

COMMITTEE REPORT

Date: 17 September 2020 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 19/02750/FULM
Application at: 105 - 111 Micklegate York
For: Erection of new 62 bed hotel (use class C1) with bar/restaurants on ground floor (use classes A3 and A4) after demolition of existing buildings
By: Micklegate Developments Ltd
Application Type: Major Full Application
Target Date: 22 September 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is 105 to 111 Micklegate on the south eastern side of the street. The existing building contains the Jinnah restaurant and the Minster van hire building. The buildings are two storeys in height with commercial uses at ground floor level. The Minster Van hire building is distinct due to the open ground floor frontage given its use. Adjoining the building to the north east is the Priory pub which is at the corner of Priory Street. Behind the pub and due east of the application site is York Baptist Church. To the rear of the application site is Dewsbury Court an infill residential development accessed via Priory Street. Adjoining the application site to the south west is a two storey brick building, 127 Micklegate which is a bar. The opposite side of Micklegate is terraced with ground floors being in commercial use. To the south west lies Micklegate Bar and the city walls either side.

1.2 The site lies in flood zone 1 and in the Central Historic Core conservation area (character area 21: Micklegate). There are a number of listed buildings in close proximity. The site also lies approximately 30 metres to the north east of Micklegate Bar and the adjoining city walls which are a scheduled monument. The site lies within the extent of York City Centre as shown on the proposals map accompanying the 2018 Publication Draft Local Plan.

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1.3 Planning permission is sought for the erection of a 65 bed hotel (use class C1) with bar/restaurants on ground floor (use classes A3 and A4) after demolition of the existing buildings on the site.

1.4 The proposed hotel is up to 4 storeys in height with the accommodation set as follows:

At ground floor there would be a restaurant or bar unit (use class A3/A4), cycle and bin store, 17 studios and 1 suite

At first floor there would be 18 studios and 4 suites

At second floor there would be 13 studios and 2 suites

At third floor there would be 6 studios and 1 suite

1.5 The building is three to four storeys at the front elevation on Micklegate and steps down to single storey height at the rear. The front elevation is divided into four sections with a central double gable four storey element and maximum height at the 13.1 metres. The section adjacent to 127 Micklegate steps down to three storeys and is 12.0 metres high at the roof ridge. The section adjacent to the Priory is 10.9 metres and three storeys in height. The outer sections both have single front dormers in the roof slopes.

1.6 The proposed roof material is pre-weathered quartz zinc. For the section adjacent to the Priory, textured white render is proposed for the walls with anodised aluminium for the window and door frames to match the roof colour. For the central two bays there will be oak timber cladding and aluminium spandrel panels and window frames. For the front elevation, Flemish bond brick is proposed and for the rear elevation an English bond brick.

Planning History

1.7 There have been various applications at the site relating to alterations to the existing buildings. Application 19/00485/FULM, which also included the neighbouring site 127 Micklegate, was withdrawn in 2019 following comments from CYC officers. This application was for "Erection of new 146 bed hotel (use class C1) with shops and restaurants on ground floor (use classes A1 and A3) after demolition of existing buildings." The application also included a two storey basement.

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2.0 POLICY CONTEXT

National Planning Policy Framework

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

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

Publication Draft Local Plan 2018

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

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

2.4 Relevant Policies

DP1 York Sub Area

DP2 Sustainable Development

DP3 Sustainable Communities

SS1 Delivering Sustainable Growth for York

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SS3 York City Centre
EC4 Tourism
D1 Placemaking
D4 Conservation Areas
D5 Listed Buildings
D6 Archaeology
D10 York City Walls
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV5 Sustainable Drainage
T1 Sustainable Access
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development

2005 Development Control Local Plan

2.6 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.

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 Do not raise a policy objection to the principle of the application, but would restate the importance of the input of colleagues to discussion around the impacts of the development on the site's historic context, alongside issues of climate change, sustainability and environmental quality.

Design, Conservation and Sustainable Development (Conservation): Response to revised plans

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3.2 Lies on the southern side of Micklegate at the western end of the street, within the historic curtilage of Holy Trinity Priory which occupied the site between the eleventh century and the Dissolution. As a consequence, it has a different pattern of development to the secular northern and southern east of Trinity Lane sides. Whilst those areas are characterised by narrow linear medieval burgage plots the layout of the former Priory site is not. This reflects the development, originally by the Priory, of properties along the street frontage of relatively shallow plot depth for rent rather than owner-occupation, in contrast to development of higher status houses by prosperous merchants and nobility as elsewhere in the street which included gardens and ancillary buildings onto Toft Green and Tanner Row.

