, securing Affordable Housing and Sports contributions, a deed of variation is required to take account of this Section 73 application.

**2a) Union Terrace Car Park, Clarence Street, York
[21/02295/GRG3] (5.04 pm)**

Members considered an application at Union Terrace Car Park, Clarence Street, York for the installation of an Ultra Rapid Charging Hub, erection of battery storage unit and substation with temporary construction compound.

The Development Manager gave a presentation on the applications for items 4b and 4c. A verbal update was provided by the Development Officer in which he explained a further objection had been received regarding the existing spaces and the distance from the main route into the city. He also noted that the plans had been revised.

In response to questions concerning the plans, officers confirmed that the proposed Hub would be drive in and reverse out and clarified that the applicant was City of York (CYC) council. Parking bays are marked out and are wide enough for passing vehicles. In respect to the additional

distance to the main pedestrian route towards the city, the average was 50m, the furthest being 86m.

Flick Williams, a resident, spoke in objection to the application and raised concerns about the relocation of the blue badge spaces and associated safety concerns. She highlighted that some disabled groups would not hear or see EVs (Electric Vehicles). She also questioned the absence of an Equalities Impact Assessment (EIA).

Stuart Andrews, CYC Project Manager for the HyperHub project was available to answer questions. He responded to questions on the EIA, the number and size of the parking spaces, general questions relating to the layout of the site, the reasons for moving the disabled parking facility, hub usage and consultation with disability groups. He confirmed the following:

- An equalities assessment had been undertaken for the HyperHubs project. This was prior to the council's EIA policy. The PAS 1899 standards had been used for guidance. Disabled EV users had been consulted as part of the design process for the hubs.
- There would be the same number of bays, the same shape and size as existing, with the addition of two EV charging bays.
- The disabled parking bays were required to be moved to enable 24 hour access to the HyperHub. If the Hub was situated further in to car park, there would be an increase in traffic, the costs of cabling would also increase and there would be a reduction in the capacity of the car park by 20-30 spaces.

Following debate, Cllr Galvin moved the officer recommendation to approve the application. No Member was willing to second the proposal and the motion therefore fell.

[18:05 Cllr Galvin left the meeting.]

Following further debate, the Chair proposed a deferral with revised plans to come back to the full Committee, this was seconded by Cllr Craghill. A vote was taken and the motion was passed with five in favour and 3 against. It was therefore;

Resolved: That the application be deferred to allow the applicant to seek an amended design to minimise the distance between the blue badge holder spaces and the pedestrian exit from the car park, avoiding crossing the vehicle entrance to the hyper hub.

Reason: The proposed charging hub would support initiatives to encourage the switch to more sustainable travel modes. The central location would be particularly beneficial to tourists,

people using work vehicles and the occupiers of the many nearby terraced properties that currently do not have easy access to charging facilities. The position within a car park, outside the Central Historic Core conservation area is a logical location for the facility. It is considered that the less than substantial harm to the setting of the adjacent Conservation Area would be outweighed by the wider environmental benefits of the proposal.

The proposed position of the charging hub should be reconsidered due to the requirement to re-locate the blue badge spaces that are currently located in the southeast corner of the car park. Consideration should be given to a revised / relocated compound; walkway along the southern boundary; relocation of the blue badge spaces.

**35. Union Terrace Car Park, Clarence Street, York
[22/00426/ADV] (5.04 pm)**

Following deferral of item 4b, 21/02295/GRG3, the Chair moved to defer item 4c, 22/00426/ADV. This was seconded by Cllr Fisher. Members voted unanimously in favour and it was;

Resolved: That the application be deferred and be brought back to Committee alongside 21/02295/GRG3.

Reason: Due to the interdependent nature of the application.

Cllr A Hollyer, Chair

[The meeting started at 4.31 pm and finished at 6.15 pm].

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Meeting	Planning Committee B
Date	10 November 2022
Present	Councillors Hollyer (Chair), Melly (Vice-Chair), Crawshaw, Daubeney, Fisher, Orrell and Webb (Substitute for Cllr Perrett)
Apologies	Councillors Craghill, Galvin and Perrett
In Attendance	Gareth Arnold (Development Manager) Ruhina Choudhury (Senior Solicitor, remote) Sharon Jackson (Development Management Officer)

36. Declarations of Interest [16.31]

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests. None were declared.

37. Minutes [16.31]

Resolved: That the minutes of the last meeting held on 17 October 2022 were approved and then signed by the Chair as a correct record.

38. Public Participation [16.32]

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

39. Plans List [16.32]

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

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

40. 6 Garrow Hill Avenue, York, YO10 3HY [22/00513/FUL] [16.32]

Members considered a full application from Nejla Aslan for a single storey side and rear extension with bin store to rear at 6 Garrow Hill Avenue, York.

Following a presentation on the application from the Development Manager, he was asked and confirmed that:

- The wall between the kitchen and dining room on the proposed floor plan denoted where the wall would be taken out.
- The increase in footprint and overall volume had not been calculated and there was nothing in the guidance to require it.

Public Speakers

Ben Powell spoke in objection to the application. He explained that over recent decades the community structure had eroded as houses became Houses of Multiple Occupation (HMO). He noted that 14 out of 27 residents had objected to the application and outlined their concerns regarding the impact of the extension.

Cllr Pavlovic, Ward Councillor, spoke in objection to the application on behalf of nine residents on Garrow Hill Avenue, who were concerned about the changing nature of the street. He explained that the house extension would be overwhelming and he outlined the reasons an application for the property had been refused in 2008. He noted that the ensembles had been taken out of the revised plans and it still resembled a HMO. He asked Members to refuse the application on the grounds of it being harmful to the area. In answer to Member questions, he explained that:

- On the Newton Park estate, 47% of properties were HMOs, most of which being pre Article 4 Direction. There were a number of enforcement cases on family homes being converted to HMOs.
- It was not possible impose a condition that the house couldn't be used as an HMO because a new planning permission would be required in any event. He added that his objections were on the size of the extension.

Emrah Ozan (Agent for the Applicant), spoke in support of the application. He noted the concerns during the consultation period that the house would be a HMO. He noted that all issues had been resolved and his client had no intention to use the house as a HMO as it would be lived in as a family home. He added that the application was different to the 2008 application

and that the previous application sought permission for a two storey extension which had been changed to one storey. In response to Member questions, he explained that:

- The kitchen and dining room were open plan and the living arrangements for the two families in the property was outlined.
- How the living room would be used.

During debate, the Development Manager was asked and explained the reasons for refusal of the 2008 application for a freestanding, two storey, two flat building. Following debate, the Chair moved the Officer recommendation to approve the application. This was seconded by Cllr Orrell. A vote was taken and with four votes in favour and three against, it was;

Resolved: That the application be given householder approval.

Reason: The proposal is considered to comply with National Planning Policy Framework (2021), policy D11 of the City of York Publication Draft Local Plan 2018, policy H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

41. 19 Hillcrest Avenue, Nether Poppleton, York, YO26 6LD [22/00731/FUL] [[17.05]

Members considered a full application from Gareth Ede for the Erection of detached dwelling with integral garage following demolition of dwelling at 19 Hillcrest Avenue Nether Poppleton York YO26 6LD.

The Development Manager outlined the application and gave a presentation on it. In response to Member questions, he clarified that:

- The proposed roof ridge was further back than existing.
- The bricks from the existing building would be used as far as possible. The reuse of the bricks was included in the approved plans.
- The heat pump was in the plant room at the back of the building.
- Passivhaus could not be conditioned and there could be a condition in line with the 2021 building regulations.
- It was the intention of the applicant to install micro solar tiles on the roof. It was not known whether this would change the brown/red nature of the roof tiles as this was not part of the planning application.

Public Speakers

The Chair read out a written statement from Colin Wood (registered to speak, and unable to attend the meeting), in objection to the application.

David Partington spoke in objection to the application. He explained that all buildings on Hillcrest Avenue were consistent and that the new building was not consistent and that that section of the avenue was not suitable location for it. He noted there had been 23 objections to the original application and many for the revised application. He noted that the application did not fit in with the consistent design of Hilcrest Avenue.

The Applicant, Gareth Ede, spoke in support of the application. He stated that the bungalow was a tired 1970s building in need of renovation. He explained that renovating the existing building would not achieve an energy rating of C, whereas new build would create a passivhaus standard of building. He explained how the building would be constructed and would exceed building regulations. He added that the building would be net zero carbon to run and that under the NPPF there was a presumption for sustainable development. He noted that the streetscene was a mix of houses with the only consistent elements being the brick façades and tiled roof, which the new building would have. In answer to a Member question, he explained that regarding the use of photo voltaic tiles he wanted to generate his own electricity with no reliance on the grid.

Members then asked the Development Manager further questions to which he responded that:

- The general design ethos of the street was a buff yellow brick with a variety of roof tile shades.
- The building could not be demolished without permission but there was nothing in the policy preventing demolish and rebuild in terms of sustainability.
- In respect of how much weight could be given to the appearance of the street scene, he outlined policy PNP 6a regarding the design and visual appearance and policy PNP 4 on the village design statement.

Following debate, Cllr Webb moved the officer recommendation to approve the application and an added condition regarding sustainability. This was seconded by Cllr Fisher. A vote was taken with a unanimous vote in favour it was;

Resolved: That the application be approved subject to the conditions outlined in the report and an added condition regarding sustainability.

Reason: The application site lies within the village of Nether Poppleton in a sustainable and accessible location and in a predominantly

residential area. The proposed new dwelling will be an embodied low carbon “Passive – Standard” bungalow with integral garage which would contribute to National Governments incentives for reducing carbon emissions. In the planning balance, it is considered that by virtue of the design changes made to the proposal and the introduction of re-claimed materials to highly visible elevations would be likely to appropriately integrate into the prevailing character and appearance of the street scene. Moreover, the revised plans appear more compatible in its relationship to neighbouring properties in so far that it would not appear overly intrusive and acceptable levels of light and privacy will be retained. Therefore, approval is recommended subject to detailed conditions on the grounds that the scheme is compliant with policies PNP4, PNP6a and PNP11 of the Upper Poppleton and Nether Poppleton Neighbourhood Plan, The National Planning Policy Framework (NPPF), the Emerging Draft Local Plan 2018, and the Development Control Local Plan 2005.

42. York College, Sim Balk Lane, York, YO23 2BB [22/01278/FULM] [17.36]

Members considered a major full application from Geoff Wroe for a two storey side extension to the construction centre at York College, Sim Balk Lane, York.

The Development Manager outlined the application and gave a presentation on it. He advised Members of an update to paragraph 5.16 of the report and noted that the proposal would not increase staff or student numbers. He was asked and clarified where the roof lights were located.

Cllr Webb moved the officer recommendation to approve the application. This was seconded by Cllr Crawshaw and following a unanimous vote it was;

Resolved: That the application be approved.

Reason: The proposal is for a two- storey extension to The Construction Education Centre at York College. Policy ED7 of the emerging DLP supports development for future expansion to the site and sufficient land has been identified on the DLP proposals map to facilitate anticipated growth of York College and continued delivery of its facilities in one location. The extension will provide additional workshops to practice practical manual trade

skills and additional classrooms for academic studying and more office space. The proposal has been advanced as a permanent solution to the existing temporary marquee to accommodate students enrolled with the construction faculty. The extension is of an appropriate scale and design and would not harm the character of the area. Therefore, approval is recommended subject to detailed conditions on the grounds that the scheme is compliant with the National Planning Policy Framework (NPPF) and the Emerging Draft Local Plan 2018, with particular reference to policy ED7.

43. 56 Westminster Road, York, YO30 6LY [22/01631/FUL] [17.44]

Members considered a full application from Mr Jones for a Single storey side and rear extension, loft conversion and dormer to rear, and raised terrace to rear following demolition of existing detached garage at 56 Westminster Road, York.

The Development Manager gave a presentation on the application. Members then asked a number of questions to which he responded that:

- The neighbour's garden could be seen over the 1.4m wall.
- The grey line on the plan showed the existing ground level of the garage. It was clarified that there was a window on the back of the existing garage.
- The 1.4m height of the garden wall was submitted by the applicant.

Public Speakers

Margaret Richardson spoke in objection to the application. She explained that Westminster Road consisted of semi detached houses with garages. She noted that the proposed extension would turn her garden path into a narrow passage. She explained that the kitchen was a habitable room as they ate in it. She added that the proposed garden wall would not stop people looking into their garden and that the new terrace was 115cm away from the terrace on their house and would mean there was a view straight onto their terrace, kitchen, and living room/snug. In response to Member questions, she explained:

- The entrance to her kitchen.
- Her concern regarding the creation of a narrow passageway, and that there was nothing like it on the street.
- She accepted that the platform would be used as seating, and she added that next door was a higher elevation than their house.
- The new terrace was 45 inches from their terrace.

The Development Manager was then asked and explained that the kitchen was classed as a habitable room if it was used as a dining kitchen. He was asked and confirmed that if not connected to the rear the extension would be permitted development. He was asked if the width of the alley was a change in amenity and he explained that the issue was with outlook, which was something to consider as it had an impact on the house.

The Chair moved the officer recommendation to approve the application. This was seconded by Cllr Melly. Following a vote with six in favour and one abstention it was;

Resolved: That the application be given householder approval.

Reason: The proposed works will respect the general character of the building and area and the impact on the amenity of neighbouring residents would be acceptable. It is considered it complies with national planning guidance, as contained in the National Planning Policy Framework, Publication Draft York Local Plan 2018, City of York Council Development Control Local Plan 2005 and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

Cllr A Hollyer, Chair

[The meeting started at 4.30 pm and finished at 6.11 pm].

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COMMITTEE REPORT

Date: 8 December 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 22/01235/FUL
Application at: 1 Ascot Mews Emerald Street York YO31 8LT
For: Change of use from dwelling house (use class C3) to short-term letting holiday accommodation (sui-generis)
By: Mr Nicolas Tait
Application Type: Full Application
Target Date: 12 December 2022
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal is a retrospective planning application to use 1 Ascot Mews, Emerald Street as short-term holiday let accommodation. No external changes to the site or building are proposed. The applicant has stated that the property will sleep a maximum of 6 people. There is also a concurrent retrospective planning application (22/01236/FUL) to use the attached property, 2 Ascot Mews, as a short-term holiday let to sleep a maximum of 6 people. It is understood that 3 Ascot Mews is also in use as a short term let.

1.2 Ascot Mews is an 'L' shaped courtyard that contains 3 two-storey properties. They have no rear gardens. The homes were created from the conversion of buildings that had previously been used mainly for non-domestic purposes including a workshop, however, it is understood that a small dwelling has existed within the site for a considerable time. The 2004 planning permission (04/02274/FUL) granted consent to convert the workshop buildings to create two new flats in addition to the existing house. In 2007 (07/00897/FUL) planning permission was granted for a modified scheme that upgraded the existing dwelling and created 2 two-storey dwellings. This was implemented. Each of the three dwellings were designed with pedestrian access from the courtyard. Four car parking spaces (two for number 1 and two for 2 Ascot Mews are contained within the courtyard). The block plans show one car parked in a 'tandem' manner. The parking space for number 3 is located on

private land between the building and Emerald Street. Number 1 and 2 are within the same ownership. Number 3 is in separate ownership.

1.3 Emerald Street is a relatively narrow street in The Groves containing terraced homes. It is not a through route for cars. The application property is at the far end of the terrace with the highway immediately to the front containing double yellow lines. There are two pedestrian-only routes running close by the site. One leads north to Huntington Road and the other south-west towards Grove Terrace Lane. The property is around 800 metres walk from the junction of Monkgate and Lord Mayors Walk.

1.4 The property is not located in an area at high risk of flooding. The Heworth/East Parade and Huntington Road Conservation area runs along the eastern boundary of the site, though the site itself is not in the Conservation Area.

1.5 The application has been called into committee at the request of Cllr Fitzpatrick. The reasons given relate to the loss of amenity to neighbours, over-development, safety concerns and the change in nature from a quiet, residential family cul-de-sac into a transient "party culture" area.

2.0 POLICY CONTEXT

Publication Draft City of York Local Plan (2018)

EC4 Tourism

D4 Conservation Areas

ENV2 Managing Environmental Quality

Development Control Local Plan incorporating 4th set of changes (2005)

GP1 Design

HE3 Conservation Areas

V1 Visitor Related Development.

H9 Loss of Dwellings or Housing Land

3.0 CONSULTATIONS

CYC Public Protection

3.1 Do not object providing the property is let out to family groups rather than same sex groups.

Guildhall Planning Panel

3.2 Object - Would prefer to see both these buildings in this location in a quiet residential street used as long term lets or owner-occupied dwelling

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Objections were received from the occupants of 11 homes. The reasons that were raised are summarised below:

- Groups of up to 25 or more men have occupied the two properties. It equates to a hotel.
- There is excessive noise from the afternoon when people arrive as well as into early mornings - particularly when people are drunk, playing music or disposing of bottles. Noise travels beyond Emerald Street and also relates to travel to and from the house. Also, excessive noise associated with wheely trollies, taxis, and food deliveries. Vehicles associated with cleaning and maintenance are also intrusive. Too many cars park on the site – is advertised as two cars per home. Overlooking towards homes on Huntington Road when windows are open.
- There is often lewd behaviour associated with stag and hen-do's and bad language at a high volume. People congregate in the courtyard. Children are forced to stay indoors in the day. Sleep is impacted and windows need to be kept closed even during hot weather. It creates an unsettled atmosphere and feeling of dread. There is no management on site and not able to control who is there.
- The street was once one of the quietest in the area and popular with families. It is close to primary schools. The area is becoming more transient, and changes are harming community cohesion. People are being priced out of the homes along with the shortage of availability.
- Number 3 Ascot Mews is also a holiday let.
- Groups of men are staying at the house despite the intention to change the letting arrangements.
- A number of planning appeals relating to holiday lets were submitted as well as information on the most recent High Court judgement relating to Holiday lets (Moore 2012). Reference was also made to local and national planning policy and the restrictive approach taken by some other Local Planning Authorities, including Oxford and Cambridge. This information sought to

illustrate that the regular use of homes for self-contained holiday lets needs planning permission, the numerous issues that are material to the assessment of such applications and the view that the loss of residential accommodation is in itself a reason to refuse the planning application.

5.0 APPRAISAL

5.1 Main Issues:

- Principle of development.
- Impact on Neighbour Amenity.
- Parking and Highways
- Impact on designated heritage assets (character and appearance of the conservation area)
- Other Issues

POLICY CONTEXT

National Planning Policy Framework

5.2 The revised National Planning Policy Framework 2021 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.3 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 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF take as a whole.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

5.5 The DLP 2018 was submitted for examination on 25 May 2018. Phase 4 of the hearings took place in September 2022. 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. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2005 Development Control Local Plan

5.6 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.

Principle of development

5.7 The application property has been let on occasions in association with number 2 Ascot Mews for large groups (the two properties combined were previously advertised for parties of up to 25). This has included groups coming to York for stag and hen weekends. The applicant has stated that this has now stopped and it is his intention for each property to house a maximum of 6 people and to not allow the two properties to be let together by one large party.

5.8 There is no planning use class for short-term holiday lets. Such a use can fall within its own use class (sui generis). It is a question of fact and degree when assessing whether a dwelling that is let out for short breaks still remains in Use Class C3 (Dwelling House). It may be possible for a home to be used for short-term letting purposes without the use necessarily amounting to a material change of use.

In the case of 1 Ascot Mews, it is understood that the property is let out year-round on a wholly commercial basis. No evidence has been submitted indicating that the owner is resident in the property at any time of the year or that visitor stays cover periods of several weeks. Significant neighbour amenity impacts resulting from the use of the property as a holiday let have been drawn to the Council's attention. It is considered that the proposal is a material change of use of the property and that the essential character of the use is as a holiday let. It is considered that this assessment is consistent with the principles in the most recent High Court judgment on the matter - *Moore vs Secretary of State for Communities and Local Government [2012] EWCA Civ 1202 (18 September 2012)*.

5.9 The proposal is for visitor accommodation. Policy EC4 of the 2018 Draft Local Plan relates to Tourism including visitor accommodation. It states that proposals that maintain and improve the choice and quality of visitor accommodation to encourage overnight stays, particularly by higher spending visitors will be supported. Policy V1 of the 2005 DCLP (Visitor Related Development) is similar in content and is supportive of new visitor facilities subject to an assessment of local impacts.

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5.11 On balance it is considered that there are not sufficient local or national policy grounds to refuse the application based purely on the principle of the loss of a dwelling for residential accommodation. Accordingly, it is considered that the principle of the proposal is acceptable subject to the assessment of the local impacts.

Impact on neighbour amenity

5.12 The application property has previously been used intensively in association with number 2 to accommodate stag and hen parties. It is understood that marketing of the property was previously focussed on attracting such groups. It would seem clear that the accommodation of a property or properties in a quiet terraced street in close proximity to other homes for such a use would be likely to harm neighbours living conditions. The applicant has stated that the properties no longer operate on this model. He has stated that he would be amenable to a planning condition restricting occupancy of each home to 6 people and a condition that the two homes are not let together for occupancy by a single large group. Furthermore, he has stated that he would agree to a temporary consent of 6 or 12 months so that the impacts of such a proposal could be assessed.

5.13 It is considered reasonable to assess the proposal on the basis that the application property would not accommodate more than 6 people. It is considered that a guest occupancy number restriction is capable of being monitored and enforced. However, it would be difficult to use a planning condition to ensure that the people who book the two immediately adjacent homes that share a courtyard are not known to each other. This would be extremely hard to control. The owner may try to take action against people who book the two properties 'as one', however, this would be after problems come to light.

5.14 If the two properties function as one it is considered that the impacts on neighbour amenity would be greater. However, even if they are occupied independently of each other the specific location of the site raises particular concerns. It is located at the end of a quiet road in a wholly residential area and it has a walled courtyard open to the street. Furthermore, the courtyard is in close proximity to neighbouring homes – particularly 37 Emerald Street. This home has two first floor side bedroom windows that directly overlook the courtyard. Disturbance from the regular turnover of guests and associated use of the homes and associated courtyard would have the real potential to cause significant harm to the living conditions of this property. Although visitors would typically not intend to be inconsiderate to neighbours it is likely that people on holiday would normally be more active and exhibit more boisterous behaviour than a 'typical' permanent resident.

5.15 It is considered that the specific characteristic of the site along with the potential association with number 2 are such that the proposal raises unacceptable neighbour amenity concerns. Policy ENV2 of the Draft Local Plan 2018 states in respect to such matters that development will not be permitted where future or existing communities would be subject to significant environmental impacts including noise. Policy GP1 (Design) of the DCLP 2005 is similar in intent. Furthermore Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the quality of an area, and also create places that promote health and well-being, with a high standard of amenity for existing and future users. It is considered that the regular use of the property for holiday let accommodation would give rise to serious concerns that the proposal would be harmful to the overall amenity and general wellbeing of nearby residents.

Parking and Highway Issues

5.16 The application property has two off-street car parking spaces. There is space within the site to accommodate bin storage and cycle parking. It is not considered that the use as a holiday let would put a significantly greater pressure on such elements than its use as dwelling house. It is recognised that on occasions visitors to the property may have more than two cars, however, this could be the case with resident occupiers and their visitors. It is noted that cleaning and maintaining the property can create additional activity, however, it is not considered that in the particular location activity associated with this would have a significant impact on neighbour's amenity.

Impact on designated heritage assets (character and appearance of the conservation area)

5.17 The approach to the assessment on Heritage Assets is set out in section 16 of the NPPF. Relevant to this case is the following approach:

- Identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195).
- When considering the impact on significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (199).

- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits (202).

5.18 The application property is located outside the Conservation Area. The Conservation area that is located to the east and south of the Ascot Mews development largely relates to the long gardens of the properties that front Huntington Road. Emerald Street itself is not within the conservation area and the street and other similar streets nearby have a very different character from land associated with the properties on Huntington Road.

5.19 The application does not propose any material alterations to the site or building that will impact on the appearance of the conservation area. It is the case that noise from activities associated with the planning application (depending on its level) could be heard from sections of the Conservation Area, however, it is considered that in the context of the application it is an issue that relates to neighbour amenity rather than a specific characteristic of the Conservation Area. It is considered as such that the proposal would not cause harm to the appearance or character of the nearby Conservation Area.

Other Issues

5.20 Objections have raised issues regarding the concentration of holiday let uses. The Local Planning Authority have policy and guidance that can be used to restrict the percentage of Houses in Multiple Occupation in a street or wider neighbourhood, however, no such policy or guidance currently exists for holiday lets. It is the case, however, that where a concentration of such uses is creating local harm through for example, noise or parking it is considered that the cumulative nature of such impacts would be material to assessing planning applications for a change of use.

6.0 CONCLUSION

6.1 The application relates to the retrospective change of use of 1 Ascot Mews to holiday accommodation. Although the property has been used previously as accommodation for stag and hen parties the applicant has stated that he is now restricting occupancy to 6 people. He has also stated that the property is no longer let with the adjacent house (number 2).

6.2 It is considered that the site specific circumstances are such that additional noise and activity that can often be associated with holiday accommodation has the real potential to create harm. This relates principally to the property's position at the end of a quiet street, the shared use of the front courtyard and the very close proximity of the courtyard to an upstairs side facing bedroom. Furthermore, the application is submitted in association with a retrospective application for a 6 person short term let at the adjacent property (number 2) which shares the same external space. Although the applicant has stated he would seek to ensure that groups who let the two homes were not part of a single group, it is difficult to envisage how this could be controlled and monitored. It is considered the ability of large groups to rent the two properties together (or two groups to subsequently mix) creates particular concerns regarding the use of the homes for 'party' type gatherings with shared use of the communal courtyard.

6.3 Accordingly, it is considered that the proposal conflicts with national and local policy regarding the need to maintain a high standard of amenity for nearby neighbours and is therefore recommended for refusal. It is not considered that the economic benefits from the proposal outweigh the impacts of this harm.

7.0 RECOMMENDATION: Refuse

1 The proposed change of use of 1 Ascot Mews to holiday accommodation would independently and in association with 2 Ascot Mews have an unacceptable impact on neighbours' living conditions through the likelihood that the use of the property for such purposes would create unacceptable noise levels from comings and goings and also from the recreational use of the courtyard, including at times that people would normally be sleeping. Concerns relate particularly to the location of the property within a communal courtyard at the end of a quiet 'cul-de-sac' in very close proximity to other dwellings, including family accommodation. It is not considered that the economic benefits that would result from permission being granted would be such to outweigh these concerns. It is considered therefore, that the proposal conflicts with policies GP1 (a) and (i) and V1 (e) and H9 of the City of Development Control Local Plan 2005, Policy ENV2 of the Publication Draft City of York Local Plan (2018) and paragraph 130 criterion a and f of 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 an attempt to achieve a positive outcome:

Considered the ability to operate the property in such a way that unacceptable harm would not be caused to neighbours' living conditions.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

Case Officer: Neil Massey
Tel No: 01904 551352

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1 Ascot Mews, Emerald Street, York YO31 8LT

22/01235/FUL



Scale : 1:1328

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	25 November 2022
SLA Number	Not Set

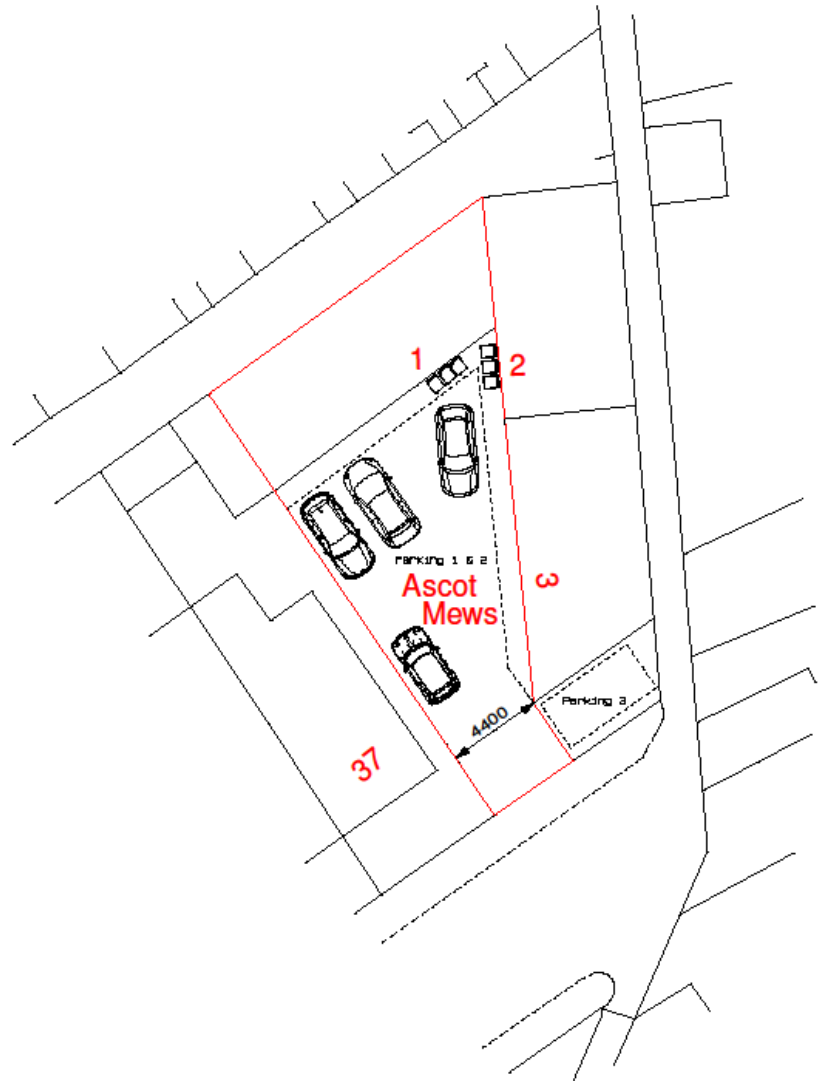
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Planning Committee B

22/01235/FUL

1 Ascot Mews Emerald Street



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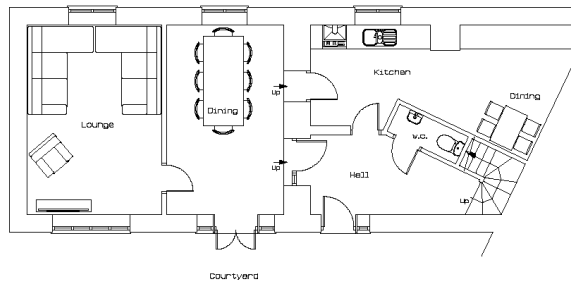


BUILDING DESIGN SERVICES <i>Chartered Architectural Technologists</i>	
10 Harford Close, Breighemes, Bolton. BL2 4TN. Tel : 01204 : 283793, Mob : 07966 : 211996. jeff.bds@bt.com	
Client : Mr Nick Teit.	
Project : 1 + 2, Ascot Mews, Emerald Square, York.	
Drawing : Block Plan.	Drawn : J. C.
Date : 04.06.2022.	
Scale : 1:200 @ A1	
Job Number : 53422	Drawing Number : 05 Rev :

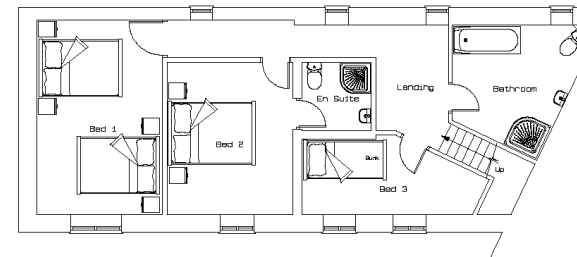
Existing internal layout

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Existing Ground Floor



Existing First Floor

No 1

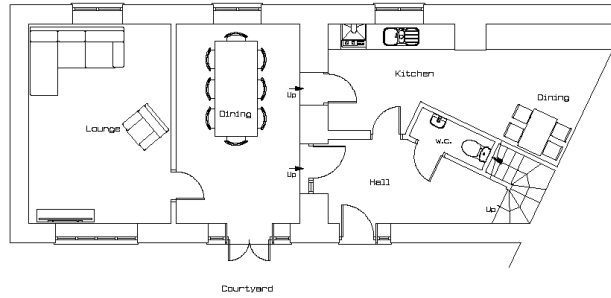


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10 Harford Close, Belsizes, Bolton, BL2 5TN. Tel: 02028 184293, Mob: 07965 121395. JEFF.BESPA@btinternet.com	
Client : Mr Nick Tate	
Project : 1, Ardor Mews, Emerald Street, York	
Drawn by : Existing + Proposed Plans	Drawn : J. C.
	Date : 01.06.2022
Job Number : 53422	Scale : 1:50 @ A1 - 1:200 @ A2
	Drawing Number : 01 Rev :

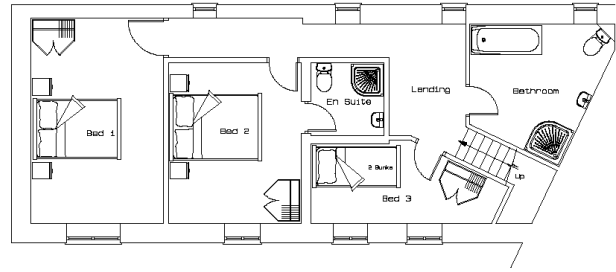
Proposed internal layout

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Proposed Ground Floor



Proposed First Floor

No 1



A	Amended to Pur Client's Requirements	06.06.22 J. C.
Rev	Comments	Date
BUILDING DESIGN SERVICES Chartered Architectural Technologist		
50 Handford Close, Breighton, 30100N, S.E. 87N Tel: 01204 383763, 0106 07966 213996 jeff.boddy@btopenmail.co.uk		
Client : Mr Nick Tait		
Project : 2, Ascot Meadows, Emerald Street, York.		
Drawing :	Drawn :	J. C.
Exciting + Proven Plans	Date :	03.06.2022
Job Number :	Scale :	2:50 @ A1 - 1:100 @ A2
53422	Drawing Number :	02 Rev : A

COMMITTEE REPORT

Date: 8 December 2022 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 22/01236/FUL
Application at: 2 Ascot Mews Emerald Street York YO31 8LT
For: Change of use from dwelling house (use class C3) to short-term letting holiday accommodation (sui-generis)
By: Mr Nicolas Tait
Application Type: Full Application
Target Date: 12 December 2022
Recommendation: Refuse

1.0 PROPOSAL

1.1 The proposal is a retrospective planning application to use 2 Ascot Mews, Emerald Street as short-term holiday let accommodation. No external changes to the site or building are proposed. The applicant has stated that the property will sleep a maximum of 6 people. There is also a concurrent retrospective planning application (22/01235/FUL) to use the attached property, 1 Ascot Mews, as a short-term holiday let to sleep a maximum of 6 people. It is understood that 3 Ascot Mews is also in use as a short term let.

1.2 Ascot Mews is an 'L' shaped courtyard that contains 3 two-storey properties. They have no rear gardens. The homes were created from the conversion of buildings that had previously been used mainly for non-domestic purposes including a workshop, however, it is understood that a small dwelling has existed within the site for a considerable time. The 2004 planning permission (04/02274/FUL) granted consent to convert the workshop buildings to create two new flats in addition to the existing house. In 2007 (07/00897/FUL) planning permission was granted for a modified scheme that upgraded the existing dwelling and created 2 two-storey dwellings. This was implemented. Each of the three dwellings were designed with pedestrian access from the courtyard. Four car parking spaces (two for number 1 and two for 2 Ascot Mews are contained within the courtyard). The block plans show one car parked in a 'tandem' manner. The parking space for number 3 is located on private land between the building and Emerald Street. Number 1 and 2 are within the same ownership. Number 3 is in separate ownership.

1.3 Emerald Street is a relatively narrow street in The Groves containing terraced homes. It is not a through route for cars. The application property is at the far end of the terrace with the highway immediately to the front containing double yellow lines. There are two pedestrian-only routes running close by the site. One leads north to Huntington Road and the other south-west towards Grove Terrace Lane. The property is around 800 metres walk from the junction of Monkgate and Lord Mayors Walk.

1.4 The property is not located in an area at high risk of flooding. The Heworth/East Parade and Huntington Road Conservation area runs along the eastern boundary of the site, though the site itself is not in the Conservation Area.

1.5 The application has been called into committee at the request of Cllr Fitzpatrick. The reasons given relate to the loss of amenity to neighbours, over-development, safety concerns and the change in nature from a quiet, residential family cul-de-sac into a transient "party culture" area.

2.0 POLICY CONTEXT

Publication Draft City of York Local Plan (2018)

EC4 Tourism

D4 Conservation Areas

ENV2 Managing Environmental Quality

Development Control Local Plan incorporating 4th set of changes (2005)

GP1 Design

HE3 Conservation Areas

V1 Visitor Related Development.

H9 Loss of Dwellings or Housing Land

3.0 CONSULTATIONS

CYC Public Protection

3.1 Do not object providing the property is let out to family groups rather than same sex groups.

Guildhall Planning Panel

3.2 Object - Would prefer to see both these buildings in this location in a quiet residential street used as long term lets or owner occupied dwelling

Application Reference Number: 22/01236/FUL

Item No: 4b

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Objections were received from the occupants of 8 homes. The reasons that were raised are summarised below:

- Groups of up to 25 or more men have occupied the two properties. It equates to a hotel.
- There is excessive noise from the afternoon when people arrive as well as into early mornings - particularly when people are drunk, playing music or disposing of bottles. Noise travels beyond Emerald Street and also relates to travel to and from the house. Also, excessive noise associated with wheely trollies, taxis, and food deliveries. Vehicles associated with cleaning and maintenance are also intrusive. Too many cars park on the site – is advertised as two cars per home. Overlooking towards homes on Huntington Road when windows are open.
- There is often lewd behaviour associated with stag and hen-do's and bad language at a high volume. People congregate in the courtyard. Children are forced to stay indoors in the day. Sleep is impacted and windows need to be kept closed even during hot weather. It creates an unsettled atmosphere and feeling of dread. There is no management on site and not able to control who is there.
- The street was once one of the quietest in the area and popular with families. It is close to primary schools. The area is becoming more transient and changes are harming community cohesion. People are being priced out of the homes along with the shortage of availability.
- Number 3 Ascot Mews is also a holiday let.
- Groups of men are staying at the house despite the intention to change the letting arrangements.
- A number of planning appeals relating to holiday lets were submitted as well as information on the most recent High Court judgement relating to Holiday lets (Moore 2012). Reference was also made to local and national planning policy and the restrictive approach taken by some other Local Planning Authorities, including Oxford and Cambridge. This information sought to illustrate that the regular use of homes for self-contained holiday lets needs planning permission, the numerous issues that are material to the assessment of such applications and the view that the loss of residential accommodation is in itself a reason to refuse the planning application.

5.0 APPRAISAL

5.1 Main Issues:

- Principle of development.
- Impact on Neighbour Amenity.
- Parking and Highways
- Impact on designated heritage assets (character and appearance of the conservation area)
- Other Issues

POLICY CONTEXT

National Planning Policy Framework

5.2 The revised National Planning Policy Framework 2021 (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.3 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 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

5.5 The DLP 2018 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.

Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 of the hearings took place in September 2022. 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. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2005 Development Control Local Plan

5.6 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.

Principle of development

5.7 The application property has been let on occasions in association with number 1 Ascot Mews for large groups (the two properties combined were previously advertised for parties of up to 25). This has included groups coming to York for stag and hen weekends. The applicant has stated that this has now stopped and it is his intention for each property to house a maximum of 6 people and to not allow the two properties to be let together by one large party.

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Impact on neighbour amenity

5.12 The application property has previously been used intensively in association with number 1 to accommodate stag and hen parties. It is understood that marketing of the property was previously focussed on attracting such groups. It would seem clear that the accommodation of a property or properties in a quiet terraced street in close proximity to other homes for such a use would be likely to harm neighbours living conditions. The applicant has stated that the properties no longer operate on this model. He has stated that he would be amenable to a planning condition restricting occupancy of each home to 6 people and a condition that the two homes are not let together for occupancy by a single large group. Furthermore, he has stated that he would agree a temporary consent of 6 or 12 months so that the impacts of such a proposal could be assessed.

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5.14 If the two properties function as one it is considered that the impacts on neighbour amenity would be greater. However, even if they are occupied independently of each other the specific location of the site raises particular concerns. It is located at the end of a quiet road in a wholly residential area and it has a walled courtyard open to the street. Furthermore, the courtyard is in close proximity to neighbouring homes – particularly 37 Emerald Street. This home has two first floor side bedroom windows that directly overlook the courtyard. Disturbance from the regular turnover of guests and associated use of the homes and associated courtyard would have the real potential to cause significant harm to the living conditions of this property. Although visitors would typically not intend to be inconsiderate to neighbours it is likely that people on holiday would normally be more active and exhibit more boisterous behaviour than a 'typical' permanent resident.

5.15 It is considered that the specific characteristic of the site along with the potential association with number 1 are such that the proposal raises unacceptable neighbour amenity concerns. Policy ENV2 of the Draft Local Plan 2018 states in

respect to such matters that development will not be permitted where future or existing communities would be subject to significant environmental impacts including noise. Policy GP1 (Design) of the DCLP 2005 is similar in intent. Furthermore Paragraph 130 of the NPPF states that planning decisions should ensure that developments function well and add to the quality of an area, and also create places that promote health and well-being, with a high standard of amenity for existing and future users. It is considered that the regular use of the property for holiday let accommodation would give rise to serious concerns that the proposal would be harmful to the overall amenity and general wellbeing of nearby residents.

Parking and Highway Issues

5.16 The application property has two off-street car parking spaces. There is space within the site to accommodate bin storage and cycle parking. It is not considered that the use as a holiday let would put a significantly greater pressure on such elements than its use as dwelling house. It is recognised that on occasions visitors to the property may have more than two cars, however, this could be the case with resident occupiers and their visitors. It is noted that cleaning and maintaining the property can create additional activity, however, it is not considered that in the particular location activity associated with this would have a significant impact on neighbour's amenity.

Impact on designated heritage assets (character and appearance of the conservation area)

5.17 The approach to the assessment on Heritage Assets is set out in section 16 of the NPPF. Relevant to this case is the following approach:

- Identify and assess the particular significance of any heritage asset that may be affected by a proposal and take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal (paragraph 195).
- When considering the impact on significance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) (199).
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits (202).

5.18 The application property is located outside the Conservation Area. The Conservation area that is located to the east and south of the Ascot Mews development largely relates to the long gardens of the properties that front Huntington Road. Emerald Street itself is not within the conservation area and the street and other similar streets nearby have a very different character from land associated with the properties on Huntington Road.

5.19 The application does not propose any material alterations to the site or building that will impact on the appearance of the conservation area. It is the case that noise from activities associated with the planning application (depending on its level) could be heard from sections of the Conservation Area, however, it is considered that in the context of the application it is an issue that relates to neighbour amenity rather than a specific characteristic of the Conservation Area. It is considered as such that the proposal would not cause harm to the appearance or character of the nearby Conservation Area.

Other Issues

5.20 Objections have raised issues regarding the concentration of holiday let uses. The Local Planning Authority have policy and guidance that can be used to restrict the percentage of Houses in Multiple Occupation in a street or wider neighbourhood, however, no such policy or guidance currently exists for holiday lets. It is the case, however, that where a concentration of such uses is creating local harm through for example, noise or parking it is considered that the cumulative nature of such impacts would be material to assessing planning applications for a change of use.

6.0 CONCLUSION

6.1 The application relates to the retrospective change of use of 2 Ascot Mews to holiday accommodation. Although the property has been used previously as accommodation for stag and hen parties the applicant has stated that he is now restricting occupancy to 6 people. He has also stated that the property is no longer let with the adjacent house (number 1).

6.2 It is considered that the site specific circumstances are such that additional noise and activity that can often be associated with holiday accommodation has the real potential to create harm. This relates principally to the property's position at the end of a quiet street, the shared use of the front courtyard and the very close proximity of the courtyard to an upstairs side facing bedroom. Furthermore, the

application is submitted in association with a retrospective application for a 6 person short term let at the adjacent property (number 1) which shares the same external space. Although the applicant has stated he would seek to ensure that groups who let the two homes were not part of a single group, it is difficult to envisage how this could be controlled and monitored. It is considered the ability of large groups to rent the two properties together (or two groups to subsequently mix) creates particular concerns regarding the use of the homes for 'party' type gatherings with shared use of the communal courtyard.

6.3 Accordingly, it is considered that the proposal conflicts with national and local policy regarding the need to maintain a high standard of amenity for nearby neighbours and is therefore recommended for refusal. It is not considered that the economic benefits from the proposal outweigh the impacts of this harm.

7.0 RECOMMENDATION: Refuse

1 The proposed change of use of 2 Ascot Mews to holiday accommodation would independently and in association with 1 Ascot Mews have an unacceptable impact on neighbours' living conditions through the likelihood that the use of the property for such purposes would create unacceptable noise levels from comings and goings and also from the recreational use of the courtyard, including at times that people would normally be sleeping. Concerns relate particularly to the location of the property within a communal courtyard at the end of a quiet 'cul-de-sac' in very close proximity to other dwellings, including family accommodation. It is not considered that the economic benefits that would result from permission being granted would be such to outweigh these concerns. It is considered therefore, that the proposal conflicts with policies GP1 (a) and (i) and V1 (e) and H9 of the City of Development Control Local Plan 2005, Policy ENV2 of the Publication Draft City of York Local Plan (2018) and paragraph 130 criterion a and f of 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 an attempt to achieve a positive outcome:

Application Reference Number: 22/01236/FUL

Item No: 4b

Considered the ability to operate the property in such a way that unacceptable harm would not be caused to neighbours' living conditions.

Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

Case Officer: Neil Massey

Tel No: 01904 551352

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2 Ascot Mews, Emerald Street, York YO31 8LT

22/01236/FUL



Scale : 1:1328

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	25 November 2022
SLA Number	Not Set

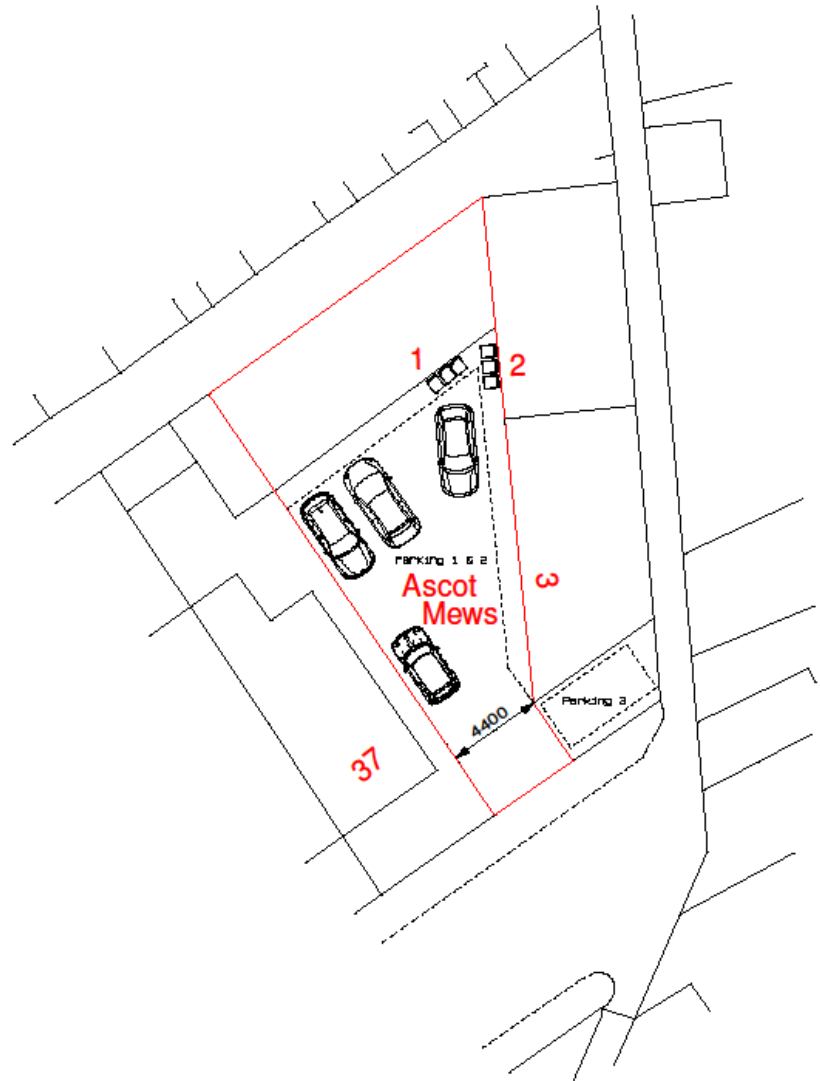
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Planning Committee B

22/01236/FUL

2 Ascot Mews Emerald Street



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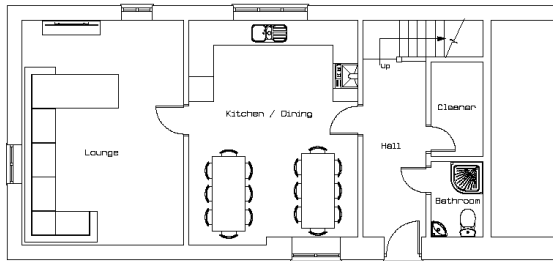


BUILDING DESIGN SERVICES <i>Chartered Architectural Technologists</i>	
10 Harpenden Close, Breighnates, Bolton, BL2 4TN. Tel: 01204 283793, Mob: 07966 211996. jeff.bds@bt.com	
Client : Mr Nick Teit.	
Project : 1 + 2, Ascot Mews, Emerald Square, York.	
Drawing : Block Plan.	Drawn : J. C.
Date : 04.06.2022.	
Scale : 1:200 @ A1	
Job Number : 53422	Drawing Number : 05 Rev :

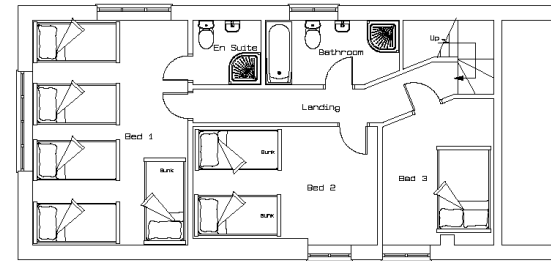
Existing internal layout

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 All relevant Boundary positions to be checked prior to proceeding with any Building Works, and all necessary Party Wall agreements entered into prior to the commencement of any construction.

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Existing Ground Floor



Existing First Floor

No 2



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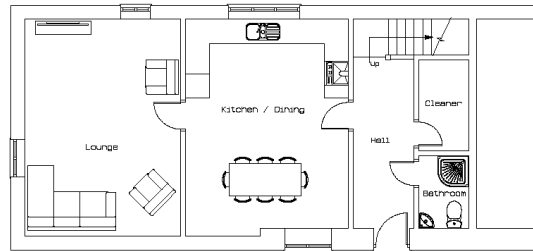
Client : Mr Nick Tait
 Project : 2, ASCOT MEWS, EMERALD STREET, YDING.

Drawing : Existing + Proposed Plans
 Drawn : J. C.
 Date : 03.06.2022
 Scale : 1:50 @ A1 - 1:200 @ A2
 Job Number : 53422
 Drawing Number : 03 Rev :

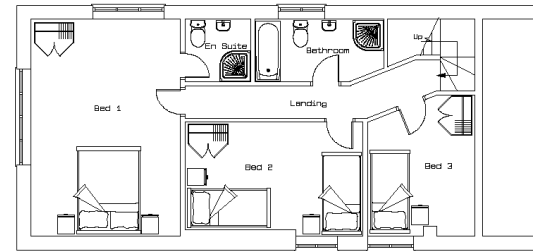
Proposed internal layout

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 All levels to be checked on site by the Contractor and any discrepancies to be reported back to the Architect / Technologist before proceeding with any work.
 All dimensions (size and reference) to be checked with the manufacturer prior to ordering any materials.
 The positions and descriptions of any Movable (for fuel), surface burner or gas-fired fittings seen on site to be checked and traced by the Contractor, and confirmed prior to commencement of any new drawings using the existing drawings and to which additional connections are to be made, to be checked as necessary to ensure they are suitable to accommodate any additional capacity and the type of effluent being connected.
 All relevant boundary positions to be checked prior to proceeding with any building works, and all necessary party wall agreements entered into prior to the commencement of any construction.

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Proposed Ground Floor



Proposed First Floor

No 2



A Amended to Suit Clients Requirements 06.06.22 J. C.
 Rev Comments Drawn Shaded

BUILDING DESIGN SERVICES Chartered Architectural Technologist	
10 Harford Close, Brelthwaite, Botton, BL2 8TN. Tel: 01206 182799. Mob: 07966 121999. jdiff.bds@btinternet.co.uk	
Client : Mr Nick Tait	
Project : 2, Ascot Meads, Emerald Street, York.	
Drawing : Excavate + Proccure Plans	Drawn : J. C. Date : 03.06.2022
Job Number : 53422	Scale : 1:50 @ A1 - 1:100 @ A2 Drawing Number : 04 Rev : A

COMMITTEE REPORT

Date: 8 December 2022 **Ward:** Fishergate

Team: East Area **Parish:** Fishergate Planning Panel

Reference: 22/00787/GRG3

Application at: Fishergate CP School Fishergate York YO10 4AF

For: Installation of enclosed Multi Use Games Area pitch to playing field at rear of school

By: Fishergate Primary School

Application Type: General Regulations (Reg3)

Target Date: 30 November 2022

Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

1.1 The application site is at Fishergate Primary School. Access to the school is from Escrick Street.

1.2 The applicant seeks consent for the installation of an enclosed multi-use games area (MUGA) to be located within the playing field towards the rear of the site.

1.3 The relevant property history is as follows;

13/03898/FUL - Erection of gazebo on school playing field. Permission granted.

The Council previously granted planning permission for the erection of a gazebo on the playing field which would be used as an external classroom and for events on the playing field. This was on the area where the football pitch is marked out. It would appear that this consent was not implemented.

2.0 POLICY CONTEXT

Development Control Local Plan (2005)

GP1 – Design

ED11 – Protection of Playing Fields

Publication Draft Local Plan (Submission Draft 2018)

D1 – Placemaking

GI15 – Protection of Open Space and Playing Fields

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development Team (City Archaeologist)

3.1 Recommends a watching brief informative.

Public Protection

3.2 The Council has not received complaints from similar MUGA developments, and the site is an established school where a level of noise is expected. General guidance suggests MUGAs should be 30m from the nearest residential property. A noise impact assessment may be required if the MUGA was to be used outside of typical school opening days/hours, this should be conditioned. A condition could also be attached stating the MUGA is 30m from the nearest residential property, although the current scheme is 22m from the nearest dwelling.

EXTERNAL

Sport England

3.3 Objects. The MUGA would encroach onto a 7v7 football pitch and result in its loss. The MUGA does not meet FA standards to be used as a formal football pitch and is less flexible than an open playing field so its use for other sports is limited. Recommends that the pitch be amended in size with the addition of floodlights to meet the required standards, or the application be withdrawn. The application is contrary to the NPPF, particularly paragraph 99. Upon re-consultation and further discussion Sports England maintain its objection.

4.0 REPRESENTATIONS

Neighbour Notification/Publicity

4.1 One response received raising supporting the creation of the MUGA in principle, but requests full consideration is given to potential for noise. Melbourne Court and Melbourne Street should be well shielded, the only residents potentially affected will be the nearest on Escrick Street. Can see no lighting is proposed.

5.0 APPRAISAL

PLANNING POLICIES

National Planning Policy Framework 2021 (NPPF)

5.1 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.2 Paragraph 38 states that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. It further references the importance of good design and also ensuring a high standard of amenity for both existing and future users. In addition, this emphasis on positive design is supported by Part 12 of the NPPF; Achieving well designed places.

5.3 Also of relevance to this application is Part 8 of the NPPF which outlines the approach that should be taken to ensure healthy and safe communities and within this are paragraphs relating to open space and sports/recreation facilities.

Publication Draft Local Plan 2018 ('2018 Draft Plan')

5.4 The policies contained within the 2018 Draft Plan can be offered some weight depending on the stage of preparation at which the plan is at; the extent to which there are unresolved objections to relevant policies; and the degree of consistency relevant policies have with the NPPF. Policy GI15 states that development proposals which would harm the character of, or lead to the loss of, open space of environmental and / or recreational importance unless the open space uses can be satisfactorily replaced in the area of benefit and in terms of quality, quantity and access with an equal or better standard than that which is proposed to be lost.

Development Control Local Plan 2005 (DCLP)

5.5 This plan is not adopted policy but was approved for Development Management purposes. Policies in the DCLP carry very little weight but are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF. Policy ED11 relates to school playing fields and states that “the loss of playing fields associated with educational establishments will not be permitted, unless exceptional circumstances are proven to exist.” Further text states that the loss of playing fields can be harmful to schools and pupils. The primary role of playing fields is for outdoor recreation and sport at schools and in considering its loss, what the replacement use would be is therefore relevant. Policy ED11 appears to apply most strongly to the loss of playing fields and replacement with a use that would restrict or remove a recreational use at the school.