3.3 The Priory pub survives as remains of a fourteenth century range of seven tenement cottages which adjoined the west of the Priory gatehouse, three were demolished in 1961 to accommodate the 1960s garage building at no's 105-111. These buildings along with 85-89 Micklegate retain the character of the medieval Priory development which is why they are smaller and of lower status than the rest of Micklegate. However, site-amalgamation and redevelopment of some of the streetfront plots had commenced in the eighteenth century and historic images and maps show two imposing three and four-storey Georgian houses, the largest of six bays width, occupying the residual sites of the two twentieth century garages. The three-storey former Bar Hotel east of the Bar, is also of larger scale. The small-scale of the two twentieth garage buildings reflects the particular function of the building typology and the lack of demand for upper floor accommodation in the middle decades of the last century as city centre residential uses gave way to commercial, rather than the earlier character of the site.

3.4 More broadly in Micklegate, where redevelopment of multiple plots has occurred historically, imposing individual houses or formal terraces of two to four houses have replaced more vernacular earlier buildings. Amalgamated plots have adopted formal or reproduction architectural styles have arguably been less successful in terms of the bulk and use of materials (such as Travelodge; nos. 2-9, Queen's House). To the rear, former garden plots have been infilled by successive extensions, a pattern of development that is characteristic of dense and multi-layered city centre sites. Whilst the majority of twentieth century rear extensions are single storey, providing additional commercial floorspace, most eighteenth and nineteenth century extensions are multi-storeyed. Density of built forms to the rear

of buildings on Micklegate to north and south sides is now the prevailing pattern, with very few undeveloped curtilages remaining.

3.5 The design of the proposed building is strongly neo-vernacular, synthesising elements of form and scale, detailing and materials that are characteristic of the historic built environment in Micklegate, and the wider city centre context, but the detailed modelling of the building should be crisp and contemporary. It is considered that the articulation of the building as a number of distinct but complementary blocks constitutes a more appropriate response to the development of the amalgamated multi-layered site than imposing an overly-formal or continuous design. To address aspects of the design in more detail:

3.6 The core paired gable block is large and square, but with heavily modelled front façade and roof forms. It is comparable in scale to some of the other landmark domestic buildings in Micklegate (Micklegate House, Garforth House, 53-55 Micklegate), which are double pile in plan and substantially wider and deeper than their neighbours; and very much smaller than large religious buildings within the context including Holy Trinity Church, York Baptist Church and the Priory Street Wesley Chapel. The two gables would represent a distinctive vertical 'event' in the street, but it is considered that their effect would not be overly-dominant because they are part of a composition which is consistent with the variety of height and widths evident in the wider streetscene, and the jettied form of the elevation produces a strong horizontal emphasis that continues across the facades of the proposed development to The Micklegate and The Priory pub buildings.

3.7 The western block has been reduced in height and its roof form simplified in order to achieve a satisfactory composition that better reflects the prevailing linear form of rear wings, and reduces the appearance of bulk in views from Micklegate Bar and the city walls. The view of the principal block from Priory Street perhaps most exposes the bulk of the central portion, its double pile and gabled form contrasting with the small scale of The Priory pub. This effect would be lessened by the intervening eastern block and the greater scale of the Baptist Church, but further consideration of this impact and ways of mitigating it is recommended.

3.8 To the rear, three wings of 1.5 storeys under steeply-pitched roofs would extend short of the rear of the plot, which would terminate in a single-storey inverted lean-to. This form of diminishing scale is characteristic of the contextual pattern of

development, and ridge heights are not substantially higher than the existing garage roofs.

3.9 The timber frame to the principal frontage is decorative rather than structural, this is consistent with the use of external timber framing since at least the later nineteenth century, from which the current design may be considered to derive, reinforced by the proposed use of oak which is a characteristic historic building material within the conservation area. The timberwork is perhaps the defining element of the scheme, along with the twin gables, and the detailed designs of the timbering and other façade details are crucial and should be controlled by rigorous conditions.