KEY ISSUES

5.6 The key material considerations to be assessed will be the impact on residential amenity, the design of the development and the principle of the development in relation to the potential loss of open space, impact on heritage assets.

Loss of playing field

5.7 An objection has been raised by Sport England that the proposed MUGA would result in the loss of an identified sports playing pitch. Policy GI15 of the 2018 Draft Plan and ED11 of the DCLP resist the loss of playing fields. Both policies require provision. Paragraph 99 of the NPPF states the following:

“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings, or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”

5.8 The proposed MUGA is located on a section of the school’s rear playing field adjacent to the car park adjacent to an area where there is a vegetable patch and

wildlife area. While the MUGA would result in the loss of a section of grass playing field, it would create a facility that would be used for recreation and leisure within the school site. The all-weather surfacing would also ensure that the facility would be available for outdoor sports during winter months. The majority of the grass playing field would remain. As such, it is considered that the MUGA would provide alternative sports and recreational provision, the benefits of which would outweigh the loss of a small area of grass playing field.

5.9 The football pitch shown on the satellite images and presently marked out on the school playing field is currently used solely by the school itself. Sport England reference the loss of a 7v7 football pitch, which they also state should measure 55m by 37m (excluding run off space), but from measuring the currently marked pitch this does not meet these standards at the moment. The width of the pitch has been measured at 26m. The proposed MUGA does not build over the entirety of the marked football pitch with the encroachment measured to be approximately 2.5m along the south side of the pitch. It would appear that the pitch could also be reorientated to reduce this encroachment further, and a large, grassed space capable of supporting a football pitch would remain at the site. Whilst the MUGA may result in a minor reduction in size of the current pitch, the MUGA would provide facilities for outdoor recreation in poorer weather conditions which may improve the quality of outdoor recreation possible at the school. Overall, the proposed development is deemed to not conflict with paragraph 99 of the NPPF or the aims of Part 8 of the NPPF as a whole.

Residential amenity

5.10 The residential properties on Melbourne Street and Cemetery Road are well shielded from the site by the large buildings located between the school and these properties. There is a terrace of dwellings on Escrick Street that are closer to the proposed development and these currently face directly towards the school site. The nearest dwelling on Escrick Street to the proposal is approximately 22m away.

5.11 The MUGA is located within a school site and on the playing field where a reasonably high level of noise can be expected by residents who live in the vicinity of the site. The MUGA does not include floodlights and so whilst its use may be more intensive than the playing field it is unlikely to be used at materially different times than existing.

5.12 The development is not considered likely to significantly alter the demand for parking at the site.

Design and visual amenity

5.13 The MUGA measures 20m by 15m with 2m high fencing around its perimeter. It is of typical design for such a facility and will not look out of place in a school setting. It is located in the rear playing field and is appropriately placed within the site and will have no negative impact on the visual amenity of the site when viewed from the public highway.

Impact on Heritage Assets

5.14 The school building is listed Grade II. The two storey brick building is by WH Brierley for the York School Board and was built 1893-95. The school playing field has formed part of the school since at least the 1960s but is outside of the original curtilage of the school which is delineated by a brick boundary wall. The main school building, but not the playground or playing field is within the Conservation Area. The pavilion-style building within the original school-yard is considered to be curtilage listed. Due to the design and location of the proposal it is not considered that there would be any harm to the setting of the listed building or other curtilage listed structures, nor the setting of the Conservation Area.

6.0 CONCLUSION

6.1 Having carefully assessed the proposed development, all material planning considerations and all representations received, it is considered to represent an appropriate form of development in this location that will not result in harm to the amenity of residents, the setting of heritage assets or be harmful to the provision of recreation spaces in the area.

6.2 In accordance with statutory requirements, Sport England have been consulted. The unresolved Sport England objection means that the provisions of The Town and Country Planning (Consultation) (England) Direction 2021 apply. The Direction requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. Should members be minded to grant permission the application is required to be referred to the Secretary of State before a decision can be issued.

7.0 RECOMMENDATION: Approve after referral to Secretary of State

1 TIME2 Development start within three years

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

Site Location Plan 190024.10, Proposed Site plan 190024.11, both received on 11/04/2022; Proposed Layout Plan 2806-01, Proposed Elevations 2806-01, 2806-03, 2806-04, 2806-05, 2806-06, all received on 28/04/2022.

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

8.0 INFORMATIVES:

Notes to Applicant

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

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

2. ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT

This development lies within the Area of Archaeological Importance designated under Part 2 of the 1979 Ancient Monuments and Archaeological Areas Act. The owner must serve an Operations Notice to York Archaeological Trust under Section 35 of the 1979 Ancient Monuments and Archaeological Areas Act at least 6 weeks prior to development commencing. The Operations Notice can be downloaded from City of York website.

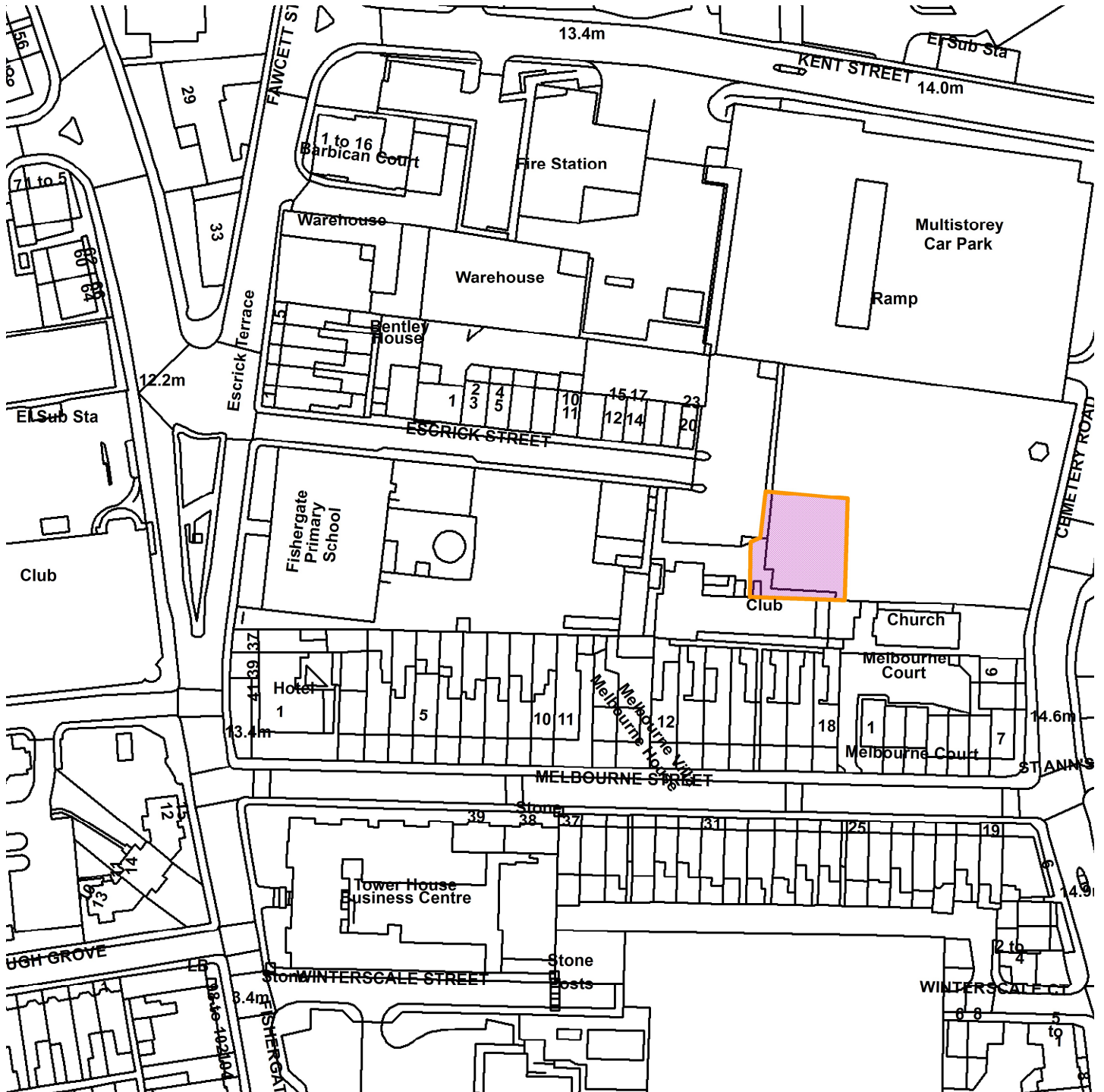
Contact details:

Case Officer: William Elliott
Tel No: 01904 553990

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Fishergate CP School, York YO10 4AF

22/00787/GRG3



Scale : 1:1328

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	25 November 2022
SLA Number	Not Set

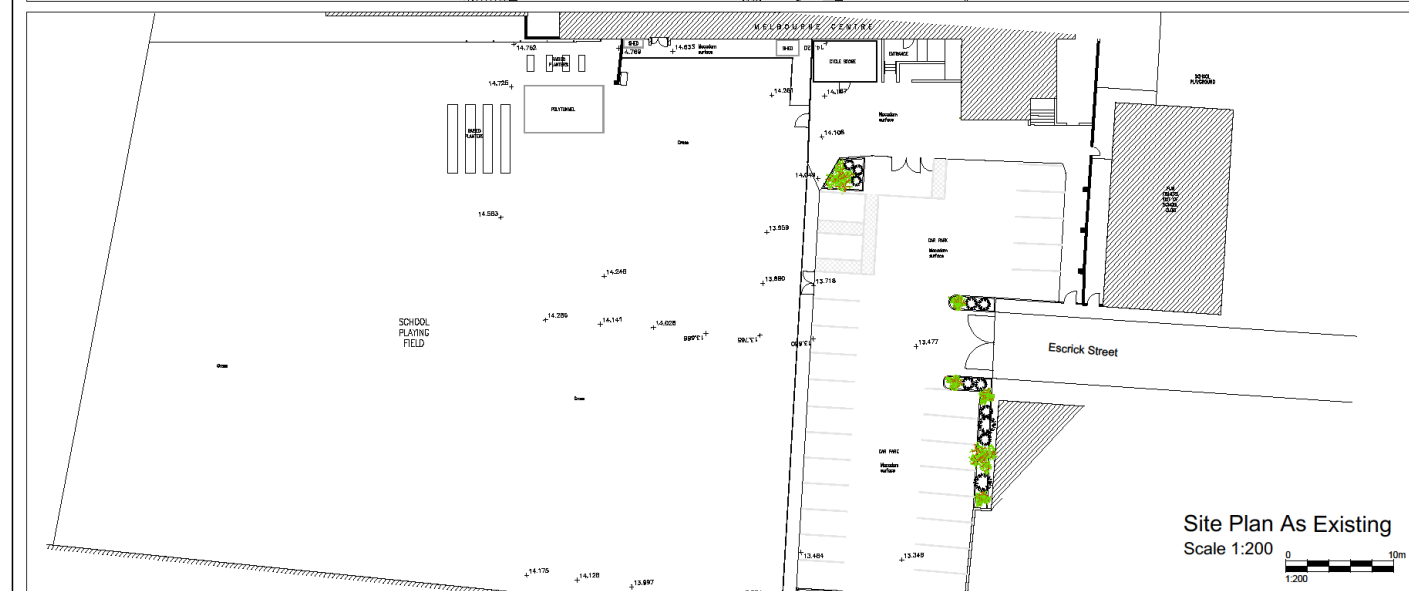
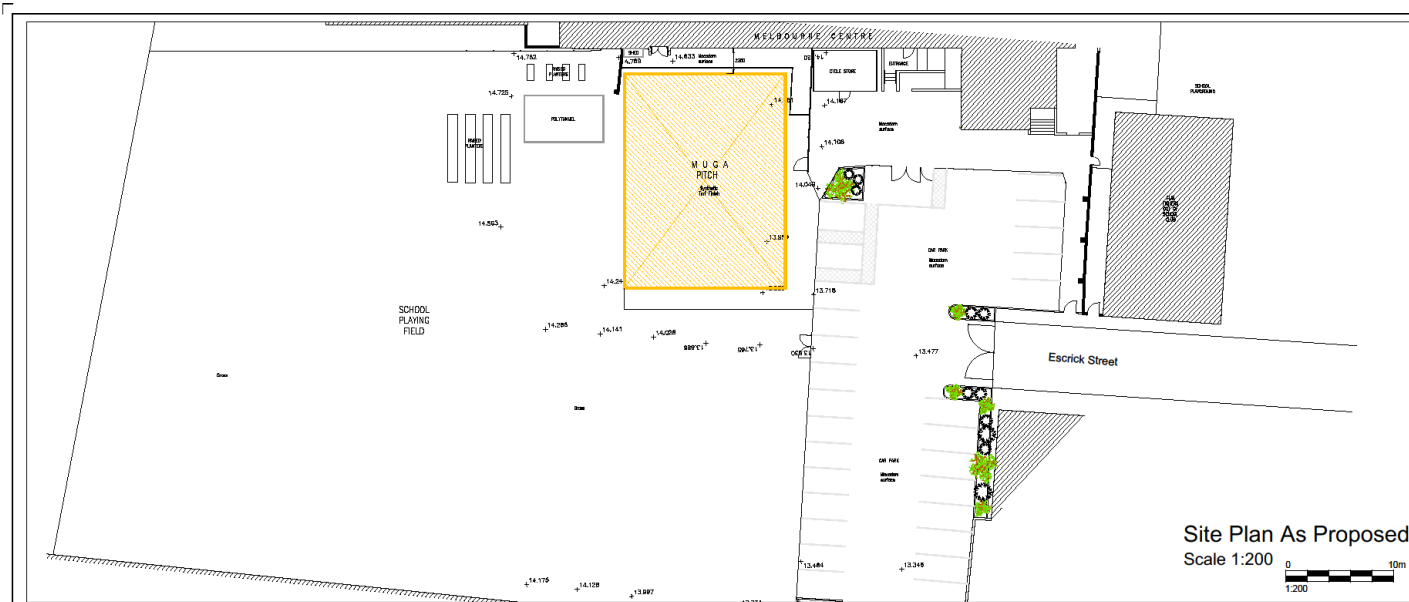
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Planning Committee B

22/00787/GRG3

Fishergate Primary School Fishergate



All dimensions must be checked on site and not scaled from this drawing
CYC PREMISES FOLDER REFERENCE
E00530
REVISION NOTES

Rev	Date	Revision	By

Property Services
 Civils
 Civils Office
 Station Road
 York YO1 1DA

Contact:
 To: Mr
 PAM No:
 Email:

Job Title:
 Fishergate Primary School
 Fishergate
 York
 Proposed Muga Pitch
 To School Field
 Site Plan as Existing & Proposed

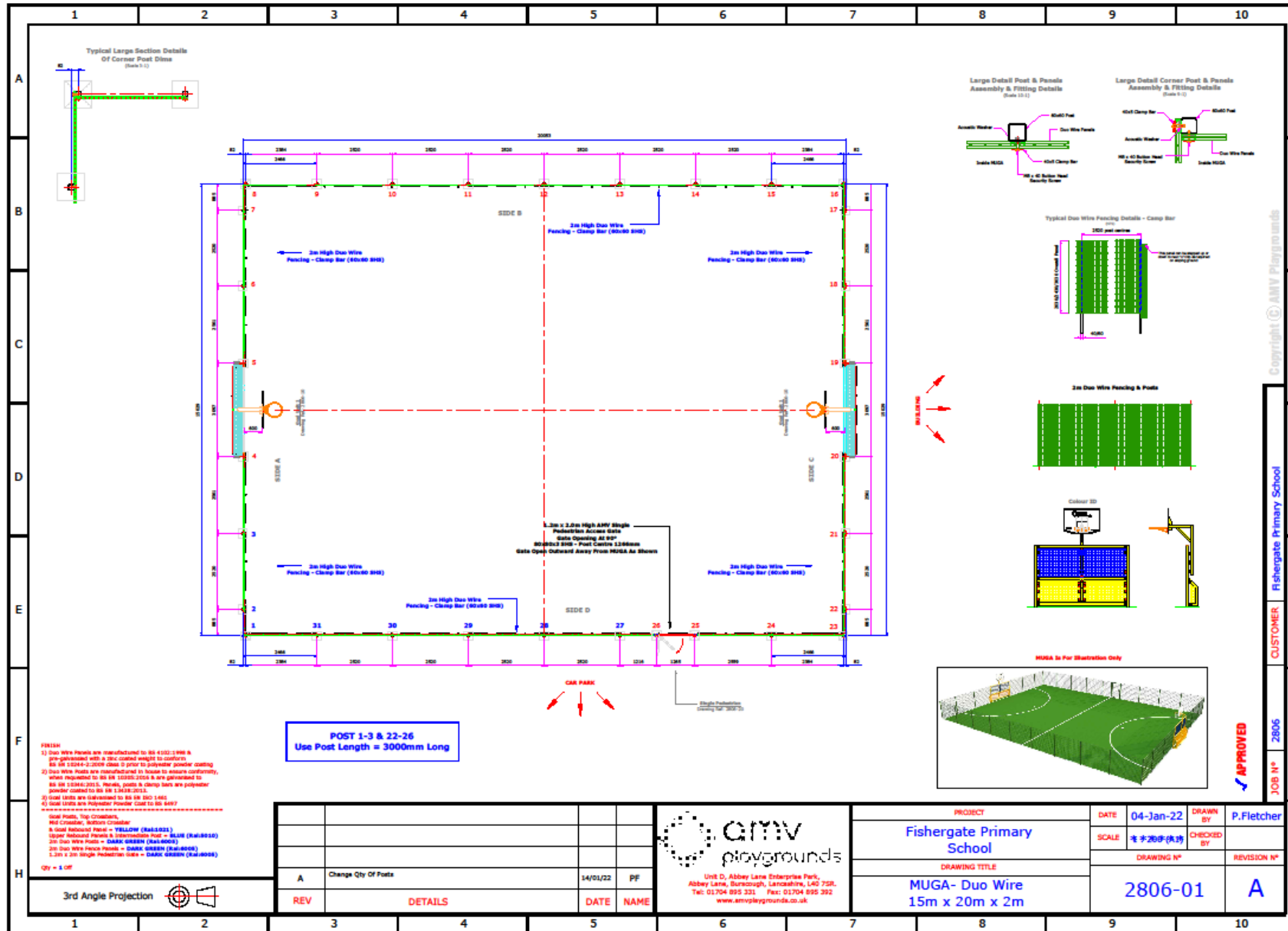
Client:		
VG	AT	AT

Date: April 2022

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Planning

Drawing Number:	Revision:
190024.11	/



NOTES

- 1) Duo Wire Panels are manufactured to BS 4130:1998 & are galvanized with a zinc coated weight to conform to BS 4130:1998 class 2 prior to polyester powder coating.
- 2) Duo Wire Posts are manufactured to BS 4130:1998 & are galvanized to BS 4130:1998 class 2 prior to polyester powder coating.
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- 4) Duo Wire Posts are manufactured to BS 4130:1998 & are galvanized to BS 4130:1998 class 2 prior to polyester powder coating.
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- 6) Duo Wire Posts are manufactured to BS 4130:1998 & are galvanized to BS 4130:1998 class 2 prior to polyester powder coating.
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- 8) Duo Wire Posts are manufactured to BS 4130:1998 & are galvanized to BS 4130:1998 class 2 prior to polyester powder coating.
- 9) Duo Wire Posts are manufactured to BS 4130:1998 & are galvanized to BS 4130:1998 class 2 prior to polyester powder coating.
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REV	DETAILS	DATE	NAME
A	Change Qty Of Posts	14/01/22	PF



PROJECT
Fishergate Primary School

DRAWING TITLE
MUGA- Duo Wire
15m x 20m x 2m

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COMMITTEE REPORT

Date: 8 December 2022 **Ward:** Holgate
Team: West Area **Parish:** Holgate Planning Panel

Reference: 22/01864/FUL
Application at: 67 Grantham Drive York YO26 4UE
For: Single storey rear and side extension following demolition of existing conservatory
By: Mr & Mrs Wragg
Application Type: Full Application
Target Date: 16 November 2022
Recommendation: Householder Approval

1.0 PROPOSAL

1.1 The application property is a two-storey semi-detached house located within the Holgate area of York. The proposal seeks permission for a single storey side and rear extension following the demolition of an existing conservatory.

2.0 POLICY CONTEXT

Development Control Local Plan 2005

CYGP1 – Design
CYH7 - Residential extensions

Publication Draft Local Plan 2018

D11 - Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

3.1 Holgate Planning Panel were consulted as part of the application however no comments were received.

4.0 REPRESENTATIONS

4.1 No comments received

5.0 APPRAISAL

KEY CONSIDERATIONS INCLUDE

- Impact upon the residential amenity of neighbouring properties
- Visual impact on the surrounding area

RELEVANT PLANNING POLICY

5.1 The most up to date representation of key relevant policy issues here is the National Planning Policy Framework, July 2021 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

5.2 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims, including:

- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.3 The NPPF also places great importance on good design. Paragraph 134 says development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. Significant weight should be given to development which reflects local design policies and government guidance on design.

5.4 The Publication Draft Local Plan (DLP 2018) was submitted for examination on 25 May 2018. Phase 4 of the hearings took place in September 2022. 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. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.5 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protects and incorporates trees. This policy is generally in accordance with the NPPF.

5.6 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are material considerations, but generally their weight is very limited. However policy H7 which states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours, is considered in accordance with the NPPF.

5.7 The Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 provides guidance on all types on domestic types of development. A basic principle of this guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/streetscene it is located on. In particular, care should be taken to ensure that the proposal does not dominate the house or clash with its appearance with the extension/alteration being subservient and in keeping with, the original dwelling. The character of spacing within the street should be considered, and a terracing effect should be avoided. Proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

APPRAISAL

Design and Visual Amenity

5.8 The proposal seeks permission for a single storey side and rear extension. The proposed rear extension is to project out 2.5 metres and have a width of 8.4 metres. This extension will connect to the side extension which is to have a width of 2.1 metres and a depth of 8.3 metres. The eaves height for both parts will be 2.3 metres and the ridge line 3.6 metres. The extension is to be constructed of matching brick and tile. The doors are to be grey sliding doors with 3 roof lights. The use of sympathetic materials in the extension enhances the overall design.

5.9 The proposed rear aspect of the extension is of good design being both modest in height and depth. Paragraphs 13.1 and 13.2 of the SPD gives guidance on how rear extensions should be designed and how when extensions exceed 3 metres on

semi-detached properties that they should be assessed for the impact the design of the development will have upon neighbours. The proposed extension will be reduced in depth compared to the existing conservatory. Linking with the side extension both aspects of the development sit subservient to the original house. Given that the extension will be shorter than the existing conservatory the proposed development is regarded to comply with the SPD. The side extension is set well back from the front of the property meaning that sufficient space has been left at the property for the parking of vehicles. Although the side extension will lead to the loss of side access at the house a storage area has been created at the front of the side extension which will provide sufficient integral storage for bins and bikes at the property. The incorporation of this within the design enhances the quality of the scheme. Paragraph 8.1 of the SPD states that adequate storage should be provided at the site and when there is to be a loss of rear access storage should be created.

5.10 The orientation of the adjacent house to the south means that the side extension will be visible from both the front and side of the property. However, the proposals will be sympathetic within the street and it will not lead to a significantly harmful impact upon the street scene. SPD Paragraphs 7.1, 7.2 and 12.2 states that side extensions should be well designed to create a development that does not impact the street scene and in this instance the development is not harmful to the street.

Neighbouring Amenity

5.11 The attached house to the north has a rear conservatory. The householder SPD states that when extension exceed 3 metres in length consideration should be given to the impact that might result in the loss of sunlight. The modest height and relatively shallow 2.5m extension mean that there will not be a significant loss of light, privacy or outlook from the property. The guide also sets out that gardens should retain adequate light, and in this instance, given the previously discussed small scale extension the impact on the garden will be minimal and will not result in a significant loss of light.

5.12 The orientation of 69 Grantham Drive to the south means that it looks onto the rear extension however given its size and proportions the outlook from no69 will not be significantly impacted. Paragraph 3.2 of the SPD discusses separation distances and how privacy should be considered when assessing proposals. Although the distance between the corner of no69 and the side of no 67 is only approximately 4.5 metres the offset provided by the orientation of the no69 is felt to be sufficient to meet the council's householder design guide on rear extension. Similarly in terms of light and privacy these will not be reduced as a result of the works. Overall the impact upon no 69 will be limited and will not lead to undue harm.

6.0 CONCLUSION

6.1 The proposed works would respect the general character of the building and area and cause no neighbouring harm. It is considered that it complies with national planning guidance, as contained in the National Planning Policy Framework, and local policies in the Publication Draft Local Plan 2018, Development Control Local Plan 2005 and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

7.0 RECOMMENDATION: Householder Approval

1 TIME2 Development start within three years

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

Drawing No: 22-07-02 Proposed Plans

Drawing No: 22-07-03 Proposed Elevations

Drawing No: 22-07-04 Proposed Site Plan

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

3 The materials to be used externally shall match those as stated on the planning application form submitted with this application.

Reason: To achieve a visually acceptable form of development.