3.10 The use of brickwork has been expanded and refined during the course of the application in order to respect the prevailing use of this material in Micklegate. Brick is now the predominant facing material on the building. Glazing and solid alternate within the 'grids' formed by the timber frame and moulded brick fins, the proportions of the glazing are consistent with the general proportions of windows within the streetscene. Low light emissivity glass in combination with integrated internal timber shutters are proposed to mitigate the effects of the extensive plate glazing at night.

3.11 The use of anodised aluminium for windows and dressings, and of zinc standing seam for the roofs, is novel within the conservation area, although many Georgian and ecclesiastical buildings in the vicinity incorporate leaded roofs and timber frame buildings often have wrought iron casement windows. It is considered that in the context of the overall design they are appropriate to convey a distinctive modern identity. The design of the building as a whole is overwhelmingly traditional, and it is in the detailing and use of materials that its contemporary identity must be expressed if it to avoid being a pastiche of the historic streetscape. The proposed slate grey pre-patinated zinc is matt in finish and would harmonise with the predominant use of slate.

3.12 In relation to the setting of adjacent listed buildings and scheduled monuments, it is not considered that the proposed development would harm the historical, aesthetic or communal heritage significances of these assets, significant inter-visibility or other aspects of their settings. Consideration of views from Priory Street and conclude that the central block would not have an unacceptably overbearing impact on The Priory pub building as a result of the intervening eastern

block which would introduce distance, variation of form and plane and incremental change between the respective buildings. The proportions of the double-pile blocks would retain an affinity with the proportions of surrounding historic buildings. The substantial reduction in height to the 1.5-storey blocks to the rear would provide a foil to the greater scale of the principal block, resulting in a mix of scales within the immediate vicinity that is already characteristic of the context.

3.13 In relation to the impact of the development on the central historic core conservation area, it is considered that the development would be sympathetic to local built character and the distinctive history of the site, being of contextual scale and employing materials appropriate to the local vernacular which would preserve the architectural and historic character and appearance of the area and maintain a strong sense of place.

Design, Conservation and Sustainable Development (Design Manager). Comments on massing of revised plans

Massing from Micklegate

3.14 The bulk of the part nearest to the Bar has been reduced by changing the massing, resulting in a loss of two rooms here. The impact of bulk on views from the south looking north towards the bar is reduced quite considerably by the revision since submission. A further increase in reduction (additional removal of two rooms) as initially recommended would not make much difference to this view.

3.15 The impact of bulk on views from the north at the Bar looking south also reduced quite considerably by the revision since submission. Whilst the height is only slightly lower than the four storey element (as noted by Historic England) its reduced visual impact from the street is greater than anticipated, due to the revised roof form and shape of massing. Do not consider it desirable to match the lower height at the opposite end of the building as it would introduce an odd part-symmetry (that should be avoided).

3.16 Overall, the proposal is still assessed as a prominent feature of the street, even following latest revisions. This degree of prominence, is not objectionable in principle (ie it is not so big that it dominates), but it does make it a focus of attention and this raises the bar for quality- especially quality of execution in construction.

Massing - rear projection

3.17 Their impact will be mostly from views behind Micklegate. This has been explored from the city walls and considered here as not harmful. This is due to a consistent continuation of plot hierarchy (rear projections being secondary, lower forms compared to the front block) and due to familiar roof forms that do not visually jar in the wider context of roofs. Less certain is impact of the rear from Priory St.

Massing - design

3.18 It is assessed here that overall, the roof design is quite a rational resolution of the floorplate and would not consider it over-complicated. There is also some authenticity to the resolution: pitched roofs are not veneer attachments to street fronts with generally flat roofs set behind, because pitched roofs are genuinely extruded into the plot depth, with only a small area of flat roof set lower in the middle to hide plant equipment.

3.19 Some compromise is made with some secondary cross gabled elements (gables occurring on perpendicular facades) in order to fit accommodation into the roof void and this has been commented on before as unusual (undesirable) for a prominent roof in this context, but acknowledge that effort has been made to ensure these sideways facing gables have relatively minor visual impact.