8.0 INFORMATIVES:

Contact details:

Case Officer: Joseph Bourke

Tel No: 01904 551346

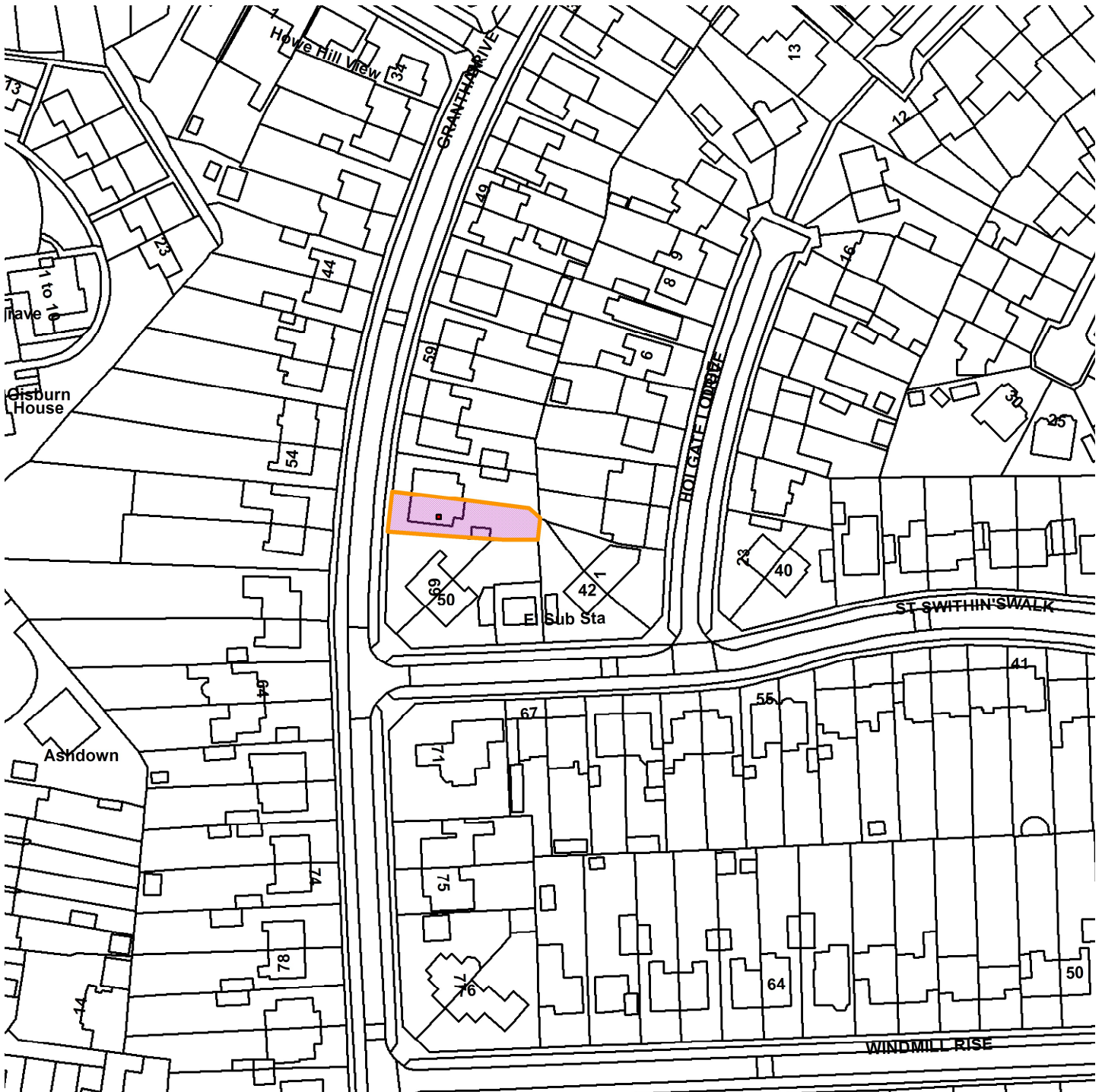
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67 Grantham Drive, York YO26 4UE

22/01864/FUL



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Scale : 1:1328

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	25 November 2022
SLA Number	Not Set

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Planning Committee B

22/01864/FUL

67 Grantham Drive

Proposed Residential Development at 67 Grantham Drive, York YO26 4UE



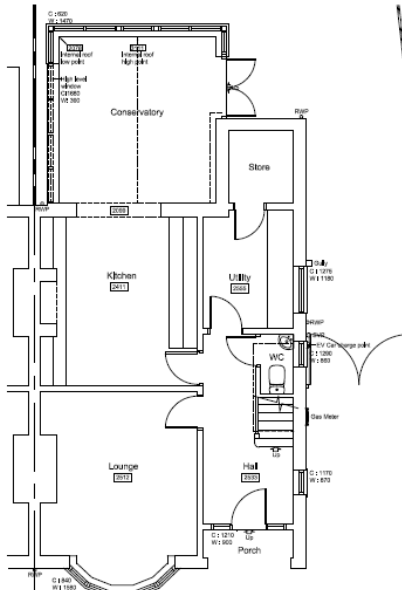
Existing Front Elevation



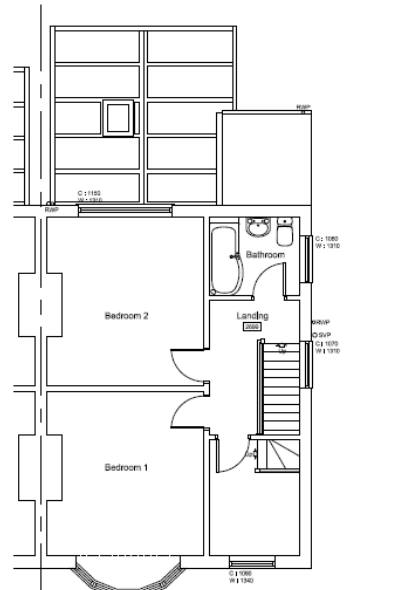
Existing Rear Elevation



Existing Side Elevation



Existing Ground Floor Plan



Existing First Floor Plan



Location Plan 1:1250

Existing Plans & Elevations



B	PM	Minor amendments.	17/06/22
A	PM	Further information added.	02/06/22
Rev	By	Note	Date

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Project: 67 Grantham Drive, York YO26 4UE
 Title: Existing Plans & Elevations
 Client: Mr & Mrs Wragg
 Date: April 2022
 Date: 22/07/01
 Drawn: PM
 Scale: 1:50@A1
 Revision: B
 Checked:

DO NOT SCALE FROM DRAWINGS, ANY DIMENSIONS TO BE NOTED, COMMENT REQUIRED.

Proposed Residential Development at 67 Grantham Drive, York YO26 4UE



Proposed Site Plan



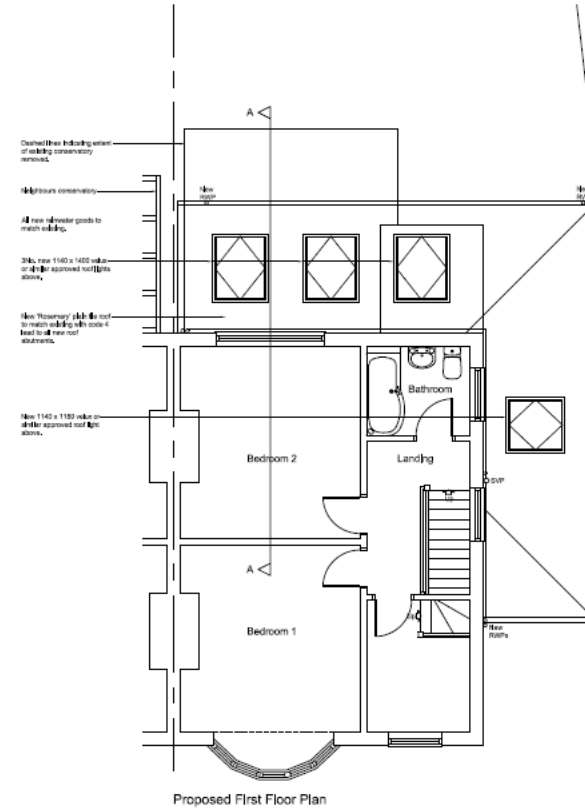
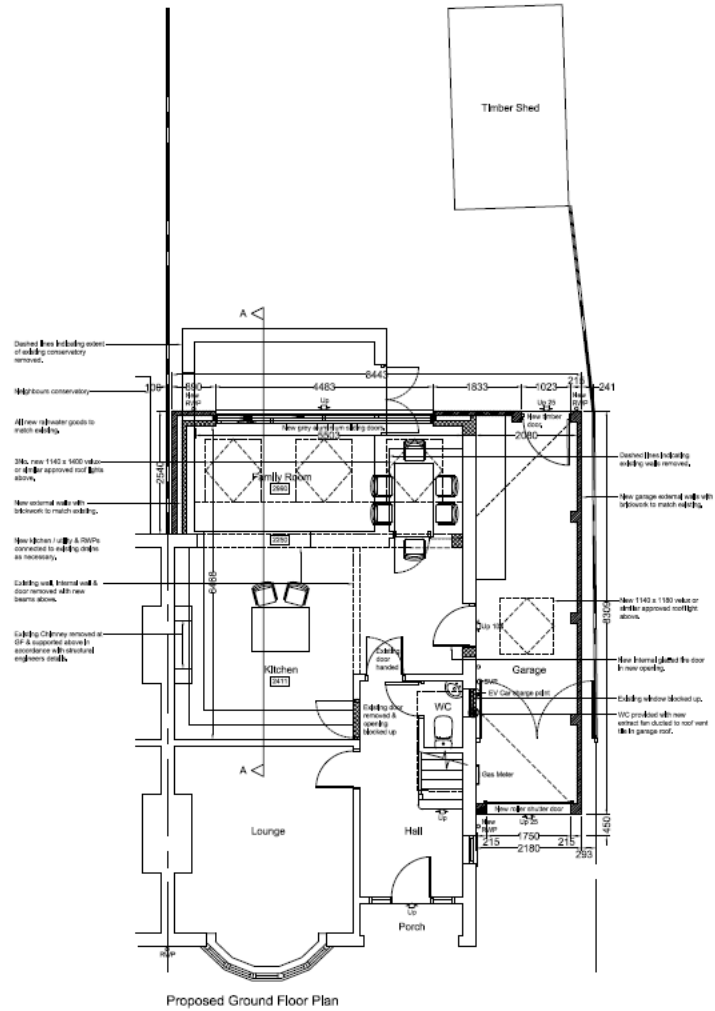
Rev	By	Note	Date

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Project: 67 Grantham Drive, York YO26 4UE
Title: Proposed Site Plan
Client: Mr & Mrs Wragg
Date: Aug 2022 Scale: 1:200@A1
Drawn: 22/07/04
Checked: PM

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Proposed Residential Development at 67 Grantham Drive, York YO26 4UE



Proposed Plans



Rev	By	Note	Date
B	PM	Extension site wall amended in accordance with client's comments and section omitted.	17.08.22
A	PM	Drawing amended in accordance with client's comments.	02.08.22

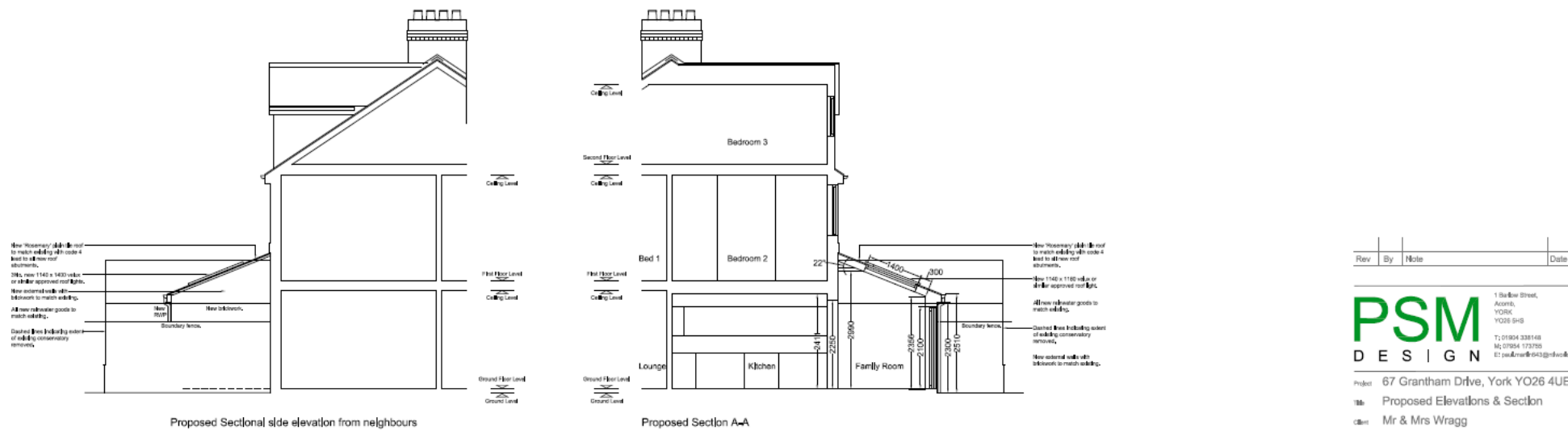
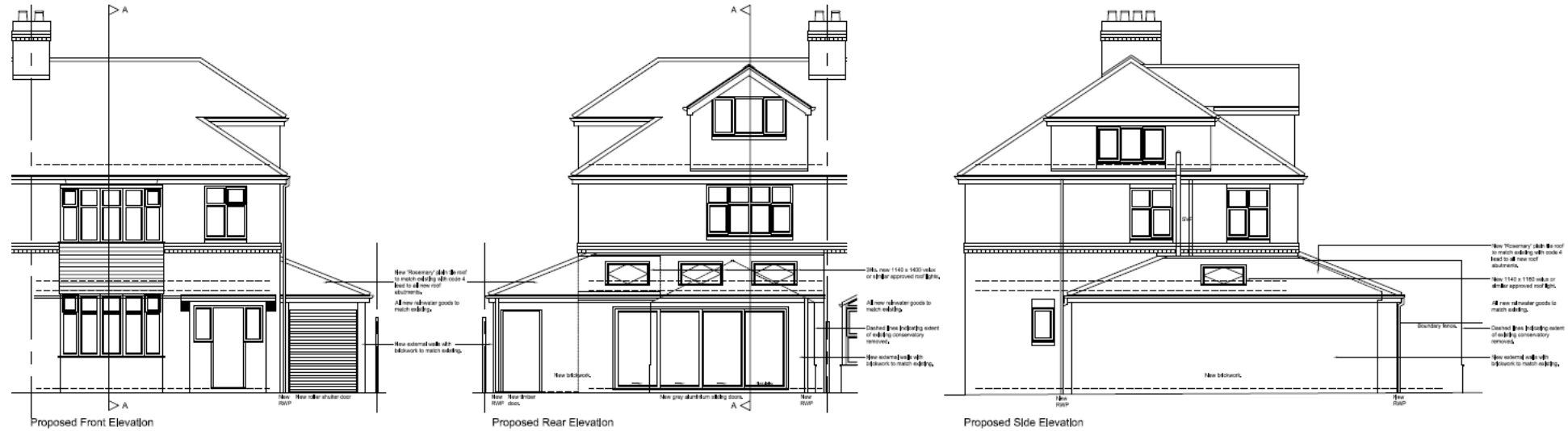
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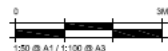
Project: 67 Grantham Drive, York YO26 4UE
 Title: Proposed Plans
 Client: Mr & Mrs Wragg
 Date: May 2022
 Drawn: 22/07/02
 Drawn: PM
 Scale: 1:50 @ A1
 Revision: B
 Checked:

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Proposed Residential Development at 67 Grantham Drive, York YO26 4UE



Proposed Elevations & Section



Rev	By	Note	Date

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Project: 67 Grantham Drive, York YO26 4UE
 Title: Proposed Elevations & Section
 Client: Mr & Mrs Wragg
 Date: Aug 2022 Scale: 1:50 @ A1
 Drawn: 22/07/03
 Drawn: PM
 Checked:
 1:50 @ A1 1:100 @ A3

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COMMITTEE REPORT

Date: 8 December 2022 **Ward:** Acomb
Team: West Area **Parish:** No Parish
Reference: 22/01734/FUL
Application at: 17 Newlands Drive York YO26 5PQ
For: Change of use from dwelling (use class C3b) to 6.no. occupant House in Multiple Occupation (Use Class C4)
By: Bergamo Holdings
Application Type: Full Application
Target Date: 9 November 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks consent for a change of use of No.17 Newlands Drive, Acomb, from a dwelling house, within Use Class C3b to a 6.no bedroom House in Multiple Occupation within Use Class C4. The application property is a detached bungalow with rooms in the loft space.

Relevant Property History

1.2 Application Ref.02/02423/FUL – single-storey rear extension – approved 11.09.2002. This application was submitted by the Wilberforce Trust, who ran the property as a dwelling for 6.no unrelated tenants with visual and sensory impairments. They received support from care workers, who visited the property on a daily basis.

Ward Councillor Call-In

1.3 The application has been called in by Councillor Lomas because of the impact on neighbouring amenity and the impact on parking

2.0 POLICY CONTEXTPublication Draft Local Plan 2018

T1 – Sustainable Access
H8 – Conversions to HMO's

Development Control Local Plan 2005

CYGP4a – Sustainability

3.0 CONSULTATIONS

INTERNAL

Strategic Planning

3.1 Within 100m of 17 Newlands Drive (Street Level) there are currently zero out of 31 HMO's - 0.0% Were the current proposal to be approved this would rise to 3.2%. At Neighbourhood Level, there are currently 3.no HMO's out of 854 properties 0.35%. This would rise to 0.4%. Therefore, neither the Street Level density threshold (10%) nor Neighbourhood Level density threshold (20%) have been breached.

Highway Network Management

3.2 Highways were initially unable to support the proposal, due to the under provision of car parking on site leading to a potential increase in relation to street parking on a narrow road. They also expressed concerns about widening the existing access, which would conflict with Street-Works policy. Following the reduction from the initially proposed 7.no bedroom HMO, to a 6.no bedroom HMO and the reduced off-road parking requirement from 4.no vehicles, to 3.no vehicles, Network Management have no objections.

4.0 REPRESENTATIONS

4.1 20.no letters of objection have been received, raising the following issues:

- Parking issues
- Would affect the character, nature and environment of this residential area
- Noise and disruption
- Adverse impact on wildlife
- Problems with refuse management
- Who will monitor resident's behaviour and vet future residents?

- Newlands Drive a narrow road – will create problems for emergency services
- Increased vehicles a hazard for children
- Reduce the desirability of properties in Newlands Drive
- Result in anti-social behaviour
- Future occupants would not participate in existing community activity

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues in the assessment of this proposal are the amenity facilities for future occupants, the impact on the amenity of neighbours and whether there is adequate provision for car parking and cycle/refuse storage.

LEGISLATIVE BACKGROUND

5.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

POLICY CONTEXT

National Planning Policy Framework

5.3 The National Planning Policy Framework sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.4 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including to create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

Local Plan Policies

Publication Draft Local Plan 2018

5.5 The Publication Draft Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25th May 2018. The Phase 4 hearings took place in September 2022. 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 24th January 2019 will be assessed against the 2012 NPPF).

5.6 Policy T1: "Sustainable Access" advises that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport and they provide sufficient convenient, secure and covered cycle storage.

5.7 Policy H8: Applications for the change of use from dwelling house (Use Class C3) to HMO Use Class C4 will only be permitted where:

- (i) It is in a neighbourhood where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students recorded by the Council's data base as licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMO's and
- (ii) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students or are known to the Council to be HMO's and
- (iii) The accommodation provided is of a high standard which does not detrimentally impact on residential amenity.

5.8 The explanation to the policy states that in considering the impact on residential amenity attention will be given to whether the applicant has demonstrated the following:

- The dwelling is large enough to accommodate an increased number of residents.
- There is sufficient space for appropriate provision for secure cycle parking.
- The condition of the property is of a high standard that contributes to the character of the area and that the condition of the property will be maintained following the change of use to HMO
- The increase in the number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.
- There is sufficient space for storage provision for waste/recycling containers in a suitable enclosure within the curtilage of the property.
- The change of use and increase in number of residents will not result in the loss of a front garden for hard-standing and parking and refuse areas which would detract from the existing street-scene.

Draft Development Control Local Plan

5.9 The draft Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations, but generally their weight is very limited. Policy GP4 a (i) requires that development proposals make adequate provision for the storage and collection of refuse and recycling. Appendix E to the Local Plan outlines car and cycle parking standards for development and specifies that HMO's should provide 1 car parking space per 2 bedrooms and 1 cycle parking space per bedroom.

Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy

5.10 The draft SPD was approved in 2012 and updated in 2014. This document was prepared the Article 4 Direction bringing the change of use of use class C3 dwellings to use class C4 HMOs within planning control.

5.11 The SPD at paragraph 5.15 recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;

- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

5.12 In paragraph 5.17 of the SPD it outlines that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity, attention will be given to whether the applicant has demonstrated that the condition of the property is of a high standard that contributes positively to the character of the area and that the increase in number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy. It also requires that there is sufficient space for:

- potential additional cars to park;
- appropriate provision for secure cycle parking;
- storage provision for waste/recycling containers in a suitable enclosure area within the curtilage of the property, and
- that it will not result in the loss of front garden for hard standing for parking and refuse areas which would detract from the existing street scene.

5.13 Paragraph 5.7 of the SPD advises that applications for change of use from dwellings to HMO's will only be permitted where:

- a) The property is in a neighbourhood area where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and
- b) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students, recorded on the Council's database as a licensed HMO, benefit from C4/Sui Generis HMO planning consent and are known to the Council to be HMOs; and

- c) The accommodation provided is of a high standard which does not detrimentally impact upon residential amenity.

THE APPLICATION PROPERTY

5.14 No.17 Newlands Drive, is a detached bungalow, located within a residential cul-de-sac, which runs off Beckfield Lane. It has previously been extended to the rear and this section of the property has an additional entrance. The revised proposed layout consists of a kitchen/diner, living room, gym and 4.no bedrooms (all en-suite) at ground-floor: and 2.no.bedrooms (en-suite) in the loft-space. The bedroom sizes all meet Housing Standards requirements. The bungalow has a large hard-surfaced domestic frontage, a detached garage to the side and a large rear garden.

Car Parking

5.15 Paragraph 11.1 of the City of York Council Highway Design Guide states that

“It is imperative that proper and adequate provision is made for the parking of vehicles..... If adequate provision is not made, then this results in indiscriminate parking on the highway with the resulting problems of obstruction, danger to other road users, particularly children, and damage i.e. footways, landscaping and boundary treatment”.

5.16 In this respect, the Council's Highway Design Guide (Appendix 23) advises that a standard parking space is 2.4m wide by 4.8m long. However, it states that this must only be used as general minimum as although a standard parking space may be appropriate for situations where there is room to reverse out (i.e. such as in a supermarket car park) for practical purposes on places such as a household plot, a car parking space needs to be increased to allow ease of access, ease of movement for loading/unloading, maintenance/working areas etc. and the guide outlines that an appropriate space can be up to 6m long by 3.6m wide. Indeed, the Council's Vehicle Crossings Policy (Adopted 22 June 2021) states that where a proposed application is for a vehicle to be parked at a right angles to the highway, a minimum length of 6 metres must be available to park. Where the parking area is located away from openings (dwelling doors, garage doors), this can be reduced to 5.5 metres.

5.17 In respect of HMO use, the lifestyle, activities and work patterns of the occupants can be very different to those of a small family who tend to have more of a routine of times spent together/joint trips etc. In particular, it can be more difficult in an HMO to ensure that a person needed to move a car to allow another one to access/egress will always be available. It is considered appropriate to secure the provision of car parking spaces of an appropriate size together with a car parking layout that allows for maintenance etc. to be undertaken on site and for cars to manoeuvre in and out of spaces independently, thereby ensuring that the spaces are used and on-street parking is avoided.

5.18 Newlands Drive is a narrow road which can result in parked vehicles straddled over the public pavement. As originally submitted the application sought a 7 occupant HMO which, given the location of the property, it was considered to require 4 parking spaces however the larger spaces could not be accommodated on site. The revised proposal for a 6.no occupant HMO reduces the guideline requirement to 3.no off-road spaces, which can be accessed independently.

Cycle Parking and Bin Storage

5.19 The large detached garage at the side of the property will provide secure cycle storage on a 1 to 1 basis. This has been demonstrated in diagram form with the use of 4.no Sheffield Hoops (3.no would now suffice) Given the layout of the property, there are also external spaces where refuse bins could be stored. In these respects, the provision is considered to be adequate.

Residential Amenity

5.20 In terms of the amenity of future occupants, each of the proposed 6.no bedrooms will be en-suite, and adequate living accommodation is provided. The spacious rear garden provides a large external amenity area. Nearby local bus routes provide a 15-minute daytime frequency between Acomb and the city centre and railway station. The nearest local facilities are in Acomb, which are a reasonable walking distance, though short cycle distance away. It is considered that the application property is suitable for the residential amenity needs of 6.no future occupants.

5.21 In terms of the amenity of the occupants of neighbouring properties; given that the proposal is compliant with all the relevant national and local policies, then it is considered that there is nothing inherent in the scheme that would result in

significant harm in this respect. The submission of a management plan should be a condition of any approval. This would seek to address issues which can arise as a result of multiple occupancy.

6.0 CONCLUSION

6.1 The application property is considered to be appropriate for the needs of future occupants within a 6.no. bedroom small HMO. Adequate provision for off-road vehicle parking has been demonstrated and secure cycle storage exists. the existing density levels of current HMO's is well below the policy threshold (at both Street Level and Neighbourhood Level). The proposal is considered to comply with policy H8 of the 2018 draft Local Plan and the requirements of the Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy.

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:-

Drawing No's - Proposed Floor Plans - CO3622-CAL-00-PL-DR-DRA-1XXX- Revision C - Dated 20th June 2022

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 first use as a house in multiple occupation the Sheffield Cycle Stands indicated within the detached garage on Plan No.17ND-DKPL-shall be installed. The garage shall retain the capacity to store up to 6.no cycles, unless otherwise approved in writing by the Local Authority.

Reason - To promote sustainable modes of transport.

4 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

i) Information and advice to occupants about noise and consideration to neighbours
Application Reference Number: 22/01734/FUL Item No: 4e

- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

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:

Negotiated an additional layout plan to assess off-road parking provision

2. The applicant should be aware that the hereby approval is for a Small House in Multiple Occupation, within Use Class C4. The number of occupants within this use class is between 3.no and 6.no unrelated persons sharing the property as a single residential dwelling. Any intensification of this use (over 6.no occupants) or sub-division of the property, would require a further application.

Contact details:

Case Officer: Paul Edwards
Tel No: 01904 551642

17 Newlands Drive, York YO26 5PQ

22/01734/FUL



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Scale : 1:1660

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	25 November 2022
SLA Number	Not Set

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Planning Committee B

22/01734/FUL

17 Newlands Drive



SITE LOCATION PLAN 1:1250 @A3



PROPOSED SITE PLAN 1:500 @A3



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Revision	Description	Date	Drawn	Checked
-	-	-	-	-

Site Boundary



Client -
 Project 17 Newlands Drive

Drawing Title Site Location Plan & Proposed Site Plan

First Issue Date	Scale	Drawn by	Check by
21.07.2022	Various	VB	TG
Project No	Status	Revision	
C030622	-	-	
Drawing No	C030622-CAL-00-PL-DR-A-1006		

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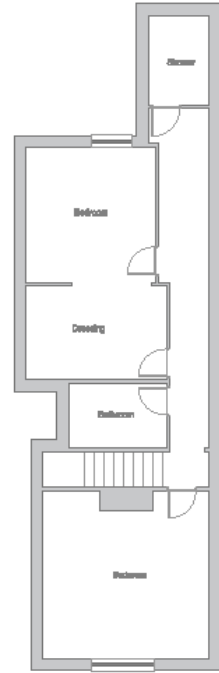
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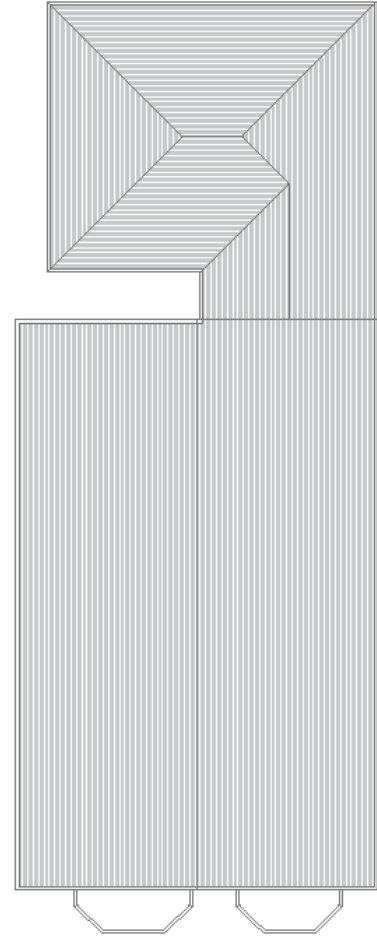
Existing internal layout



GROUND FLOOR



FIRST FLOOR



ROOF PLAN

EXISTING FLOOR PLANS & ROOF PLAN



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Revision	Description	Date	Drawn	Checked
-	-	-	-	-



Client
 Project
 17 Newlands Drive

Drawing Title
 Existing Floor Plan &
 Roof Plan

First Issue Date 20.06.2022
 Scale 1:100 @ A3
 Project No CXXXXXX
 Drawing No CXXXXXX-CAL-00-PL-DR-A-1002

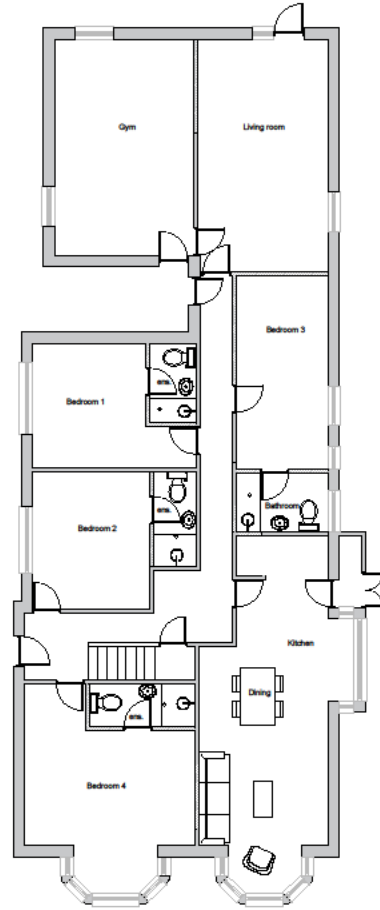
Drawn by VB
 Check by TG
 Status -
 Revision -

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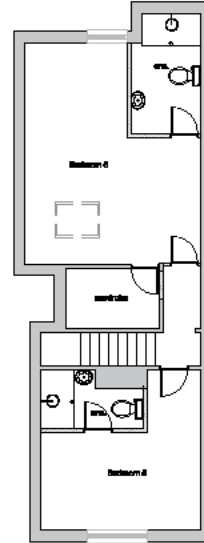
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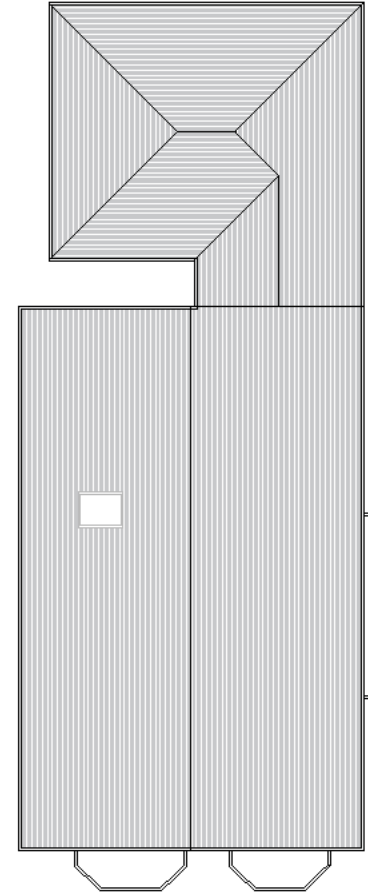
Proposed internal layout



GROUND FLOOR

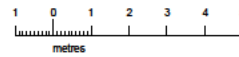


FIRST FLOOR



ROOF PLAN

PROPOSED FLOOR PLANS & ROOF PLAN



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Revision	Description	Date	Drawn	Checked

KEY:
 Existing Wall
 Proposed Wall

Client
 Project
 17 Newlands Drive

Drawing Title
 Proposed Floor Plan &
 Roof Plan

First Issue Date	Scale	Drawn by	Check by
20.06.2022	1:100 @ A3	VB	TG
Project No		Status	Revision
C030622			C
Drawing No	C030622-CAL-00-PL-DR-A-1004		

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COMMITTEE REPORT

Date: 8 December 2022 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 20/00314/FULM
Application at: 3 Toft Green York
For: Erection of new building comprising of ground floor music venue (sui generis) and offices (use class E) including external terrace and landscaping to rear at first floor level following demolition of existing buildings at 3-5 Toft Green
By: Toft Green Developments Ltd
Application Type: Major Full Application
Target Date: 26 September 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site relates to an existing two storey former industrial building and ranges that occupy the full width of the plot and extend up to the rear of Micklegate House on the Micklegate frontage. The building adjoins no. 1 Toft Green, a two storey building to the north east and the rear yard providing car parking for 92 Micklegate which is occupied by the York Conservation Trust Ltd to the south western boundary.