3.20 Overall, the shapes of the massing design has strong historicist precedent, without particular academic authenticity to a particular period (vaguely medieval), neither does it attempt traditional construction authenticity. Instead, to successfully avoid pastiche, there must be deliberate attempts to visually articulate its construction in authentically modern ways. This approach gives more license towards some uses of slightly unusual materials, but they must be of the correct visual texture and tone. The proposals show intention towards this but it must be rigorously controlled through conditions.

3.21 If executed well, it is assessed as a prominent but not harmful scheme. However, it is assessed as only just so (not harmful), and so the views of other consultees that disagree by a degree of judgement on this are not unexpected or refuted here. It is a decision in the balance.

Design Conservation and Sustainable Development (Archaeology)

3.22 The site was partially evaluated as part of a previous application. The evaluation revealed that the site contains high quality evidence of Roman to medieval activity and structures. It has to be assumed that the high quality archaeology noted during the evaluation will extend across most of the site with the exception of the petrol tank areas at the front of the building and where sewer connections exist.

3.23 The current proposal does not include any basement levels. Therefore the impact on the archaeological deposits will be limited to the foundations of the new build and any additional drainage. Foundation design for this site will require at least 95% of the archaeological features and deposits on the site to be preserved in-situ.

Public Protection

3.24 Conditions recommended regarding contaminated land, noise, odour and to protect neighbour amenity.

Highways Network Management

3.25 The hotel is proposed as a car free development with no car parking provided on site. Although this differs from standard requirements this is considered to be acceptable in this case due to the very central location and the proximity of the railway station, as well as the availability of public and private car parking facilities in the vicinity.

3.26 A cycle store for 8 bikes is now provided in a convenient location. This is above the requirements set out in Appendix E (1 cycle space per 10 bedrooms). Would ideally also want to improve cycle parking provision on street near the site, to better cater for visitors/customers.

3.27 An updated Travel Plan should be conditioned to be submitted within the first 6 months of occupation, to address travel by staff, guests and deliveries/contractors to the hotel and the A1/A3 use.

Waste Services

3.28 The developer should make provisions for the bins to be presented at an appropriate place as near to the road as possible with a flat even surface between the bin store and the vehicle collection point.

EXTERNAL

Micklegate Planning Panel. Response to revised plans

3.29 Despite the modifications to the proposals we still object on planning grounds. The proposals are unsympathetic to their surroundings in massing, scale and choice of materials. This is particularly important given its sensitive location close to Micklegate Bar and the city walls. We are also concerned regarding the quality of the rooms; many of which gain their only natural light from small internal light wells. No layouts are shown to indicate how rooms could be laid out or where the bathrooms would be. Visitors might get a poor impression of York if staying here.

Historic England. Response to revised plans

3.30 The importance of the diversity of architecture, dense rows of historic buildings and narrow plot widths that characterise Micklegate is well appreciated and understood by your Authority.

3.31 Have previously drawn attention to how, on the south side of Micklegate (that side of the street for the proposed development), long, narrow medieval burgage plots are still evident, as are several important late medieval structures, that are generally a lower height of building compared to the northern half of the street which is notable for the well-preserved Georgian townhouses.

3.32 The scale of the proposed new building has been slightly reduced; however in our view it is still too large for Micklegate, particularly the width of the 4 storey elements and also the extent and depth of the large scale projections to the rear of the site, giving the impression of a building of considerable bulk.

3.33 Welcome the stepping down of the section of the new building immediately

adjacent to 127 Micklegate, a building of merit. This is a positive design step that helps to break up the massing of the building to a degree. However, the height is marginally lower than the proposed four storey element which results in an overcomplicated and busy roofscape of projecting gables in different directions, drawing attention again to the bulk of the building. Note that this issue has been picked up by CYC Design Manager and support their recommendation to remove the top four bedrooms in order to reduce this harmful element.

3.34 The development will be highly visible from the Scheduled City Walls and Micklegate Bar which means any visual impact from a large, bulky building will detract from the appreciation of the diverse and mixed character of the historic streetscape of Micklegate.

3.35 The minor improvements that have been made to the form, massing and design of the building have, reduced the level of harm that would be caused to the significance of the heritage assets affected. Nevertheless, the harm to the character and appearance of the conservation area and setting of listed buildings would still be high, clear and demonstrable.

3.36 Maintain objection on heritage grounds. Consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 127, 131, 192, 193, 194 and 200.

York Civic Trust. Response to revised plans

3.37 Reiterates recognition of the applicant's further revisions to the design. The general aesthetic and overall design decisions made in this iteration are a step in the right direction and the Trust can envisage a further, revised scheme that is acceptable. But as this site is located on Micklegate, one of the most well-known and valued historic thoroughfares in York, as such, whatever is proposed here bears weight and responsibility to ensure it is a positive contribution to the Conservation Area and nearby scheduled heritage assets. The revised scheme falls short of achieving this, largely due to its façade sitting uncomfortably with the streetscape, aspects of the design logic, and choice of certain / too many materials. Consequently the Trust objects to the proposed development in its current form but looks forward with interest to a further, revised scheme.

Conservation Area Advisory Panel. Response to revised plans

3.38 Discussions with CYC on the revised scheme and the amenity societies had identified a number of concerns;

- Massing
- The roof geometry
- The roofing material
- Outward light transmission

3.39 The Panel welcomed the proposed changes and in particular the reduction to the gables with the feeling that the scheme now better fitted the rhythm of the street. There was however a concern about the duality/symmetry of the two gables.

Yorkshire Water

3.40 No comments received.

North Yorkshire Police Designing Out Crime Officer

3.41 Notes typical safety and security considerations for developments of this nature and in this location. Recommendations made on these matters.

4.0 REPRESENTATIONS

4.1 The application has been advertised by neighbour notification, press notice and site notice. 6 objections were received. The issues raised in the objections are summarised below.

- Appreciate size much reduced
- Welcome transport policy
- Concerned with mass on street views
- Gables look like a pastiche
- Overwhelms streetscape
- Most sensitive street
- One of the finest streets in the country
- All the properties in Micklegate have either slate or tiled roofing, and that surely should be the choice of material here.

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- three identical projecting bays on the Micklegate frontage with the unbroken ridge the length of development behind present a too monolithic building for a street which has such harmony in its changing frontages and varied roof lines.
- Considerable improvement on previous application
- mass and scale of the proposed development is out of keeping with its location
- ill - suited for the conservation area and out of keeping with the heritage setting
- height of the 3.5 storey block fronting Micklegate would overshadow the buildings on the opposite side of the road and have an impact on views from the City walls, from both sides of the Bar.
- brass fascia panels and the bronze coloured copper roofing are incongruous with the architecture in this location
- loss of light
- concern about noise and disruption during building works
- concern about practicalities of construction in confined site
- overdevelopment, existing building fills the site but largely single storey
- loss of privacy on church boundary
- location for air source heat pumps unknown
- excessive glazing to west will likely result in blinds and curtains being drawn for privacy
- streetscape can still be read as medieval, proposal represents amalgamation of plots
- overlarge and horribly out of sympathy and scale with historic character
- loss of dominance of Micklegate Bar
- impact on listed buildings
- city already well served with hotel accommodation

4.2 Following submission of revised plans there was a re-consultation. 5 objections received making the following comments:

- Design moving in right direction
- Object to zinc roof, predominantly zinc in this location
- Concern over materials in this location
- Concern over appearance of timber framing
- Overlooking from lightwell

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- Materials contrary to HE2 and HE3
- Nearby car parks are often full. Not all potential guests will arrive by public transport
- Close to Micklegate Bar, the principal gateway to the City
- Contrary to paragraphs 193 and 194 of NPPF
- Although this proposal is smaller than the previous applications that have been received from this applicant the height and massing of this hotel is still far too large for the setting.
- 4 storeys tall and the massing will significantly harm in this highly sensitive location
- object to the application on grounds of scale,
- articulation of the street facades
- use of materials

4.3 1 letter of support was received from a resident of Micklegate making the following comments

- proposed 62 bedroomed apartment hotel is what discerning visitors have come to expect in a vibrant forward looking City.
- Easy access to the station and walking distance of York's main tourist attractions, feel sure it will further the reputation of the city.