1.2 The buildings are now vacant but previously were occupied by Fibbers music venue/nightclub, Black Orchid Gentlemen's Club and Whiskey Lounge and the Stein Bierkeller.

1.3 Planning permission is sought for the demolition of all buildings on site with the construction of an office building and music venue, with a first-floor roof terrace to the rear reaching the boundary with Micklegate House to the rear. Office accommodation will be provided over three floors. The proposal has been amended significantly since original submission to reduce its scale by 3.4 metres on the Toft Green frontage, the equivalent of a full storey in height, whilst at the same time re-providing a music venue in the ground floor area. Its scale to the rear in relation to Micklegate House has also been significantly reduced by removing the previously proposed double pile roof and foreshortening the rearward extension of the block directly facing on to Toft Green.

1.4 The building is unlisted but is located within the York Central Historic Core Conservation Area (YCHCCA): Character Area No. 21: Micklegate. There are a number of listed buildings in close proximity including the Grade I Micklegate House, positioned to the rear of the application site, and to either side, No's 86 and 92 Micklegate are both Grade II* listed. No. 1 Toft Green adjoins the application building is identified within the YCHCCA character area appraisal as a Building of Merit.

1.5 The site also lies within the Area of Archaeological Importance and specifically in an area which contains archaeological deposits of national importance including those relating to the Roman Colonia.

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1 The revised National Planning Policy Framework was published on 21 July 2021 (NPPF) and its planning policies are material to the determination of planning applications.

Publication Draft City of York Local Plan 2018

2.2 The 2018 Draft Plan was submitted for examination on 25 May 2018. Phase 1 of the Hearings into the Local Plan was held in December 2019, Phase 2 was held in May 2022, Phase 3 in July 2022 and Phase 4 in September 2022. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 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).

SS3	York City Centre
EC1	Provision of Employment Land
D1	Placemaking
D2	Landscape and Setting
D3	Cultural Provision
D4	Conservation Areas

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

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

- Economic Strategy 2016-20 – Choosing a better story 2016
- Economic and Retail Growth Analysis and Visioning Work (June 2013)

Draft Development Control Local Plan (2005)

2.4 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.

CYGP1	Design
CYGP4	Sustainability
CYGP6	Contaminated Land
CYGP9	Landscaping
CYHE3	Conservation Areas
CYHE10	Archaeology
CYHE11	Trees and Landscape
CYT4	Cycle Parking Standards
CYS7	Evening Entertainment

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Conservation)

3.1 The application site lies on land to the north of the grade I listed Micklegate House. At the north end of the site facing onto Toft Green is a two-storey building built across the width of the plot which would appear to be the much altered coach house and stable for Micklegate House.

3.2 The two-storey building that occupies 3-5 Toft Green is of traditional form of brick construction and dual pitched roof, much rebuilt and door and windows openings altered, but with brickwork consistent with 18th century brickwork visible externally in the gable. It appears consistent with the building illustrated in the 1852 OS, separated from the house by a large garden. The basic form and construction of the building is not too dissimilar to No. 1 Toft Green, also believed to be a coach house and stable of 18th century origin. Irrespective of the assertions in the applicant's heritage statement to the contrary, the building would appear to be that described in the sales particulars of 1815; the description included "a good Garden, Coachhouse, Stables for 11 Horses" (ibid, quoting York Cournat, 3 April 1815). In our opinion, there is no convincing evidence put forward for it being anything else.

3.3 Between the house and stable block further ranges were constructed from brick with dual pitched roofs, lengthways down the site, single storey behind the house, rising to two storeys at the coach house end. Internally there are cast iron columns and beams in the two-storey area. Map evidence suggest the buildings are late 19th century or very early 20th century, appearing on the 1909 OS, but not the 1892 edition.

3.4 The coach house and later infill development are not considered to be curtilage buildings as evidence presented by the applicants indicates that they were not in the same ownership at the relevant date, in this instance 1 July 1969.

3.5 The building is considered to contribute to the significance of the house as a Georgian merchant's town house constructed on a major historic thoroughfare, within the City walls. The plot development within the site contributes to the character of the conservation area, illustrating the historical development of the area from development of medieval plots in 18th century with large houses fronting Micklegate with large gardens terminating in some cases in service buildings facing Toft Green, and the gradual decline of the area as back land plots are taken over by light industry and workshops.

3.6 The demolition of the late 19th/early 20th century development of the garden area would result in a degree of harm to the character of the conservation area, removing evidence of the evolution of the site and the area in the late 19th century. It would have the potential to better reveal the significance of the house by reinstating the relationship of the house to its garden and coach house. However, any enhancement from the marginal increase in openness is outweighed by the substantial increase in bulk of the replacement four storey building; the additional bulk undermines the current and historic plot development, instead making the building at the back of the site the dominant building. The scale of the building would be a bold and unwelcome addition to the setting of both Micklegate House and its neighbours, and would be the dominant building in the street, considerably taller than its neighbours. In addition, the illustrative value of the original coach house/stable block would be lost. The substantial scale of the four storey building

results in substantial harm to the setting of the Grade I listed Micklegate House, and less than substantial harm to the setting of the neighbouring grade II* listed buildings, and less than substantial harm to the character of the conservation area.

3.7 The supporting documents suggest the impact of the development can be mitigated by the design. It is not clear how this overcomes the substantial additional bulk of the four-storey element of the building, which appears to have been driven by a consideration of the scale of the Hilton/Hamilton Hotel on the opposite side of Toft Green. Quite what relevance this has is unclear. The other side of Toft Green is in a distinctly different character area, Character Area 22, in which the coming of the railway age resulted in an entirely different plot form and a number of much larger buildings.

3.8 The design incorporates an arched design at ground floor level, intending to reference arches used in the designs of a John Carr coach house or stable blocks. However, irrespective of these being a feature of such buildings in the grounds of country houses, they are not typical of urban coach houses in York, and more importantly, not part of the language of the historic street scene. In addition, development in the street is predominantly characterised by a predominance of mass over void. The extensive use of glass on the upper floor and the glazed arch form of the lower floors do not preserve this characteristic of the street scene. Rather than mitigating the harm resulting from the development, the inclusion of arches and extensive glazing adds a further layer of harm to the character of the conservation area and the setting of the listed buildings.

Design, Conservation and Sustainable Development (Landscape Architect)

3.9 The front elevation of the proposed building appears to follow the line of the existing, which is continuous with the building line of the street. There is scope for external improvements along Toft Green, removing existing clutter and apply appropriate stone paving for a continuous finish. The strip in front of 3-5 is at the narrowest tapered end which offers negligible room for any additional intervention such as street trees. Slim, raised beds as shown in indicative views, although these are not necessary.

3.10 The proposal introduces an area of outdoor space presented as a roof garden or 'rear roof terrace' over a ground floor, single storey component of the proposed building and would be an improvement on the existing. It would introduce some sense of a garden, and some perceived separation between Micklegate House and the proposed building, plus a better outlook from Micklegate House. This would be a valuable outdoor space with a sunny aspect for occupants of the development.

3.11 It would be desirable to reinstate a garden at ground floor level immediately to the rear of Micklegate House; the redevelopment of the site presents an opportunity to realise this, which would be of huge benefit to the setting and context of the grade

I listed building (although not directly related as Micklegate House lies outside the application boundary).

3.12 The suggestion that the design of the roof garden would be a formal arrangement to suit the Georgian architecture is fine. It is a fairly limited space so a simple layout is best, but it should be one that packs horticultural interest and a food source for invertebrates and birds amongst a formal structure of low clipped hedges.

3.13 The introduction of a raised garden may result in issues of overlooking, which is for others to consider, but I do note that the proposed planting, including a hedge around the periphery of the roof garden, would prevent people standing close to the edge and peering down/across. Consideration may need to be given to light emanating from the roof lights and glazed roof access during hours of darkness, although probably no worse than a vertical window in respect of neighbouring properties. There may also be some low-level bollard or ground mounted lights for safety.

Design, Conservation and Sustainable Development (Archaeology)

3.14 The application site lies within the Central Area of Archaeological Importance specifically in an area which contains archaeological deposits of potential national importance including those relating to the Roman Colonia.

3.15 A Roman road leading into the fortress from the south runs somewhere through the block of buildings situated between Micklegate and Toft Green. It may run beneath 3-5 Toft Green. Roman archaeological evidence in the form of buildings, roads/lanes and industrial activity is well known in this area. Documentary evidence suggests that this block has been occupied since the medieval period with building of the Toft Green frontage from at least 1610.

3.16 Due to the nature of the site, it being covered in buildings which are in use, there has been no intrusive archaeological evaluation of the site. The implementation of a borehole survey or trenching at pre-determination stage was not possible. A ground penetration radar (GPR) was commissioned in lieu of intrusive evaluation at this stage. The survey was successful except in areas of raised wooden floor. However the results of the survey only recorded shallow structural remains and rubble from the past demolition of structures previously occupying the site. A possible culvert was also identified at c1.2m below floor level. These results have not contributed a great amount of information on the potential archaeological profile of the site.

3.17 A desk-based assessment for the proposed site has been produced by Yorkshire Archaeological Trust, which draws together information from previous archaeological interventions close to the site. There is an expected depth of c5m of archaeological deposits on this site. The study suggests that post-medieval

structures may be encountered along the frontage of Toft Green. Significant deposits of medieval and Roman date may also survive on this site from shallow depths of c0.3m below current ground level. Of particular significance is the potential to uncover evidence for the street layout of the Roman civil settlement and high-status Roman buildings.

3.18 In respect to the impact of the proposed development, the submitted drawings suggest that the current floor level will be lowered c0.6-2m beneath the extant Toft Green frontage building and the proposed rear garden. This may impact only upon the former factory foundations and garden soils in the centre and rear of the site, but there is a chance it may impinge into medieval or earlier deposits. Roman archaeology may be disturbed by pile caps and beams beneath this subterranean space.

3.19 Archaeological features and deposits relating to all periods may be revealed or disturbed through the development of the proposed scheme. Without a programme of intrusive archaeological evaluation, we are unable to ascertain what the impact may be. An archaeological evaluation will need to take place once the buildings are vacated/demolished. If archaeology of national importance is found to survive on the site, preservation in-situ will be expected and its design may need to be altered accordingly.

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

3.20 Raises no objection to the proposal subject to any permission being conditioned in respect of biodiversity net gain and nesting birds.

Public Protection Unit (PPU)

3.21 Noise - the proposed office building will be located close to existing commercial activities and new plant/equipment located externally may impact on the use of adjacent premises. As such a condition is recommended to ensure that any plant/machinery is subject to approval if installed within the development and is audible outside of the application site. It is accepted that the building has been designed to reduce break out noise and the provision is felt to be acceptable. A noise management plan which may be conditioned is recommended in respect of noise from comings and goings to the venue.

3.22 Construction Impacts - recommend working hours and a Construction Environmental Management Plan (CEMP) in order to minimise demolition and construction impacts (noise, vibration and dust) to neighbouring properties.

3.23 Land Contamination – the application is supported by a Phase 1 assessment by Surface (Ref: 51040 dated 13.12.2019). This report recommends an intrusive ground investigation, comprising soil sampling and gas monitoring is carried out.

This is acceptable and conditions are requested that a site investigation is conducted and appropriate remedial action undertaken to ensure that site is safe and suitable for its proposed use.

Economic Development Unit

3.24 The proposal is supported because it would bring forward high quality category A office accommodation in an accessible location which at present is deficient in the City Centre.

Lead Local Flood Authority (LLFA)

3.25 The Lead Local Flood Authority raise no objection in principle to the proposal but seek identification of a surface water outfall and an agreed discharge rate to the public surface water sewer .

Highways Network Management

3.26 Highway Network Management raise no objection to the proposal as amended on the basis that adequate cycle parking would be provided for the location together with a sustainable travel plan.

EXTERNAL

Historic England

3.27 Toft Green is a street of two halves; it has considerable historic value for the way it illustrates aspects of the development of this part of York overtime, including its changing social status and the arrival of the railways, to which can be attributed the dramatic contrast in scale between the two sides of the street. Buildings on the south side of the street are generally a domestic scale and part of a finer urban grain that incorporates narrow burgage plots which run through onto Micklegate, one of the city's finest streets, and one of the most distinctive streets in England.

3.28 They welcome the removal of the harmful, later modern accretions to the rear of the Micklegate House. However, this improvement would be negated by the erection of the proposed office block that would cause harm to the setting of the Grade I listed building.

3.29 Historic England consider that the starting point for designing new places should be with the historic character (conservation Areas) and setting of listed buildings to ensure that local distinctiveness lies at the heart of placemaking. The particular reference point to the parameter of the height of the new building with the Hampton by Hilton building opposite is questioned and it not considered appropriate

for the historic character of the site. Additionally, the design philosophy and approach to the railway arches is again questioned, it conflates two different building types and therefore diluted integrity of design.

3.30 The new building does not pay special attention or regard to this highly sensitive and complex historic environment and highly graded designated heritage asset that will be affected. We do not see any justification for the erection of a new building that would cause harm to the significance of the Conservation Area and setting of a Grade I listed building. The impact of the development in views from the nationally important scheduled and listed City Walls has not been established by the applicant.

3.31 Archaeology- the archaeological potential of the site should be considered high and we consider that a field evaluation is essential in this context to clearly establish the significance of the application and its archaeological potential, in line with paragraph 189 of the National Planning Policy Framework (NPPF).

3.32 Historic England objects to the application on heritage grounds; the replacement development in its current form would cause harm by way of its height, width, depth and architectural design and the scheme has failed to establish the full significance of the application site. The scheme would be harmful to both the character and appearance of the conservation area and the setting of the Grade I listed building, which is not supported by clear and convincing justification. The application does not meet the requirements of the NPPF, in particular paragraphs 8 c), 127, 130, 184, 189, 190, 192-196 and 200.

Council for British Archaeology (CBA)

3.33 The CBA strongly object to this application. The significance of the site has not been properly assessed; the impact of the proposed development on significance cannot be assessed and minimised as required by section 16 of the NPPF. We consider that the proposed development lacks the human scale that should be required of this part of the York Central Historic Core Conservation Area.

3.34 The CBA consider that No. 3 Toft Green should be considered as a curtilage building to Micklegate House (Grade I).

3.35 The proposals will result in a dominant new build that is at least one floor higher than existing and the adjacent Building of Merit, No. 2 Toft Green. It comprises design features (archways) that are out of keeping with the area.

3.36 There is insufficient assessment of nationally important sub-surface archaeology and that any destruction of, or damage to, sub-surface archaeology, whatever its period would constitute substantial harm.

Micklegate Planning Panel

3.37 Raise no objection to the proposal as revised.

Conservation Area Advisory Panel (CAAP)

3.38 Generally welcomed the proposed use of the site and the re-introduction of the garden, as it would enhance the setting of Micklegate House. Concerns were raised regarding the elevation treatment of the Toft Green elevation, which it had been explained had been derived from an interpretation of typical Georgian stables. There was a preference for what was considered to be a more honest contemporary treatment of the rear elevation. The panel felt that the quality and type of brickwork would be important.

York Civic Trust

3.39 No objection is raised to the development of the site, including demolition and replacement of the current buildings. Its proposed design is detrimental to the character of the area, further consideration should be given to the design, overall size and height.

3.40 The proposed building is considerably out of scale with the south side of Toft Green, which has retained its modest character. The applicant's consideration that 'grade A' level office space is deficit in York and the scale of the building can be justified by the reference to the Hudson House development on the opposite site of the street does not justify this larger size/mass. Any development should reflect the modest character of the south side of Toft Green with its lower-elevation height and character.

3.41 The aim to reflect the history of the site as largely been lost; there are two competing visions of the primary elevations facing Toft Green and the opposite, facing Micklegate House. The proposed arches are not of a design local to the area; they do not reflect the urban stables of Toft Green which were far humbler, single storey affairs. The Trust feels it would be beneficial if both elevations are in the same suit; either by making both primary elevations concretely 'modern' or having both more firmly recalling past history.

3.42 If all aligned structures follow suit with higher structures it can be reasoned the street could become another 'wind tunnel' as has regrettably happened to other streets in York.

3.43 The Trust supports the archaeological conditions outlined in the City of York's archaeological report.

Yorkshire Water

3.44 Raise no objection to the proposal subject to any proposal being conditioned to secure delivery of a surface water drainage scheme.

4.0 REPRESENTATIONS

4.1 Six letters of objection and four letters of support have been received in respect of the scheme as originally submitted. In summary, the objections raise the following concerns;

- loss of privacy
- overshadowing (to house and garden)
- loss of views
- proposed rooftop garden - noise pollution; no capacity or restrictions identified and further harm could be caused if used as an 'event' space, safety issues and fire risk (smokers); no need identified and could set a precedent
- neighbouring buildings impacted by light pollution from office windows and garden
- overbearing, out of scale, out of character and unsympathetic in terms of its appearance compared with existing development in the Micklegate area, harmful effect upon the Conservation Area and nearby heritage assets
- fails to sufficiently demonstrate that there is a shortage of grade A office space and its need within the Micklegate area; significant office development under construction (Hudson House)
- fails to take into account the approved plans relating to Bathurst House
- lack of consideration given to No. 1 Toft Green in the application in site assessment nor its design
- unclear how historical wall partially surrounding/adjoining the site will be impacted
- lack of detail in the application in respect to materials, particularly bricks
- risk of contamination, site has a well-documented industrial past and there will be a risk of contamination; raises concern in relation to health and safety and responsible building practices
- proposed works will cause disruption and disturbance to residents nearby; no details as to how this will be mitigated and should be provided as part of the application, rather than conditional items
- insufficient details of the mechanical services (ventilation, heating and drainage) to fully consider the proposals
- concern that the proposed retention of a music venue will lead to a repeat of previous problems with anti-social behaviour in the locality

4.2 In support of the application, the following comments have been received;

- The office building will be of benefit to the neighbourhood; the nightclub and strip club caused noise, and anti-social behaviour problems
- Benefit to local businesses from new office to accommodation
- Good to see a slow but steady improvement to this part of Tanner Row and Micklegate, near the City Walls

4.3 In terms of the amended scheme six letters of objection have been received raising the following issues:

- The proposed scale and massing remain too large for the site.
- The proposal would continue to harm the setting of neighbouring heritage assets
- Lack of consideration for the amenity of the adjacent property
- Lack of consideration of the impact of mechanical and engineering services on neighbouring properties.
- Objection to the re-inclusion of a music venue which may become the focus of anti-social behaviour in the locality
- Objection to increased comings and goings and noise from the proposed music venue

Cllr Crawshaw

4.4 Objects on the grounds that this is a live music/nightclub venue and should be considered a cultural venue which is hugely important to the cultural vibrancy of the city. This application does not meet Local Plan Policy D3 which can be afforded increasing weight given to the stage of the Local Plan. The recent closure came about as a direct result of the pending planning application and its loss is already being felt. Disagrees with comments in the applicant's Planning Statement; any issue with the current operators are not material to the planning application and the application of Policy D3. There was a clear statement from Full Council in backing a motion pertaining to Live Music Venues and Nightclubs on 31 October 2019.

Cllr Kilbane

4.5 Agrees with the comments made by Cllr Crawshaw, and in addition, this application has caused anger amongst residents. The applicant should re-consider the application against Local Plan Policy D3, withdraw and re-submit.

5.0 APPRAISAL

5.1 KEY CONSIDERATIONS:

- Principle of development (Loss of cultural facilities/ Provision of office accommodation/ Impact on Local Centre)

- Heritage considerations (curtilage building, setting and impact to neighbouring listed buildings, impact upon the character and appearance of the conservation area)
- Design (inc landscaping)
- Archaeology
- Impact upon neighbouring residential amenity (overlooking, overshadowing, garden)
- Climate Change
- Drainage
- Construction Impacts

LEGISLATIVE BACKGROUND

5.2 The site is within the designated York Central Historic Core Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

5.3 Adjacent to the application site is the Grade I Micklegate House. 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.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.4 The NPPF 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. To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development which, for this application, means granting permission unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance (including at footnote 7 – designated heritage assets) provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

5.5 The sections of the NPPF that are considered to be of relevance to this planning application include: 6 (Building a strong, competitive economy), 7 (Ensuring the vitality of town centres), 8 (Promoting healthy and safe communities), 9 (Promoting

sustainable transport), 12 (Achieving well-designed places), 11 (Making effective use of land), 14 (Meeting the challenge of climate change, flooding and coastal change), and 16 (Conserving and enhancing the historic environment).

ASSESSMENT

PRINCIPLE OF DEVELOPMENT

Loss of Cultural Facilities

5.6 The NPPF sets out that planning policies and decisions should seek to provide the social, recreational and cultural facilities and services the community needs. Specifically, paragraph 93 (c) seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

5.7 Arts and cultural facilities add value and support to community participation and is keen to protect these capacities to engender community cohesion and civic pride. This is reflected in draft policy D3 which states that development will be supported where they enable and promote the delivery of new cultural facilities and do not cause the loss of cultural venues or spaces that deliver facilities, activities, or services.

5.8 Recent history of the application building indicate that it was in use as a warehouse from 1979 until 1987 where it was converted to a nightclub. In about 2010 the buildings were sub-divided into a nightclub/music venue and German themed beer hall; a lap-dancing club opened in about 2014.

5.9 The proposal as amended envisages the re-introduction of a music venue operated by a nationally recognised venue operator within the ground floor area of the new building. It would cover some 266 square metres with the previous facility covering some 291 square metres subdivided into a bierkeller, lap dancing club, night club and music venue covering the same space. The new proposal envisages the use of space purely as a music venue with bands and live music performances managed on a formal basis without the operation of the site as a night club. The maximum capacity of the venue would be some 500 attendees. The previous mode of operation of the site gave rise to a degree of anti-social behaviour which is discussed further below. This is felt to be a positive benefit with the result that there would not be the loss of a cultural facility and an opportunity created to ensure better management of the site than in the previous situation. It is considered that the proposal would broadly comply with draft 2018 Local Plan policy D3.

Provision of Office Floorspace

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

5.11 The Council's publication draft local plan helps to deliver the city's economic ambitions by providing sufficient land to meet the level of growth. Draft policy EC1 plans for a range of employment uses on strategic sites, over 5ha. The level of office floorspace provision to be provided in this proposal is not considered to be at a strategic level, and therefore draft policy SS3 relating to uses within the city centre is more relevant. This policy identifies the city centre as a priority area for a range of employment uses, being fundamental to delivering the economic vision of the plan, and specifically office (B1a) being an acceptable development type in the city centre, in principle. Other considerations when considering city centre proposals include the conservation and enhancement of the existing historic character whilst encouraging contemporary high quality developments that add to the sense of place and create a prestigious and desirable location for thriving businesses

5.12 The Council's Economic Strategy 2016-2020 sets out that as a result of challenges with York's major sites and minimal new development has resulted in a shortage of office space in good locations. However, one of the key priorities in the Economic Strategy is the delivery of the Central Business District element of York Central, where a minimum of 100,000sqm of office (B1a) floorspace is expected to be provided (policy SS5 of the publication draft local plan (2018) and will help remedy current shortfalls of city centre grade A office accommodation. In addition, the Council's Economic and Retail Growth Analysis and Visioning Work (June 2013) identifies that there is a large proportion of Grade B stock in comparison to Grade A stock and there are opportunities to upgrade the city centre office provision as sector growth is established.

5.13 The proposed new building seeks to provide about 788 sqm of gross internal floorspace of office accommodation. The applicant advise that this office accommodation will be grade A office accommodation. The provision of office accommodation (Class E) is in accordance with draft 2018 Local Plan policy.

HERITAGE CONSIDERATIONS

Curtilage Building

5.14 The site lies within the York Central Historic Core Conservation Area Micklegate is one of the principal historic thoroughfares into the city with Toft Green forming a back lane to the rear. Along the southern side of Toft Green, the eastern-most end is characteristically of smaller scale development with a mix of 19th Century former industrial structures associated with the former railway nearby beyond Toft Green to the north, whereas the western end is characterised by 20th

century development of much larger scale. A consistent characteristic is that buildings lining the southern side of Toft Green are generally constructed from brick and characteristically present a predominance of mass over void in their public elevations.

5.15 Micklegate House which lies directly to the rear of the application site on within the Micklegate frontage is described in the Royal Commission inventory as the most important Georgian residence south west of the Ouse. It was built for John Bouchier of Beningbrough as his town house and completed in 1752. It is generally attributed to the York Neo Classical architect John Carr. It is listed Grade I as building of special architectural or historic interest, meaning that it is of the highest significance. Objectors contend that the application site comprises a curtilage building of Micklegate House and as such should benefit from the protection afforded by the Listing of the host property and in terms of the NPPF great weight should be afforded to its conservation (paragraph 199).

5.16 The application site has however been subject to very substantial alteration in relatively recent times. The ridge height has been substantially raised and the front wall rebuilt in timber panelling with brick above. To the rear there are also a series of brick structures with flat roofs associated with a historic warehouse use. The site by virtue of the pattern of property boundaries did formally comprise part of the curtilage of Micklegate House. 18th /Early 19th Century coach houses do however generally have a subservient form to the host dwelling and it is also located unusually close to the rear of the host building. Whilst elements of an earlier building associated with Micklegate House may be present, the building reads as being a later industrial type structure associated with the development of the railway with much of the special interest it would otherwise have had being compromised by its earlier conversion into a night club and venue. Furthermore when Micklegate House was Listed in 1969 the two buildings were in separate ownership and it is not felt that it should be treated for these reasons as a curtilage building to it.

Impact upon Setting of Neighbouring Listed Buildings

5.17 Section 66 of the 1990 Planning (Listed Building and Conservation Areas) Act imposes a statutory duty on the Council to " 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." As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. The NPPF meanwhile in paragraph 199 indicates that when considering the impact of development upon a designated Heritage Asset then great weight should be afforded its conservation.

5.18 ASSET SIGNIFICANCE :- The built frontage of Micklegate to the south and south east of the site includes a number of Listed Buildings. Of greatest significance

is Micklegate House directly to the south which is Grade 1 Listed and within whose plot the application site formerly lay. Micklegate House comprises a characteristic Neo-Classical 18th Century town house used for entertaining guests at the time of the York "Season". The principal element of its setting comprises its street presence within Micklegate which provided the principal approach for the owner and guests. Activities taking place to the rear are subsidiary to that and would formally have incorporated such activities as a laundry, stables, brewhouse and coach house. Little if anything survives of the former arrangements to the rear with 19th Century development associated with the introduction of the railway together with later 20th Century development within Toft Green having substantially altered its character.

5.19 THE PROPOSAL: The proposal envisages the demolition of the existing building and the pitch roofed brick built later 19th Century extensions behind it. It would be replaced by a substantial two storey brick-built development of office suites with a music venue beneath continuing as a single storey structure beneath a roof garden to the rear boundary with Micklegate House

5.20 ASSESSMENT OF IMPACT: Paragraph 200 of the NPPF indicates that any harm to or loss of significance to a Heritage Asset should require clear and convincing justification. Paragraph 202 of the NPPF indicates that in cases of less than substantial harm to the significance of a designated heritage asset then harm should be weighed against the public benefits of the proposal including achieving the optimum viable use. Objectors have suggested that the proposed replacement building by virtue of its scale and proximity to the rear of Micklegate House would give rise to substantial harm to the setting of the Listed Building. In terms of substantial harm paragraph 201 indicates that consent should be refused unless it can be demonstrated that the substantial harm to achieve substantial public benefits that outweigh the harm.

5.21 It is felt that the modest increase in scale of the new building facing Toft Green would lead rather to less than substantial harm to the setting of Micklegate House. There would be some reduction in terms of views of the rear of the property from Toft Green however the scheme since submission has been substantially amended. The rearwards extension of the building facing Toft Green has been reduced by approximately 50% and the scale of the range facing Toft Green has been lowered by 3.4 metres or one full storey. The new building would be approximately 2 metres higher than the existing at both eaves and ridge level. The proposal would lead to the removal of the rear industrial extensions which have a dominant relationship with the principal building on the Toft Green frontage whilst at the same time crowding the rear of Micklegate House. The removal of the rear extensions would establish a more respectful relationship between the Toft Green frontage with the rear of Micklegate House behind with some improvements in legibility and some reinstatement of the visual hierarchy which previously applied.

5.22 In terms of public benefits arising from the proposal, the existing structure has been poorly maintained and its deteriorating condition is of itself harming the setting of the neighbouring building. Its internal layout and need for extensive refurbishment makes reasonable use of the existing building unlikely. The scheme would lead to the provision of Grade A office space which is in short supply within the City Centre and the surrounding areas. It would also lead to the re-provision of a music venue in a more appropriate form and with improved management of the site. On this basis, it is considered that those public benefits clearly outweigh the less than substantial harm that the proposal as amended would give rise to.

Impact on the Character and Appearance of the Central Historic Core Conservation Area

5.23 Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act requires that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Preservation in this context means not harming the interest in the Conservation Area, as opposed to keeping it unchanged. As these sections impose a statutory duty, it must be given considerable importance and weight when carrying out the balancing exercise. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission.

5.24 ASSET SIGNIFICANCE :The Micklegate character area which the site forms part of results from three main phases of development:

- medieval burgage plots with a house fronting Micklegate, with stables or other outbuildings at the far end, which still defines the width of some frontages and the form of development behind;
- 17th and 18th century development where some plots were combined by wealthy merchants to build grand town houses at the high end of the street; and
- expansion of the city in 19th century, back gardens colonised by craft industries and workshops along Toft Green and Tanner Row.

5.25 The character of Toft Green is highly diverse with a mix of Modern office, residential and industrial development with a higher density and greater scale to the east and south west approaching Tanner Row and close to the junction with Micklegate itself. Generally the historic pattern of plot boundaries has been respected and the scale and massing and to a large extent the historic palette of materials have also been respected by the form of more modern development.

5.26 ASSESSMENT OF IMPACT: The application site was converted in the 1980s into a night club and venue with crude timber cladding on the street frontage. The site has been vacant since 2017 and has been subject to vandalism in the intervening period. Its current condition combined with the poor quality of the earlier

conversion work mean that it detracts from the character and appearance of the Conservation Area in the local area. The poor quality conversion work furthermore has resulted in a building which sits uneasily with the pattern of development surrounding with the extensive use of structural timber work. Objectors, notably Historic England feel that the proposed design in addition to continuing to be out of scale fails to properly reference the 19th Century industrial idioms of the buildings on the adjoining Toft Green frontage instead following the larger scale and more Modern idiom of the development to the north.

5.27 The scheme as amended in terms of the Toft Green frontage seeks to reflect the form and alignment of the existing albeit at a somewhat greater scale. The scheme has been amended to reduce its impact by reducing the scale of the development by 3.4 metres, the equivalent of a full storey taking it to only approximately 2 metres higher than the existing. This together with the reduction in the scale of the development to the rear by foreshortening its dimensions creates a more appropriate and respectful relationship with the street frontage in addition to the setting of the Listed Buildings to the rear. Specific concern has been expressed by objectors in respect of the relationship of the proposal with 1 Toft Green which is a curtilage building to Bathurst House a Grade II* Listed Building again on the Micklegate frontage. Concern has also been expressed in terms of the relationship of the site to the City Walls to the north west.

5.28 The initial scheme was over dominant and did erode its contribution to the character of the Conservation Area. The amended scheme is similarly much more respectful and restores the physical relationship within the built frontage. The pattern of alternating heights and roof forms is repeated. The relationship with the City Walls is very much an indirect one with no direct visual relationship because of the distance away to the building, its orientation and the intervening built form.

5.29 Paragraph 200 of the NPPF indicates that any harm or loss of significance to a Heritage Asset should require clear and convincing justification whilst at the same time paragraph 202 of the framework indicates that in cases of less than substantial harm any harm should be weighed against the public benefits including achieving the optimum viable use. It is felt that the proposal as amended would result in less than substantial harm to the character and appearance of the Conservation Area. As a consequence of its condition and internal layout there is no obvious optimum viable use for the existing building. It is felt that the proposal would result in a public benefit of providing a level of Category A office space in the City Centre which is in some short supply as well as leading to the retention of the music venue in a more appropriate form. At the same time removing a building which has become a detractor by virtue of its condition and the previous poor quality conversion, to the overall benefit to the character and appearance of the Conservation Area. It is therefore felt that the requirements of paragraph 202 are satisfied.

DESIGN

5.30 Central Government Planning Policy as outlined in paragraph 134 of the NPPF indicates that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design. The proposal envisages the construction of a pitched roof structure running parallel to Toft Green replicating the existing building line and the overall form of the existing albeit with a higher ridge line. A roof terrace would be provided to the rear above the proposed single storey venue which reflects the existing flat roof warehouse rear extension.

5.31 To the rear of the range fronting Toft Green would sit three parallel pitched roof ranges with gables finishing in a glazed wall with timber structural members facing the roof terrace which would provide external amenity space for users of the proposed office suites as well as providing a suitable space to secure the setting of Micklegate House on the main street frontage paralleling the existing arrangement. The site is located in a densely developed area in the City Centre. The proposal uses pitched roof forms which reflect the existing and are characteristic of the wider area. The palette of materials chosen reflects that characteristic of the wider area and previously approved schemes in respect of neighbouring new development.

5.32 The amendment to the scheme reducing the height of the development within the Toft Green frontage by 3.4 metres and a full storey together with the removal of the more bulky form of the rear extension of the office development creates a much more respectful and appropriate relationship in terms of the street frontage paralleling the pattern of development elsewhere along Toft Green which would only be slightly higher than the existing. Further opportunities avail themselves in terms of the treatment of the site frontage with hard landscaping along with the treatment of the roof terrace and the boundary with the surviving curtilage of Micklegate House. Such measures would assist in blending the new form of development in with its surroundings and deriving a deferential relationship with Micklegate House. Such measures could be conditioned as part of any permission.

ARCHAEOLOGY

5.33 The application site lies within the City Centre Area Archaeological Importance with significant possibilities for the survival of Roman deposits associated with the Roman Colonia along with later Medieval deposits. A detailed archaeological evaluation has been undertaken of the site which has demonstrated the presence of significant Medieval archaeology associated with activities taking place at the Micklegate frontage. No clear evidence of in situ Roman archaeology was found however its recorded presence within the wider area does not preclude its presence on site at a greater depth than explored. The archaeology identified by the evaluation is not identified as being of national importance triggering a presumption in favour of preservation in situ. The replacement structure is designed to have piled

foundations and the proposal is felt to be acceptable in archaeological terms subject to the detailed foundation design being conditioned as part of any permission.

IMPACT UPON NEIGHBOURING AMENITY

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

5.35 Concerns have been expressed by objectors in respect of several possible environmental impacts arising from the proposal. These relate both to the physical form of the development, specifically the proposed rear roof terrace and the possibility of overlooking and also over-shadowing of neighbouring residential properties and the proposal to re-provide a music venue on the ground floor based upon experience of difficulties arising from the operation of the previous venues at the site.

5.36 Directly adjoining the site to the south west is a development of furnished holiday lets of recent construction. The adjoining wall is however designed to be entirely blank with the intervening area separated by car parking. To the north east lies the rear garden of 86 Micklegate approaching the rear of 1 Toft Green. Both properties are in a mixed use of residential with some offices. The existing development sweeps directly to the rear of the adjacent property Micklegate House and provides a degree of overshadowing of the adjacent garden as it stands. To form the roof terrace it is proposed to lower the very rear section by 2 metres which would lessen the existing element of overshadowing but which may give rise to a risk of overlooking and noise and light pollution particularly if it were to be used in association with the venue. Such impacts could however be controlled by conditioning any permission to ensure that the terrace is only used in conjunction with the office suites and opaque balustrade placed around the outer edges of the terrace.

5.37 Further concern has been expressed in respect of the proposal to re-provide a music venue as part of the proposal primarily from the operators of surrounding uses. The concerns arise as a result of significant issues of anti-social behaviour which arose during the latter years of the previous operation. The previous operation however was combined with a German themed Bier Keller and a lap dancing club as well as joint operation of the space as a night club which created a particular focus for noise and anti-social behaviour. Subject to Premises Licencing and building renovation, the previous uses could be re-commenced without planning permission.

5.38 The new venue would be specifically designed with the management of users and the control of noise in mind. There would be two points of access from the exterior to either side of the building allowing for separate points of access and exit for users to arrive and depart in a more controlled manner. The interior is designed on the basis of a central noise insulated space providing the performance area with circulation and service areas separating it from the exterior minimising potential for the occurrence of break out noise to the exterior. There would also be a relatively low ceiling which would serve to contain noise within the performance space. The previous site was poorly and unevenly insulated with the performance area in places exposed to the exterior walls. The Public Protection officer has commented that the development has been appropriately designed to deal with the potential issue of break out noise and feel that any issue of noise relating to comings and goings from the venue can appropriately be dealt with by condition to any permission. In order to counter the perceived risks of nuisance and anti-social behaviour the developer has engaged with a specific operator for the proposed venue with experience of other similar venues in other cities. Subject to a condition covering a management plan it is felt that the proposal is acceptable in amenity terms.

CLIMATE CHANGE

5.39 Policy CC1 of the York Publication Draft Local Plan indicates that new buildings must achieve a reasonable rate of carbon reduction of at least 28% unless it can be demonstrated as being unviable. This should be provided by means of the provision of renewable and low carbon technologies in the locality of the development or through the provision of energy efficiency measures. Proposals as to how this could be achieved together with viability issues should be set out in an energy statement. Policy CC2 of the Publication Draft Local Plan indicates that development proposals should be able to demonstrate high standards of sustainable design and construction being able to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. New non-residential buildings should be able to demonstrate a BREEAM rating of excellent.

5.40 A detailed report has been submitted as part of the planning application indicating that a BREEAM rating of excellent was clearly achievable in respect of the proposal and demonstrating the steps required. The 2021 Building Regulations provide carbon reduction requirements that exceed the draft CC1/CC2 policy requirement when compared with the 2013 Regulations. For this reason it is not recommended that a condition be imposed securing compliance with policy CC1/CC2 in the respect.

5.41 A draft sustainable travel plan has been submitted demonstrating the measures which may be put in place to ensure that building users come and go primarily by non-car means. It is also recommended that any permission be conditioned to require strict adherence to its requirements.

DRAINAGE

5.42 The application site lies within Flood Zone 1 and therefore is at the lowest identified risk of flooding from riparian sources. The proposal will not result in any material increase in impermeable area and the existing site is subject to a connection to the public surface water sewer. Yorkshire Water the sewerage undertaker has indicated that a surface water discharge rate of 7.9 litres per second is achievable and acceptable from the site. Subject to the requirements of archaeology it is suggested that any permission could be conditioned to require the submission and prior approval of a detailed surface water drainage scheme and the proposal would be acceptable in drainage terms.

CONSTRUCTION IMPACTS

5.43 The application site is located within a densely developed area with access to an extent difficult in terms of construction. It is recommended that any planning permission be conditioned to require the submission and prior approval of a detailed Construction Environmental Management Plan (CEMP) that would additionally cover operating and delivery hours along with management of construction traffic and vehicle parking. A highway dilapidation survey should also be undertaken at the same time.

6.0 Conclusion

6.1 The site comprises a two-storey brick and timber faced structure with a substantial brick built extension to the rear largely reconstructed in the 20th Century. Planning permission is sought for its demolition and the construction of a part two storey building with further accommodation in a roof storey, as office suites and music venue and a terrace garden to the rear creating a separation with the Grade 1 Listed Micklegate House on the Micklegate frontage behind.

6.2 It is considered that the proposals as amended would result in less than substantial harm both to the setting of Micklegate House and to the character and appearance of the Central Historic Core Conservation Area. That harm would on balance be outweighed by the public benefit of the removal of the existing building which is in a deteriorating condition and forms a detractor in the Conservation Area. The supply of Grade A serviced offices within the City Centre together with the re-provision of a purpose built music venue provides public benefits which should be afforded significant weight. On balance it is considered that the proposal would not harm neighbouring amenity and that subject to conditions covering management of the music venue would be acceptable.

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:-

Drawing Refs: 17049_105 - P3; 17049_110 - P3; 17049_111 - P3 ; 17049_112 - P3 ; 17049_114 - P3 ; 17049_130 - P3 ; 17049_131 - P3 ; 17049_132 - P3 ; 17049_133 - P3; 17049_134 - P3 ; 17049_140 - P1 ; 17049_141 - P1 ; 17049_142 - P1 ; 17049_150 - P3 ; 17049_151 - P3 ; 17049_152 - P3 ; 17049_153 - P3

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance.

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

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

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

shall include the means of restricting surface water discharge to a maximum of 7.9 litres per second. Furthermore unless otherwise approved in writing there shall be no piped discharge of surface water from the development prior to the completion of the surface water drainage works.

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

Reason: To ensure that the site can be safely and efficiently drained.

6 LC1 Land contamination - Site investigation

7 LC2 Land contamination - remediation scheme

8 LC3 Land contamination - remedial works

9 LC4 Land contamination - unexpected contam

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

Reason: To protect the amenity of the locality

11 The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

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

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

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

13 The roof terrace to the rear of the development hereby authorised shall be used solely by users of the office suites hereby authorised and not in conjunction with the retained music venue.

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

14 Prior to the development hereby authorised being commenced beyond foundation level details of a privacy screen to be erected at the outer boundaries of the roof terrace hereby authorised shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby approved prior to the terrace being first brought into use and maintained as such thereafter.

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

15 Prior to being first brought into use a detailed management plan including details of noise insulation, visitor management, operating hours and points of access and egress for the music venue hereby authorised shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved details.

Reason: To secure the residential amenity of neighbouring properties and to secure compliance with Policy ENV2 of the Publication Draft Local Plan

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

Reason: In the interests of highway safety.

17 Prior to the use hereby approved coming into use, a Full Travel Plan shall be submitted to and approved in writing by the LPA. The Travel Plan should be

developed and implemented in line with local and national guidelines and the submitted Interim Travel Plan dated 17th December 2021. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the said Travel Plan as approved.

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

Reason:- To ensure that traffic flows from the sites can be safely.

18 Within three months of the commencement of the development hereby authorised there shall be submitted to and approved in writing by the Local Planning Authority a detailed landscaping scheme for the roof garden which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants within the roof garden which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

19 All external lighting, other than that required for emergency or security purposes, shall be turned off by 23:00 on any day.

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

20 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The plan should include, but not be limited to the recommendations set out in Bat Survey report provided by Wold Ecology Ltd (June 2020).

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

21 No demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of

suitable habitat for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

22 A programme of archaeological building recording , specifically a written description and light photographic recording of the standing building to Historic England Level of Recording 1 is required for this development.

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

a) No demolition can take place until the scheme of recording and reporting has been completed in accordance with Historic England and CYC Guidelines.

b) A copy of the report and digital images shall be deposited with City of York Historic Environment Record to allow public dissemination of the results within three months of completion.

Reason: The buildings on site are of archaeological interest and must be recorded prior to demolition, alteration or other loss of fabric.

23 A foundation design and statement of working methods which preserves 95% of the archaeological deposits for this site is required.

No development shall commence until a foundation design and statement of working methods(including a methodology for identifying and dealing with obstructions to piles) has been submitted to and approved in writing by the Local Planning Authority which ensures that no disturbance shall be made to archaeological deposits below 18000 metres AOD except for those agreed for the building foundation/lift shaft in order to preserve 95% of the most significant archaeological deposits covering the site.

Reason: The site lies within the Area of Archaeological Importance which contains significant archaeological deposits. The development must be designed to preserve 95% of the deposits within the building footprint.

24 A programme of post determination archaeological mitigation specifically an archaeological excavation and watching brief is required on this site.

The archaeological scheme comprises three phases of work. Each phase shall be completed and approved by the Local Planning Authority before the whole can be approved.

a) No ground works including grubbing up of foundations, GI works following demolition or new development shall commence until a Written Scheme of Investigation (WSI) for a watching brief and archaeological excavation has been submitted to and approved in writing by the Local Planning Authority. For land that is within the WSI no development shall take place other than in accordance with the agreed WSI. The WSI should comply with the standards set down by the Local Planning Authority 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 (WSI) set out under Condition a) and the provision for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition will not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

c) A copy of the report and evidence of publication shall be deposited in the City of York Historic Environment Record (HER) to allow public dissemination of results within two months of completion.

Reason: The site lies within the Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

25 The development hereby approved shall achieve a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

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

26 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

27 A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be

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

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where materials will be stored within the site.

Reason: To secure the Amenity of the Surrounding Area and to secure compliance with Policy T1 of the 2018 Publication Draft Local Plan

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

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

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

29 The building(s) shall not be demolished before a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been submitted to and approved in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the character and appearance of the Conservation Area.

30 The development shall not be occupied until the waste stores have been completed in accordance with the approved drawings. The stores shall be retained only for the storage of waste and recycling.

Reason: To ensure that waste materials arising from the site are properly stored and

made available for collection in the interests of the amenities of the area.

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:

- i) Sought submission of a pre-determination archaeological evaluation
- ii) Sought amendment of the design to lessen the scale and massing
- iii) Sought amendment of the scheme to secure the retention of a music venue within the design

2. NESTING BIRDS:

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

3. WILDLIFE AND LIGHTING

When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new roosting and nesting features are installed, on trees and 'green' linear features, such as hedgerows. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance: <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

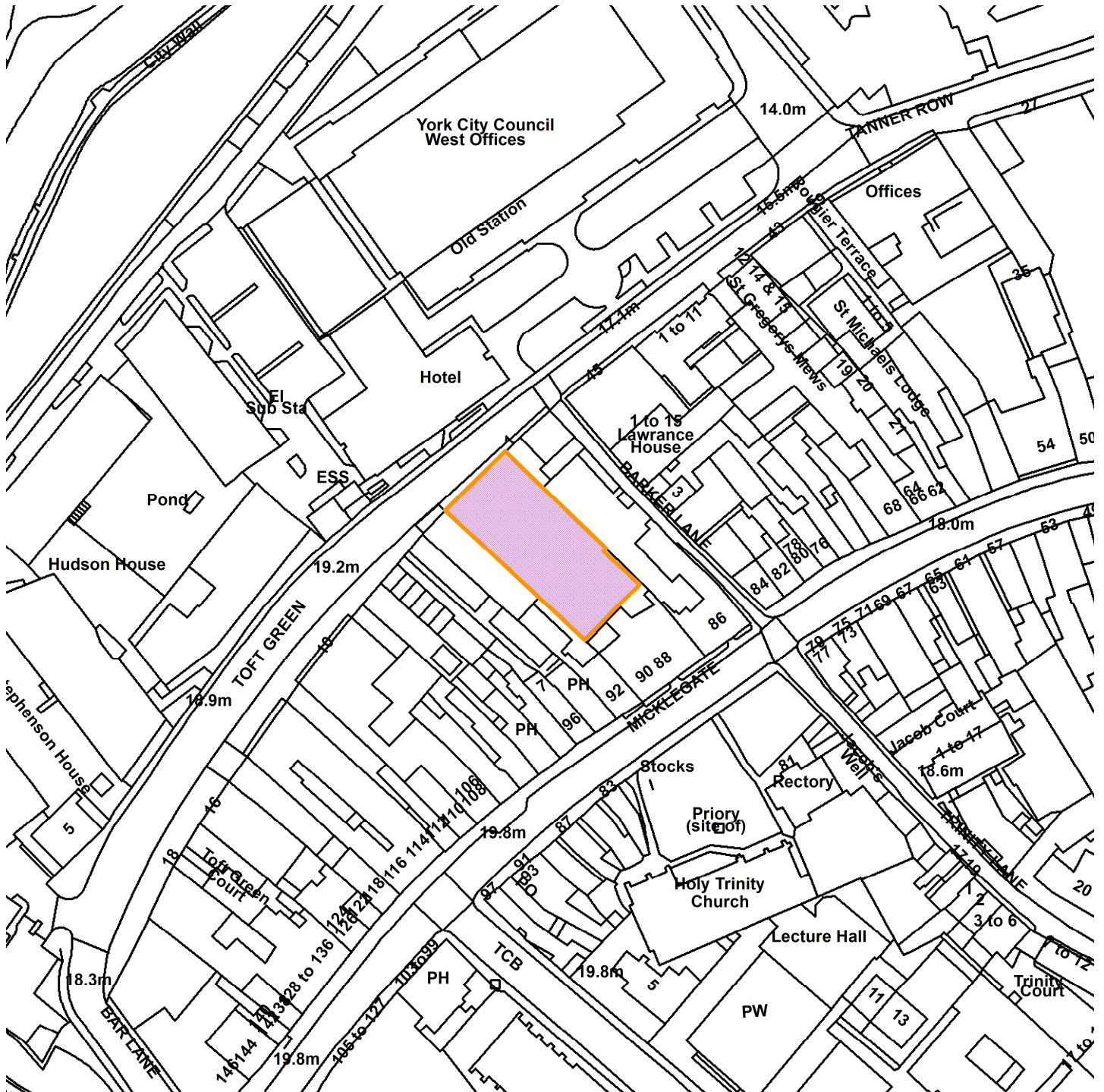
Contact details:

Case Officer: Erik Matthews
Tel No: 01904 551416

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3 Toft Green, York YO1 6JT

20/00314/FULM



Scale : 1:1328

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	25 November 2022
SLA Number	Not Set

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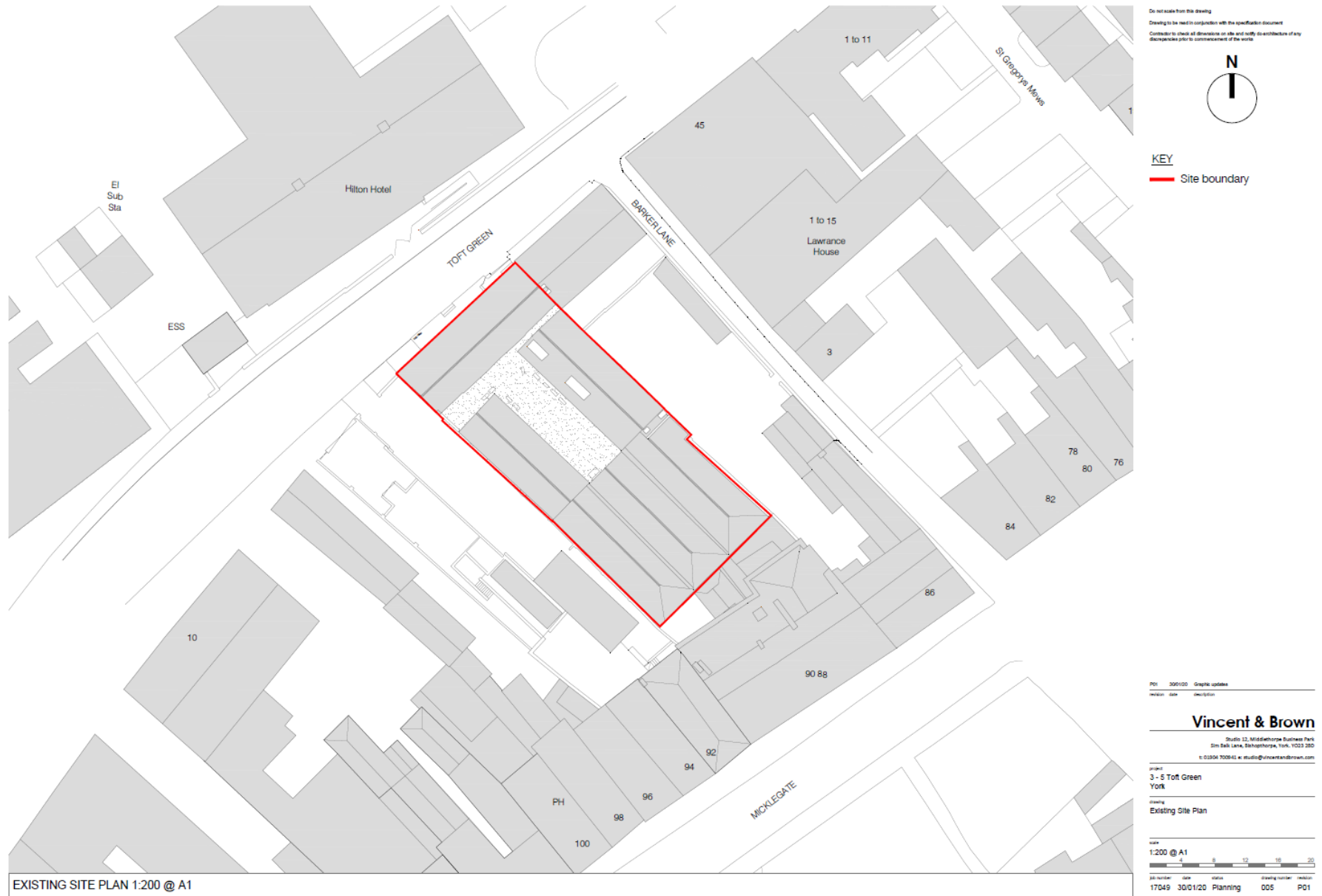


Planning Committee B

20/00314/FULM

3 Toft Green

Existing site plan

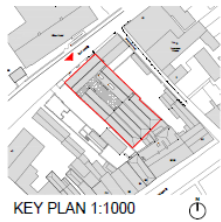


Existing Toft Green elevation

Do not scale from this drawing
 Drawing to be read in conjunction with the specification document
 Contractor to check all dimensions on site and notify the architect of any discrepancies prior to commencement of the works



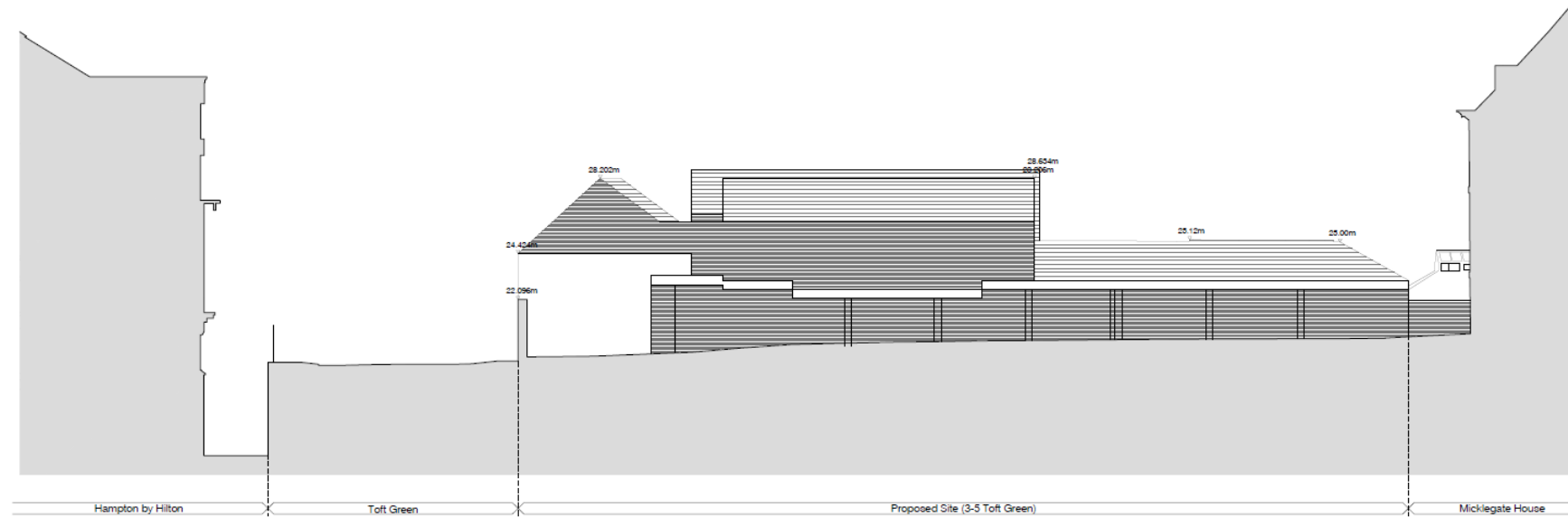
EXISTING NORTH WEST ELEVATION (TOFT GREEN) 1:100 @ A1



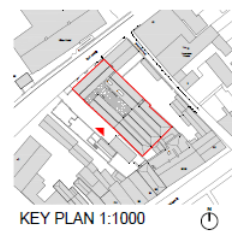
Rev	30/01/20	Graphics updates
Revision	date	description
Vincent & Brown		
Studio 12, Middlehorse Business Park 5th, Park Lane, Bishopthorpe, York YO23 3DE t: 01904 700541 e: studio@vincentandbrown.com		
project	3 - 5 Toft Green York	
drawing	Existing North West Elevation	
scale	1:100 @ A1	
job number	date	status
17049	30/01/20	Planning
drawing number	revision	
030	PC1	

Existing south –west elevation

Do not scale from this drawing
 Drawing to be read in conjunction with the specification document
 Contractor to check all dimensions on site and notify the architect of any discrepancies prior to commencement of the works



EXISTING SOUTH WEST ELEVATION 1:100 @ A1



PO: 3001/20 Graphic update
 REF: date description

Vincent & Brown
 Studio 12, Micklegate Business Park
 5th-6th Lane, Bainton Works, York, YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project
 3 - 5 Toft Green
 York

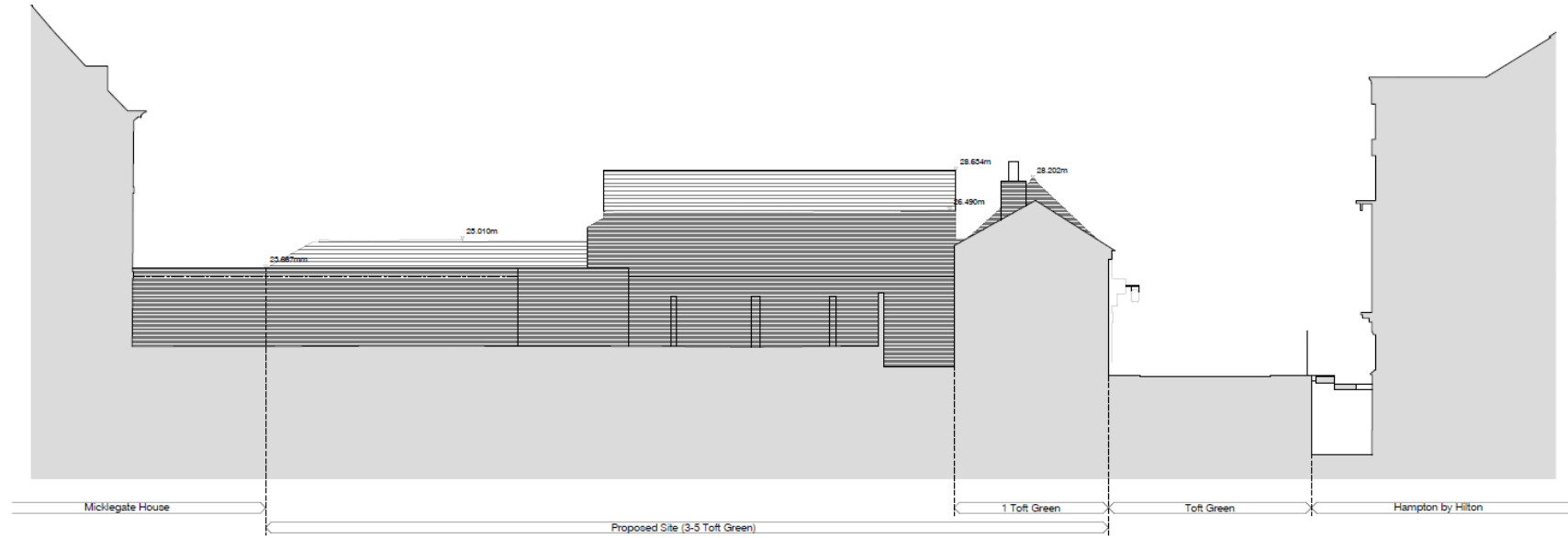
drawing
 Existing South West Elevation

scale
 1:100 @ A1

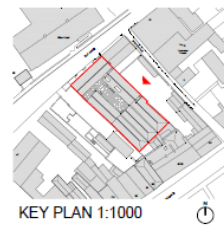
PO number	date	status	drawing number	revision
17049	30/01/20	Planning	031	PD1

Existing north-east elevation

Do not scale from this drawing
 Drawing to be read in conjunction with the specification document
 Contractor to check all dimensions on site and notify in-architecture of any discrepancies prior to commencement of the works



EXISTING NORTH EAST ELEVATION 1:100 @ A1



NO	DATE	DESCRIPTION
001	30/01/20	Graphic updates

Vincent & Brown
 Studio 11, Millthorpe Business Park
 5th Floor, Lane, Millthorpe, York, YO23 3SD
 t: 01904 700641 e: studio@vincentandbrown.com

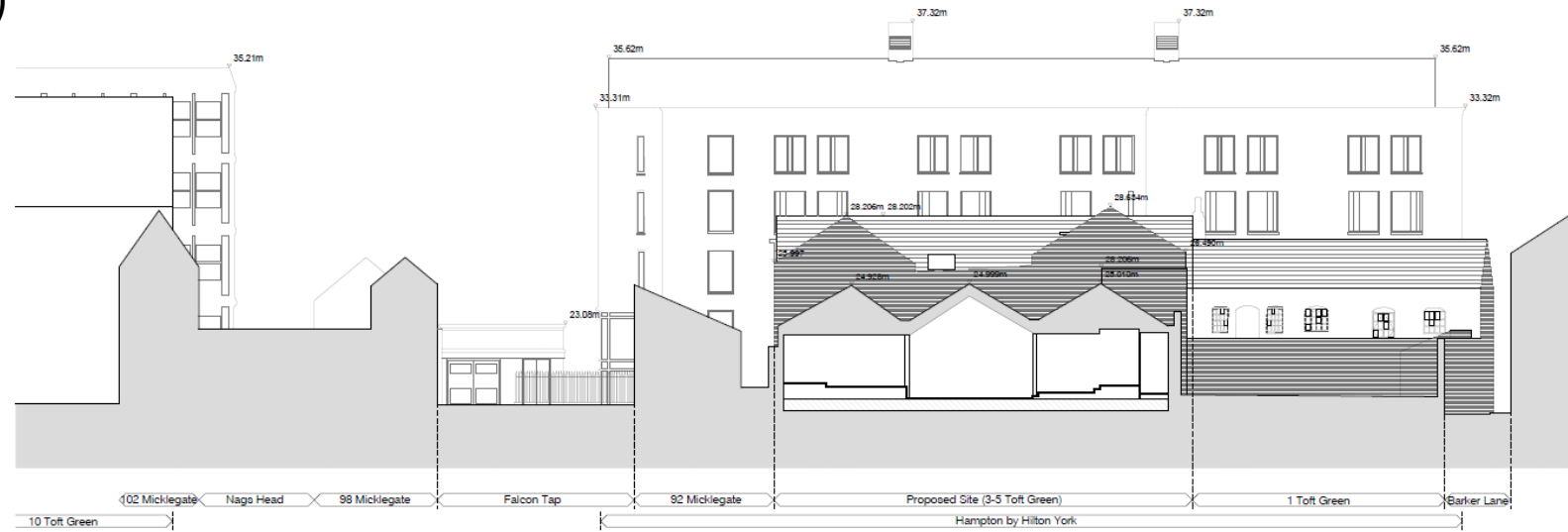
PROJECT
3 - 5 Toft Green
 YORK

DRAWING
Existing South East Elevation

SCALE
 1:100 @ A1

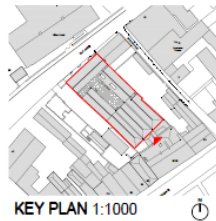
JOB NUMBER	DATE	STATUS	DRAWING NUMBER	ISSUED
17049	30/01/20	Planning	032	P01

Existing south-east (rear) elevation



Do not scale from this drawing
 Drawing to be read in conjunction with the specification document
 Contractor to check all dimensions on site and notify the architect of any discrepancies prior to commencement of the works

EXISTING SOUTH EAST ELEVATION DD



Note: Ground level shown above based on site inspection and photographic evidence

POI	30/11/20	Graphic update
revision	date	description

Vincent & Brown
 Studio 12, Middlehorse Business Park
 Six Balls Lane, Bishopcleeve, York, YO33 2BD
 t: 01904 700941 w: studio@vincentandbrown.com

project:
 3 - 5 Toft Green
 York

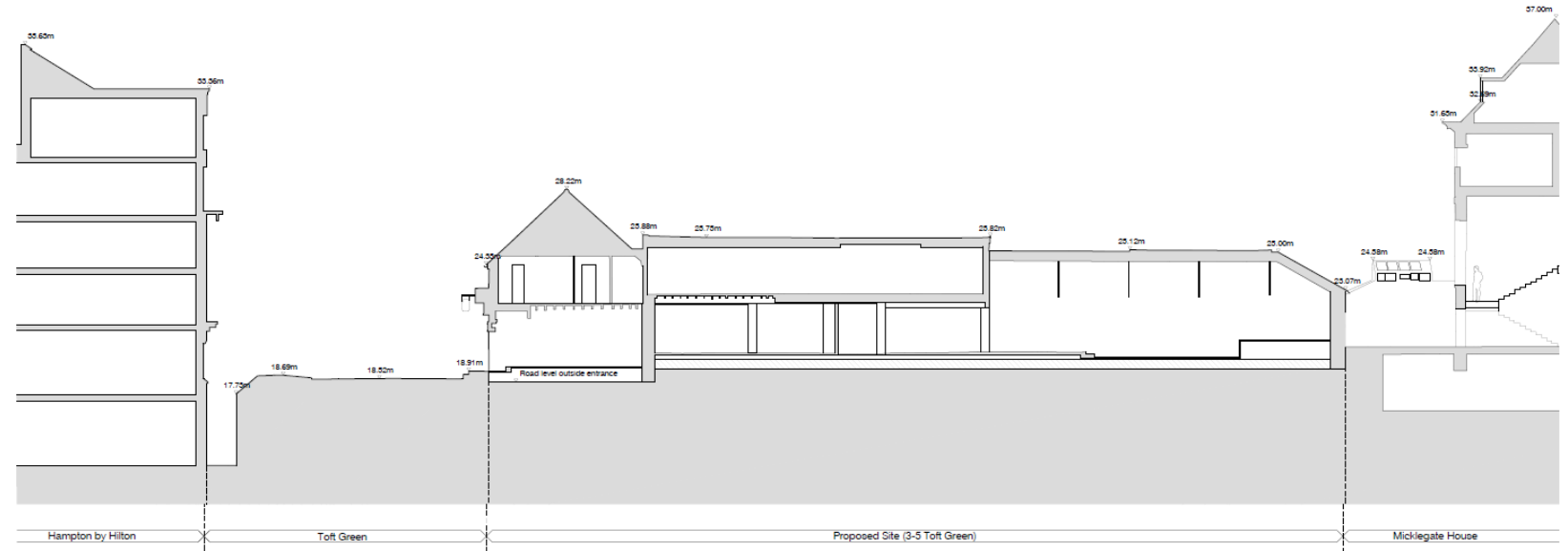
drawing:
 Existing North East Elevation DD

scale:
 1:100 @ A1

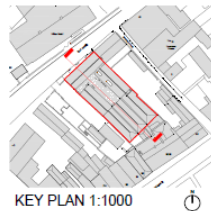
job number	date	status	drawing number	revision
17049	30/11/20	Planning	033	PO1

Existing section

Do not scale from this drawing
 Drawing to be used in conjunction with the specification document
 Contractor to check all dimensions on site and verify in accordance with any discrepancies prior to commencement of the works



EXISTING SECTION BB



Note: Ground level shown above based on site inspection and photographic evidence

PO1	30/01/20	Graphic updates
revision	date	description

Vincent & Brown
 Studio 12, Middlehouse Business Park
 Six Bell Lane, Bishopcleeve, York, YO23 2BD
 t: 01904 700541 e: studio@vincentandbrown.com

project
 3 - 5 Toft Green
 York

drawing
 Existing Section BB

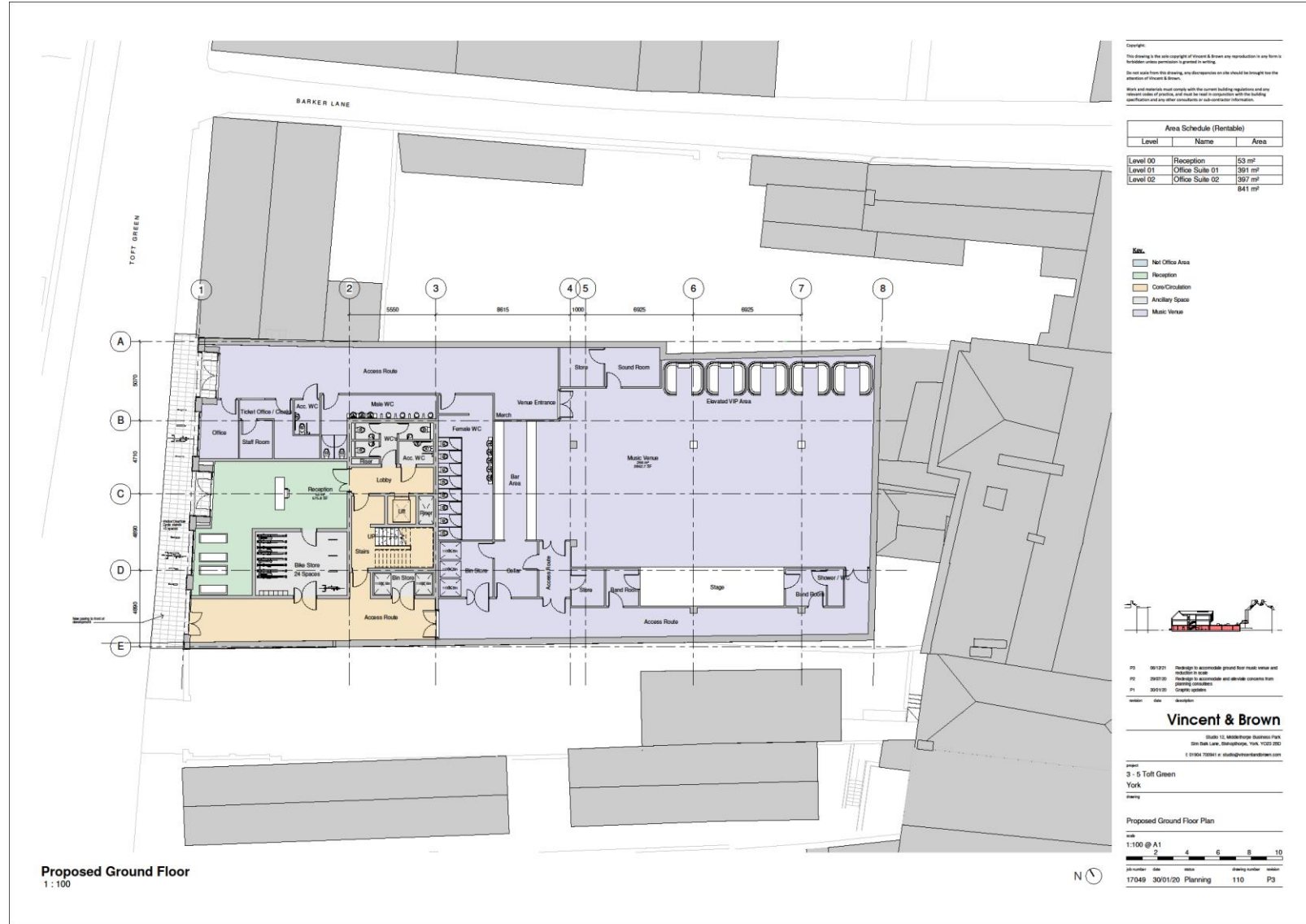
scale
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job number	date	status	drawing number	revision
17049	30/01/20	Planning	051	PO1

Proposed site plan



Proposed ground floor



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Area Schedule (Rentable)

Level	Name	Area
Level 00	Reception	53 m ²
Level 01	Office Suite 01	351 m ²
Level 02	Office Suite 02	337 m ²
		841 m ²

- Key:**
- Non Office Area
 - Reception
 - Core/Circulation
 - Ancillary Spaces
 - Music Venue



- P3 201/21: Package to accessible ground floor music venue and reception in place
- P2 200/20: Package to accessible and usable concrete from planning conditions
- P1 200/20: Grating system

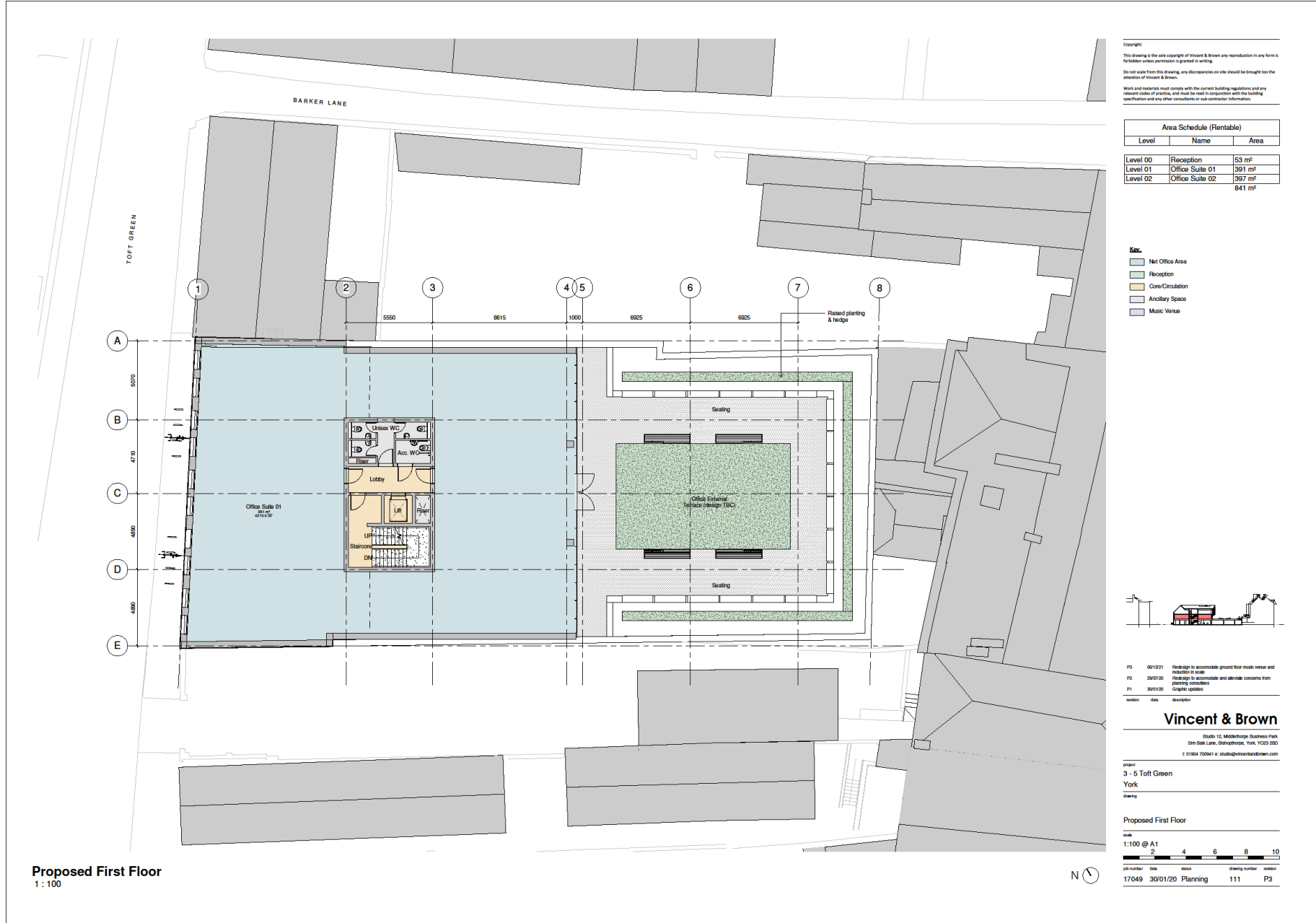
Vincent & Brown
Studio 11, Middlehope Business Park,
5th Dale Lane, Skarborough, York, YO23 2SD
t: 01904 700411 e: info@vincentandbrown.com

Project:
3 - 5 Telford Green
York

Proposed Ground Floor Plan
Scale: 1:100 @ A1

17049 30/01/20 Planning 110 P3

Proposed first floor



Proposed First Floor
1:100

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Area Schedule (Rentable)		
Level	Name	Area
Level 00	Reception	53 m ²
Level 01	Office Suite 01	391 m ²
Level 02	Office Suite 02	397 m ²
		841 m ²

- Key**
- NAI Office Area
 - Reception
 - Core/Circulation
 - Ancillary Space
 - Music Venue



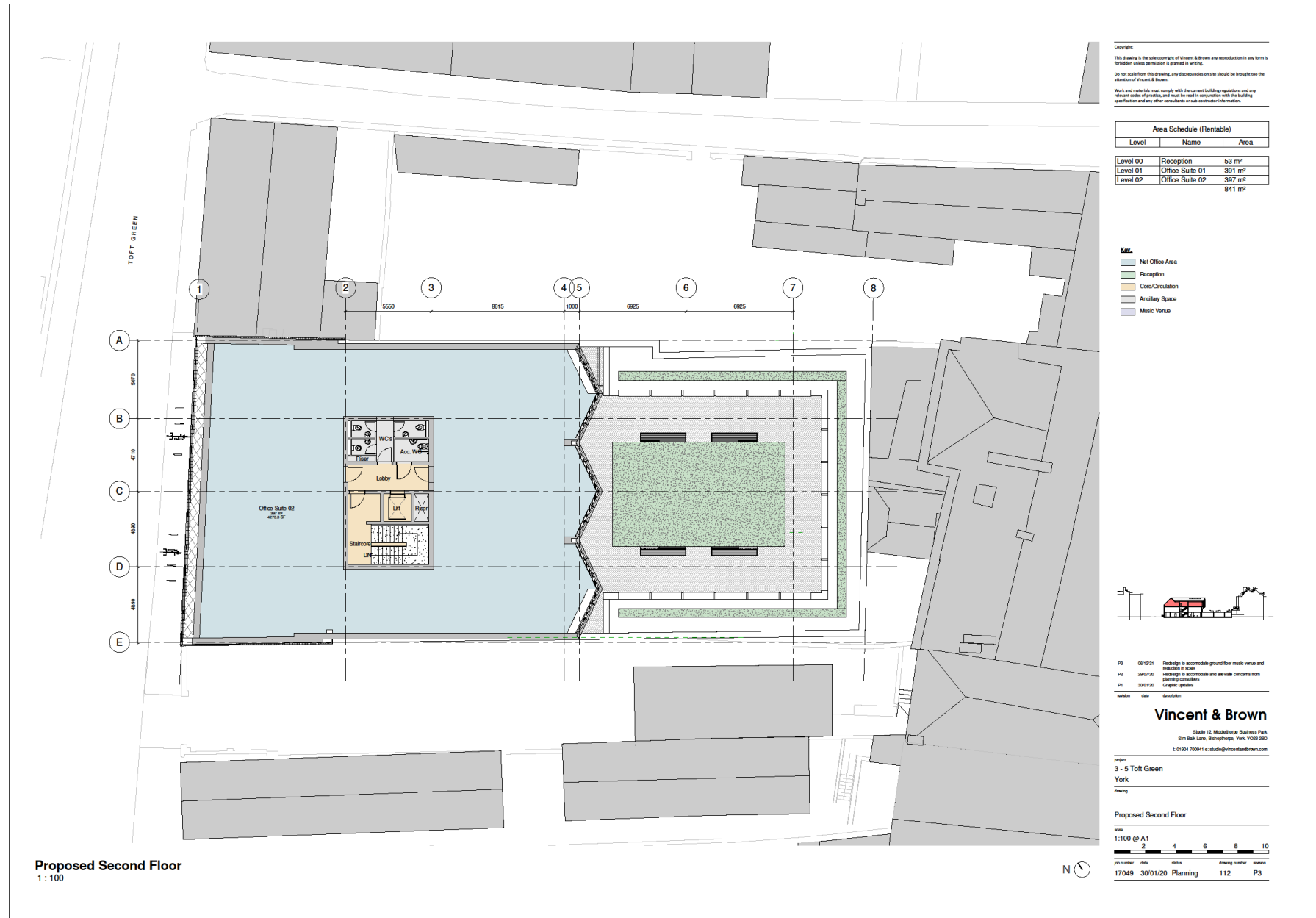
revision	date	description
P3	06/12/21	Redesign to accommodate ground floor music venue and reduction in scale
P2	29/07/20	Redesign to accommodate and alleviate concerns from planning committee
P1	30/01/20	Graphic updates

Vincent & Brown
Studio 12, Middlehorse Business Park
Sixes Oak Lane, Bishopscote, York, YO23 2BD
t 01904 700441 or studio@vincentandbrown.com

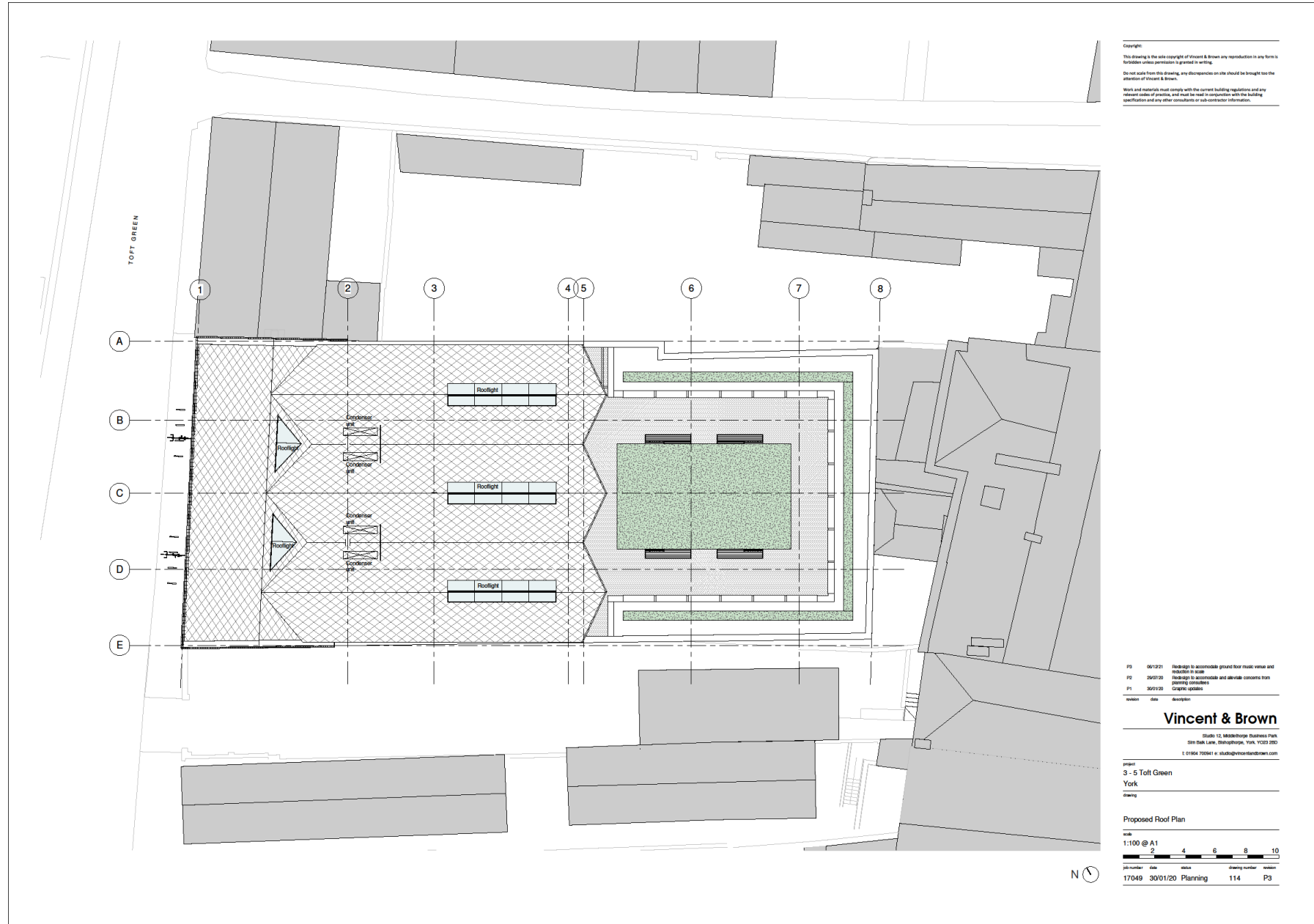
project
3 - 5 Toft Green
York

Proposed First Floor
scale
1:100 @ A1
job number date status drawing number revision
17049 30/01/20 Planning 111 P3

Proposed second floor



Proposed roof plan



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revision	date	description
P3	06/12/21	Redesign to accommodate ground floor music venue and include lift shaft
P2	26/07/20	Redesign to accommodate and alleviate concerns from parking consultants
P1	30/01/20	Graphic updates

Vincent & Brown

Studio 12, Middleborough Business Park,
 25th Oak Lane, Middleborough, York, YO21 2SD
 T: 01904 700941 E: studio@vincentandbrown.com

project
 3 - 5 Tott Green
 York

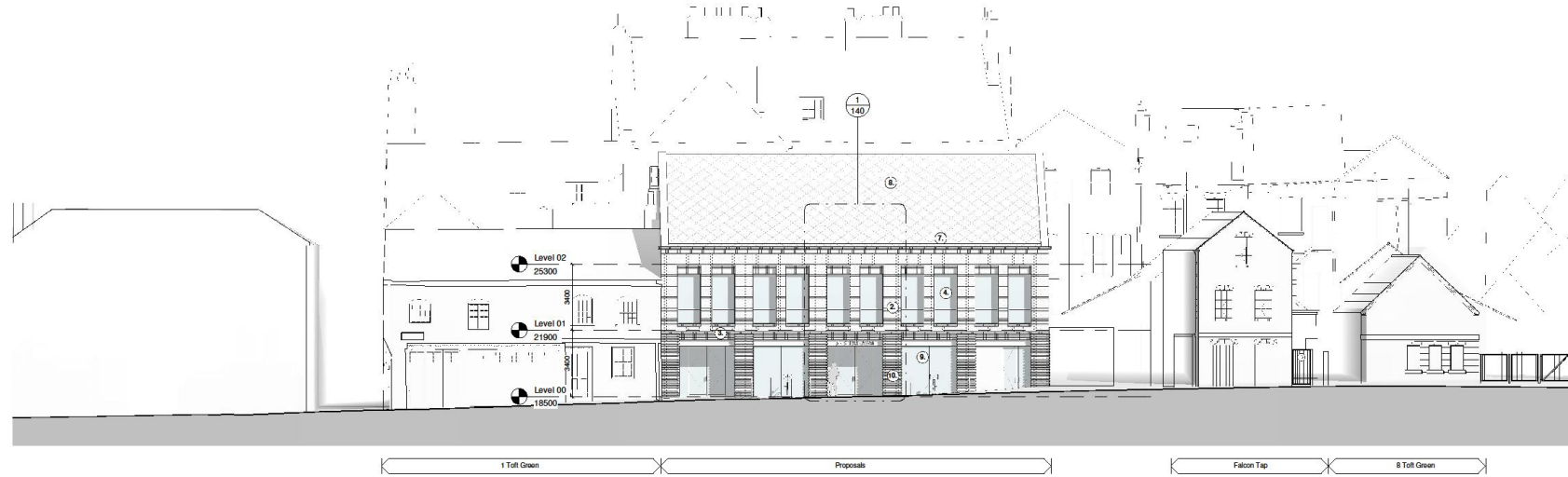
drawing
 Proposed Roof Plan

scale
 1:100 @ A1

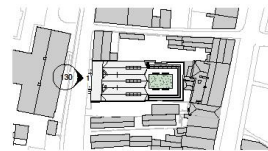
job number	date	sheet	drawing number	revision
17049	30/01/20	Planning	114	P3

Toft Green elevation

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Proposed North West Elevation
 1 : 100



Key Plan
 1 : 1000

P3 06/19/21 Redesign to accommodate ground floor music venue and reduction in scale
 P2 29/07/20 Redesign to accommodate and address concerns from planning committee
 P1 30/01/20 Create elevation

revision	date	description
1		Retained existing brick
2		Red brick (common bond) to match existing brickwork
3		Red brick (soldier course) to match existing brickwork
4		Hardwood timber (Solid European Oak) window frames
5		Hardwood timber (Solid European Oak) cladding
6		Angled Horizontal hardwood timber (Solid European Oak) fins
7		Consaled Gutter
8		Metal shingle wall/roof tile - Dark Grey
9		Metal window frames - PPC Dark Grey
10		Express brick banding detail

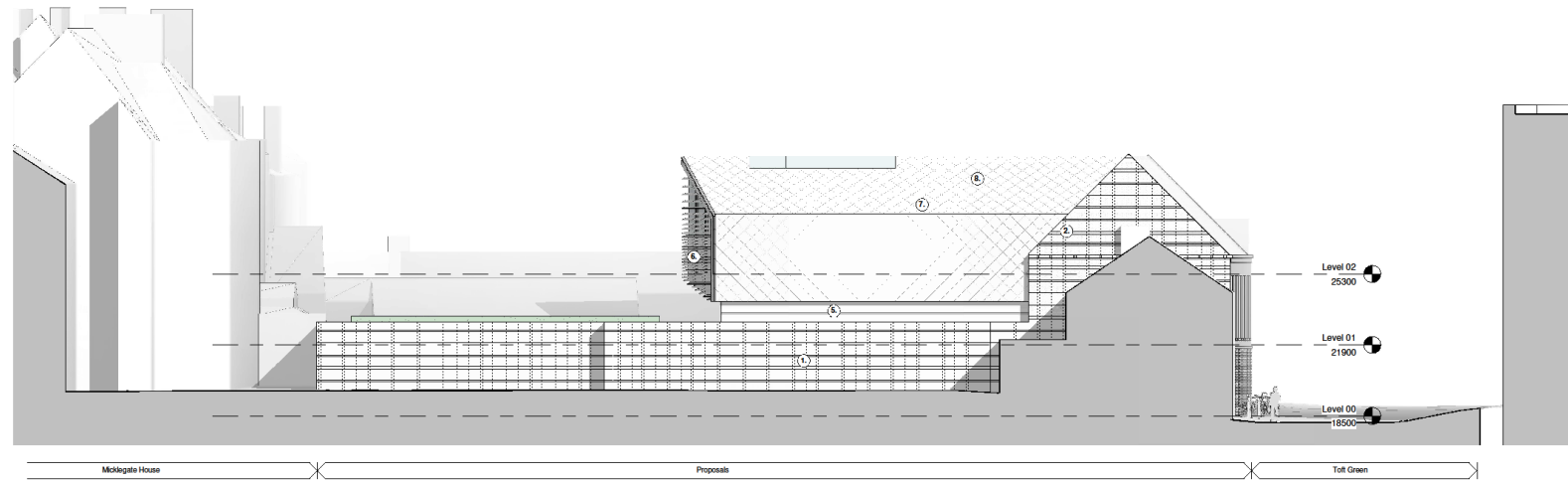
Vincent & Brown
 Studio 12, Middlebridge Business Park,
 5th Oak Lane, Bishopthorpe, York, YO30 2DD
 t 01904 750811 e studio@vincentandbrown.com

project: 3 - 5 Toft Green
 location: York
 drawing:

Proposed North West Elevation
 scale: 1:100 @ A1
 2 4 6 8 10
 job number date issue drawing number revision
 17049 30/01/20 Planning 130 P3

Proposed north-east elevation

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Proposed North East Elevation
 1 : 100



Key Plan
 1 : 1000

Material Key

- ① Retained existing brick
- ② Red brick (common bond) to match existing brickwork
- ③ Red brick (sodder course) to match existing brickwork
- ④ Hardwood limber (Solid European Oak) window frames
- ⑤ Hardwood limber (Solid European Oak) cladding
- ⑥ Angled Horizontal hardwood limber (Solid European Oak) fins
- ⑦ Concealed Gutter
- ⑧ Metal shingle wall/roof tile - Dark Gray
- ⑨ Metal window frames - PPC Dark Gray
- ⑩ Express brick banding detail

revision	date	description
P3	09/12/21	Redesign to accommodate ground floor music venue and reduction in scale
P2	29/07/20	Redesign to accommodate and de-risk concerts from planning consultants
P1	30/01/20	Graphic updates

Vincent & Brown

Studio 12, Middlebridge Business Park
 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th

client:
 3 - 5 Toft Green
 York

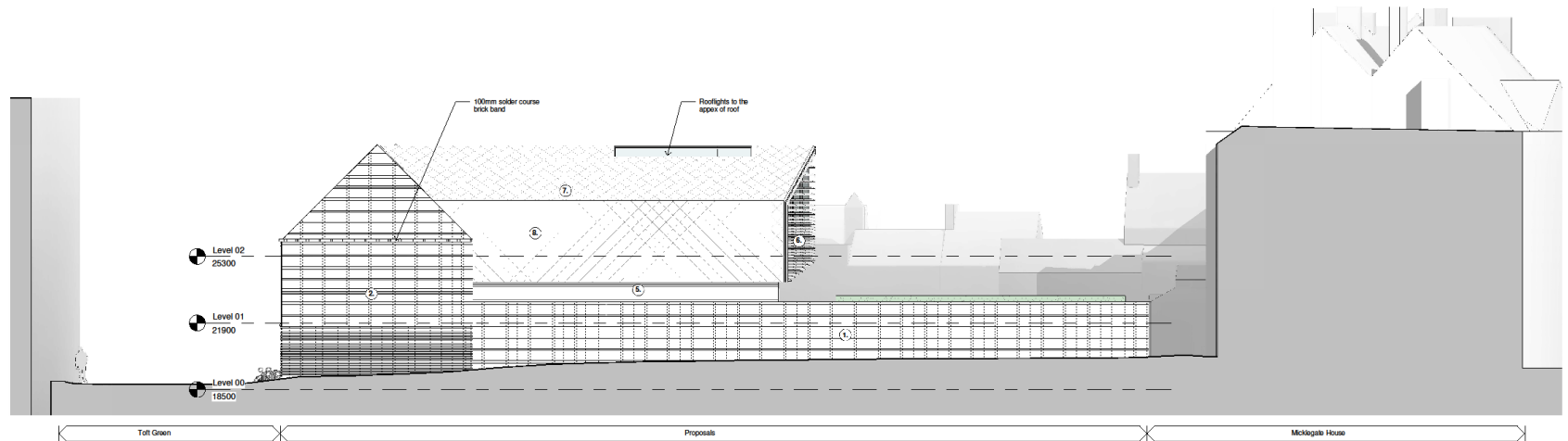
Proposed North East Elevation

scale:
 1:100 @ A1

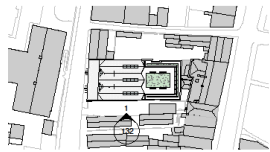
id number	date	status	drawing number	revision
17049	30/01/20	Planning	133	P3

Proposed south-west elevation

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Proposed South West Elevation
 1 : 100



Key Plan
 1 : 1000

Material Key

- ① Retained existing brick
- ② Red brick (common bond) to match existing brickwork
- ③ Red brick (soldier course) to match existing brickwork
- ④ Hardwood timber (Solid European Oak) window frames
- ⑤ Hardwood timber (Solid European Oak) cladding
- ⑥ Angled Horizontal hardwood timber (Solid European Oak) fins
- ⑦ Concealed Gutter
- ⑧ Metal shingle wall/roof tile - Dark Grey
- ⑨ Metal window frames - PPC Dark Grey
- ⑩ Express brick banding detail

PO	00/12/1	Re-design to accommodate ground floor music venue and ancillary to site
PO	29/07/20	Re-design to accommodate and address concerns from planning committee
P1	30/01/20	Complete updates

Vincent & Brown

Units 15, Middlethorpe Business Park
 Six Hills Lane, Middlethorpe, York YO22 9DQ
 t: 01904 700641 e: studio@vincentandbrown.com

project
 3 - 5 Toft Green
 York

Proposed South West Elevation

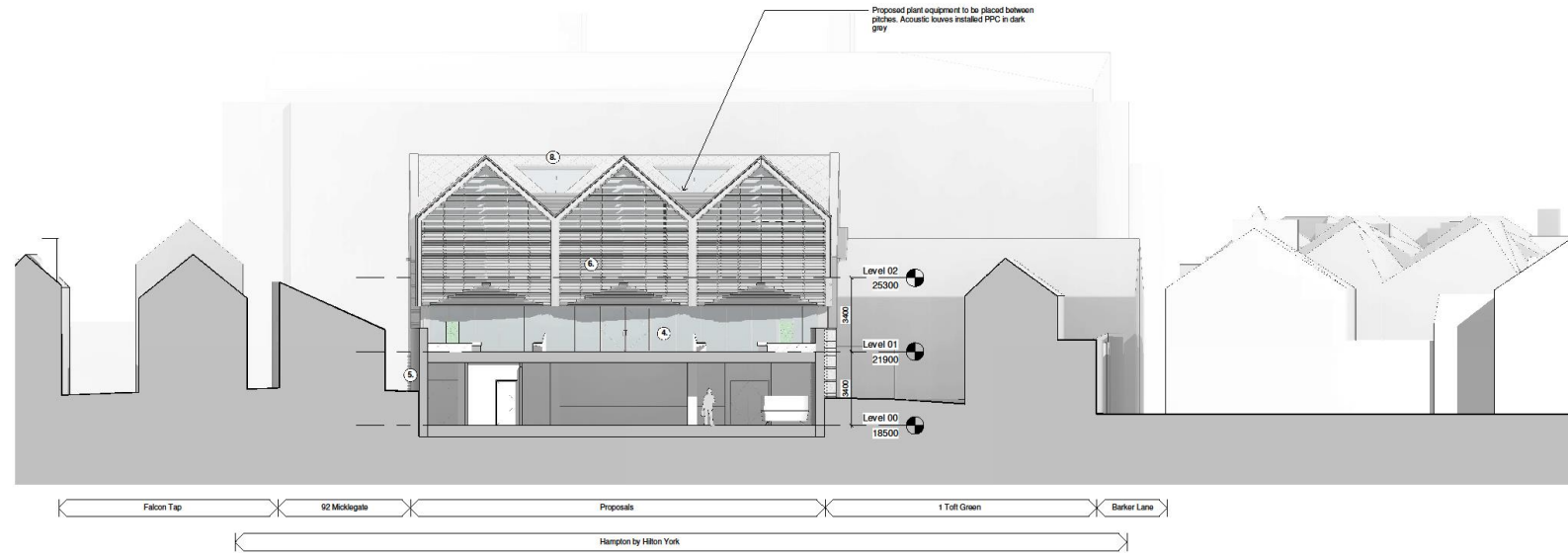
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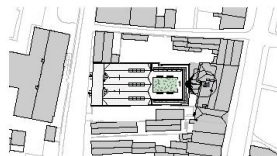
job number	date	status	drawing number	revision
17049	30/01/20	Planning	132	P3

Proposed south-east elevation

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Proposed South East Elevation
 1 : 100



Key Plan
 1 : 1000

Material Key

- ① Retained existing brick
- ② Red brick (common bond) to match existing brickwork
- ③ Red brick (soldier course) to match existing brickwork
- ④ Hardwood timber (Solid European Oak) window frames
- ⑤ Hardwood timber (Solid European Oak) cladding
- ⑥ Angled Horizontal hardwood timber (Solid European Oak) fins
- ⑦ Corroal Gutter
- ⑧ Metal shingle wall/roof tile - Dark Grey
- ⑨ Metal window frames - PPC Dark Grey
- ⑩ Express brick banding detail

revision	date	description
P3	06/12/21	Redesign to accommodate ground floor music venue and reduction in scale
P2	28/07/20	Redesign to accommodate and alleviate concerns from planning committee
P1	30/01/20	Graphic updates

Vincent & Brown

Studio 12, Middlebarrow Business Park
 Six Bark Lane, Bishopthorpe, York, YO32 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project
 3 - 5 Toft Green
 York

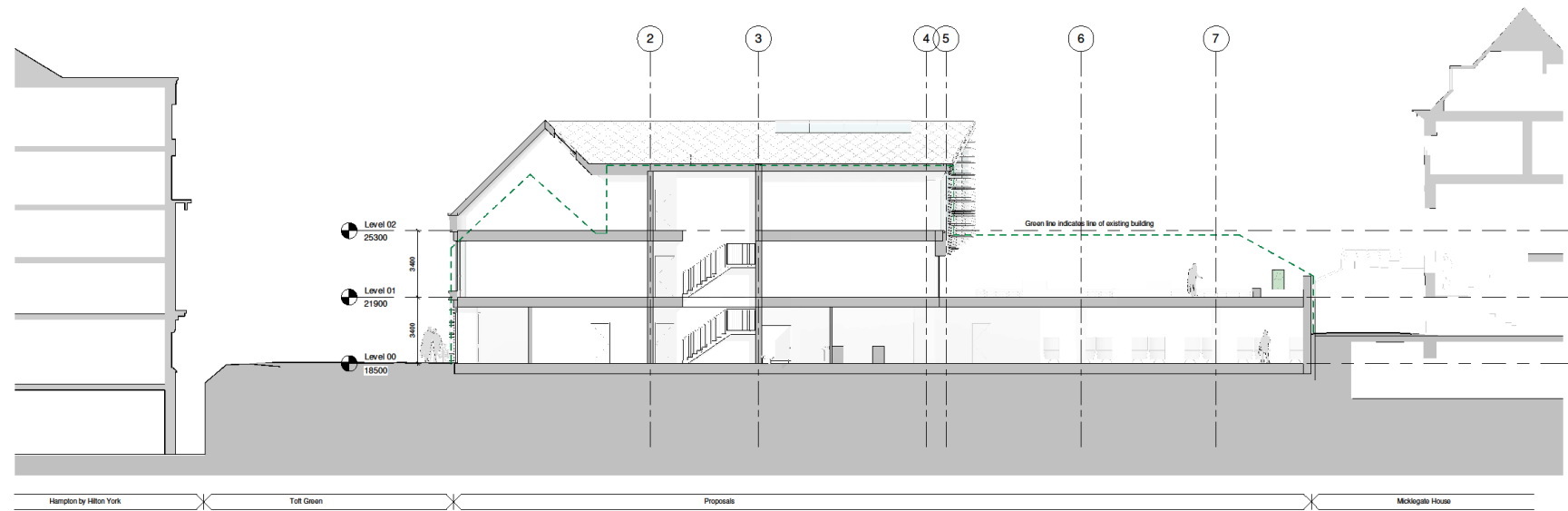
Proposed South East Elevation

scale
 1:100 @ A1

job number	date	revision	drawing number	revision
17049	30/01/20	Planning	131	P3

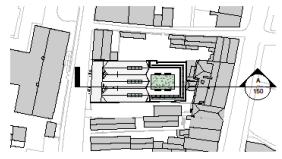
Section

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Hampton by Hilton York Toft Green Proposals McKelgate House

Section A - A
1 : 100



Key Plan
1 : 1000

revision	date	description
P3	06/12/21	Redesign to accommodate ground floor music venue and reduction in scale
P2	29/07/20	Redesign to accommodate and elevate concerns from planning committee
P1	30/01/20	Graphic updates

Vincent & Brown
 Studio 12, Middlemore Business Park
 Elm Bank Lane, Batthorpe, York, YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project
3 - 5 Toft Green
 York

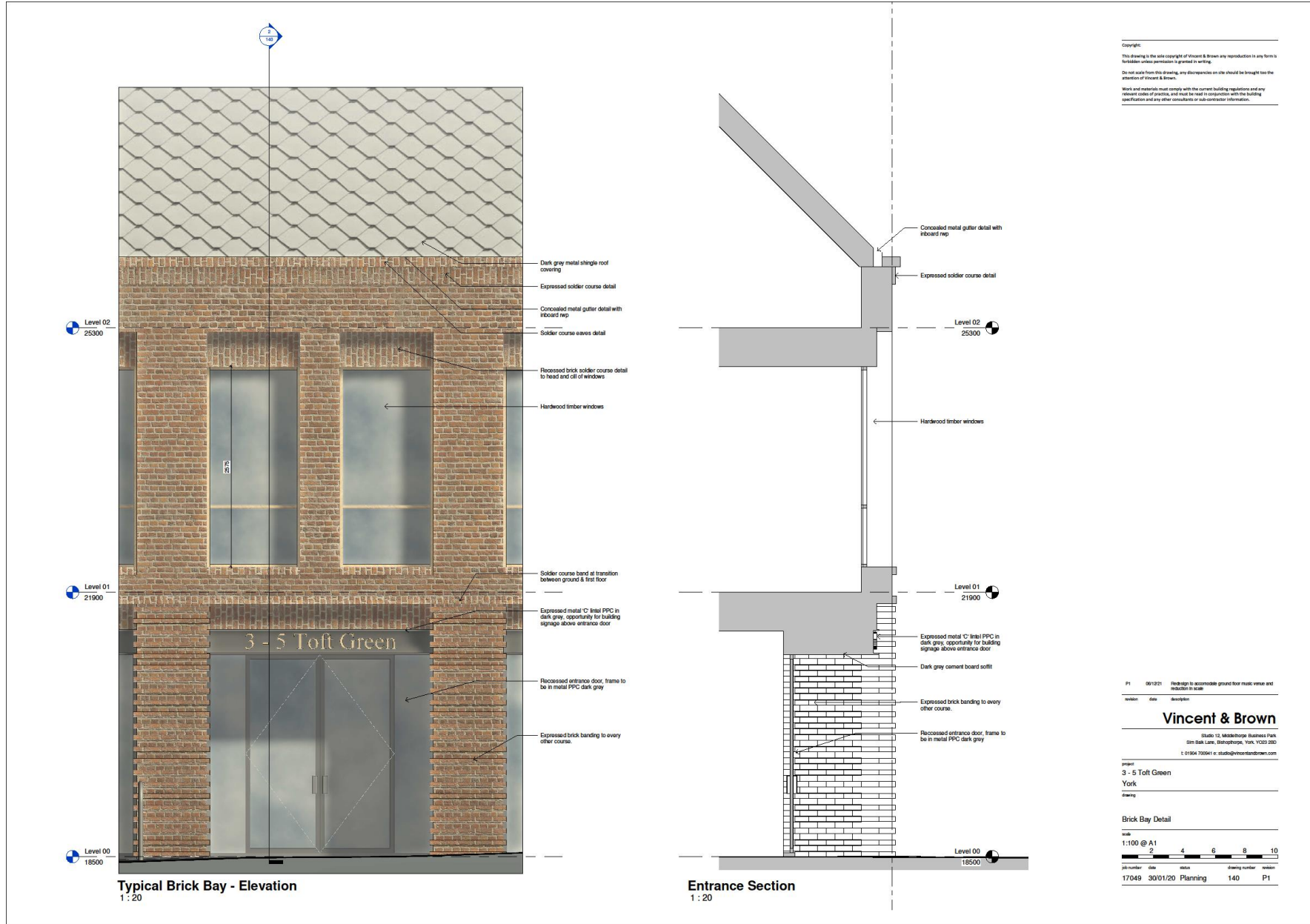
drawing
Proposed Section A - A

scale
 1:100 @ A1



job number	date	status	drawing number	revision
17049	30/01/20	Planning	150	P3

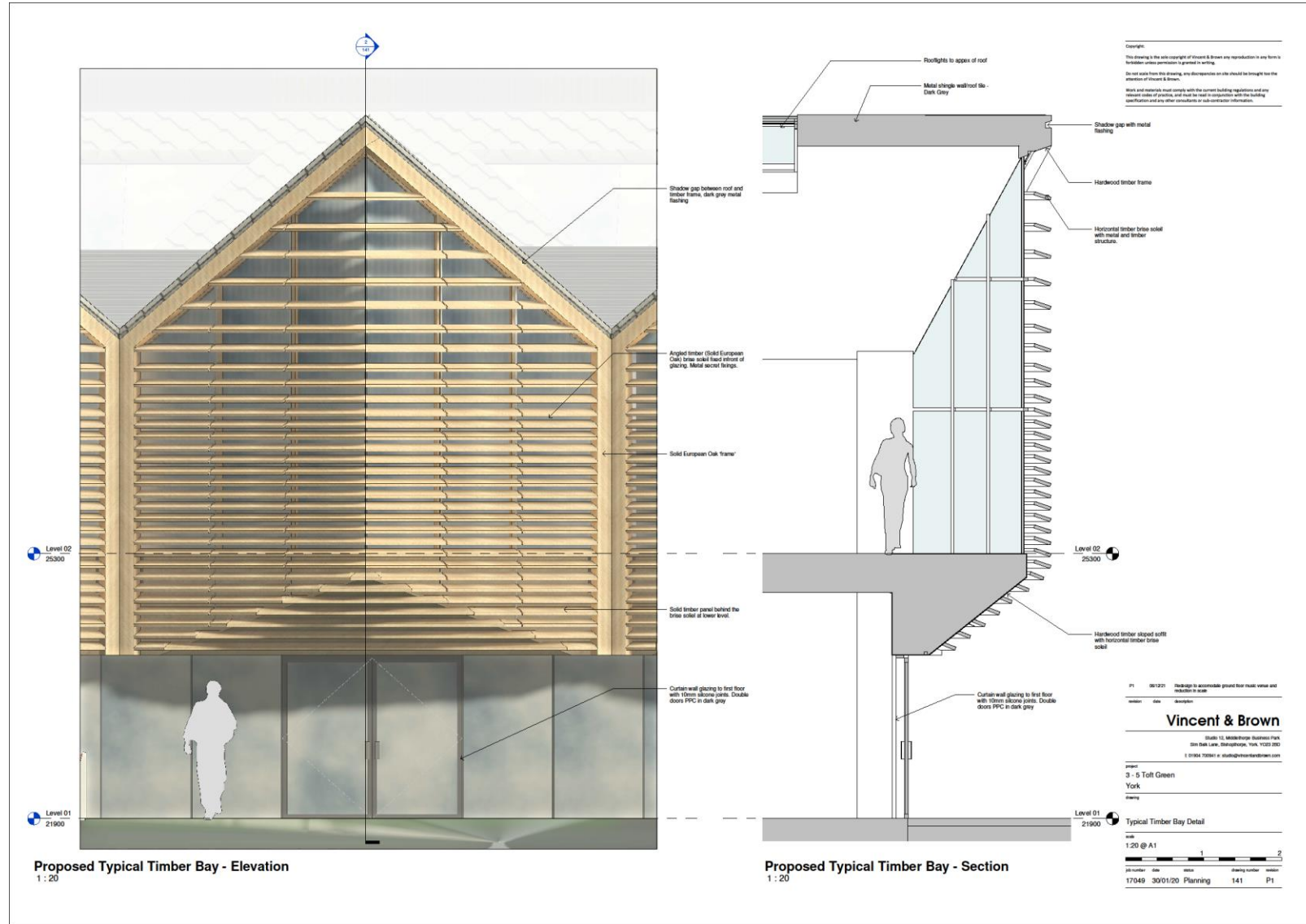
Typical front bay detail



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P1	05/12/21	Final design to accommodate ground floor music venue and inclusion in scale
revision	date	description
Vincent & Brown		
Studio 12, Millthorpe Business Park 20m Silk Lane, Millthorpe, York, YO22 9DQ T: 01904 700441 e: studio@vincentandbrown.com		
project 3 - 5 Toft Green York		
drawing Brick Bay Detail		
scale 1:100 @ A1		
scale bar: 0 2 4 6 8 10		
job number	date	status
17049	30/01/20	Planning
drawing number	revision	
140	P1	

Typical rear bay detail





Illustrative Street Elevation - Toft Green
1 : NTS