5.0 APPRAISAL

5.1 Main Issues

- principle of development
- impact on the setting of the listed building
- impact on the character and appearance of the conservation area
- impact on the streetscene
- impact on amenity and living conditions of adjacent occupiers
- highways and parking
- drainage
- sustainability
- archaeology

5.2 The application site is within the Central Historic Core Conservation Area where Section 72 of the Planning (Listed Buildings and Conservation Areas) Act

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1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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

PRINCIPLE OF DEVELOPMENT

5.4 Section 7 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaption. Policy SS3 (York City Centre) of the 2018 Draft Plan states that within the city centre, as defined on the Proposals Map certain development types are acceptable in principle. These include food and drink (use class A3, A4 and A5) and hotels (use class C1). Policy EC4 (Tourism) of the 2018 Draft Plan also supports proposals that maintain and improve the choice and quality of visitor accommodation to encourage overnight stays, particularly by higher spending visitors.

5.5 The proposed change from a van hire centre and a restaurant will mean that an employment use is retained at the site. Furthermore a new hotel and restaurant/bar in this city centre location is acceptable in principle.

IMPACT ON THE DESIGNATED HERITAGE ASSETS

5.6 The NPPF defines listed buildings and conservation areas as 'designated heritage assets'. Paragraph 192 of the NPPF states that with regard to the impact of

development on the historic environment, in determining applications, local planning authorities should take account of:

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

5.7 Para 193 goes onto to say that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.8 Para 194 states any harm to, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to:

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

5.9 Paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

5.10 Policy D1 of the 2018 Draft Plan states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Policies D4 and D5 of the 2018 Draft Plan set out how proposals affecting conservation areas and listed buildings should be considered. Policy D10 considers the impact of development on the City Walls. Moderate weight can be applied to these draft local policies.

5.11 Due to its central location and the scale of the proposal a number of heritage assets are considered in terms of their significance and the impact of the proposal on their significance. Micklegate Bar and the city walls are grade I listed, scheduled monuments and highly significant in terms of their importance not just in this immediate area of the application site but also within a much wider context.

5.12 On the opposite side of Micklegate, the building 122- 126 Micklegate and the building 144-148 Micklegate are grade II* listed. There are also a number of grade II listed buildings, namely the former Bar Hotel [Gibsons] and The Priory pub flanking the site; all of the buildings facing the site on the west of Micklegate; and to the rear the York Baptist Church and separately its associated railings. These listed buildings include grades II* and II. In addition to the above, the site is also in the Central Historic Core Conservation Area in a prominent location on Micklegate. 127 Micklegate is noted as a building of merit within the Conservation Area.

5.13 The York City Walls Conservation Plan and Access and Interpretation Plan (2005) states that the 'city walls are of exceptional significance on account of their long and unique history and their historic and continuing relevance to, and impact on, the culture, society, economy and environment of the City of York and its wider,

universal context'. (Para 8.47, 2018 Draft Plan). Micklegate is the principal historic route into the city and one of the city's finest streets and bars and the significance of the listed buildings on the street derives from their location on their streetscape and forming part of the historic nature of it. The Priory pub derives its significance from its connection to the former medieval priory on the site. The Baptist Church on Priory Street is of mid-19th century construction and is of detailed design with 20th century alterations.

5.14 Part of the site (the restaurant building) is identified in the Conservation Area Appraisal as a 'detractor' in the conservation area and indeed the only detractor on the street of Micklegate itself. Therefore the removal of the building is acceptable in principle subject to the quality of the replacement.

5.15 The main issues with development on this site and of this scale is the impact on significance of the identified heritage assets and whether the massing will result in harm to the heritage assets and also quality of the detailed design of the building.

5.16 Historic England and other objectors have raised concerns including over the scale of the building and the amalgamation of the historic medieval plots. While this proposal will result in the replacement of two buildings within the terrace and its replacement with one building, the separation of the building into three separate sections reduces the visual impact of this. The central section is further divided with the double gable roof design. As the Council's Conservation Officer has noted the application site is:

"within the historic curtilage of Holy Trinity Priory which occupied the site between the eleventh century and the Dissolution. As a consequence, it has a different pattern of development to the secular northern and southern east of Trinity Lane sides. Whilst those areas are characterised by narrow linear medieval burgage plots the layout of the former Priory site is not."

5.17 In terms of the massing of the building, it is recognised that this building would be higher than the existing buildings on the application site. The building has been reduced in both width and height during the planning process. Objectors have drawn attention to the lower buildings either side of the site however the smaller scale of these buildings are the exception rather than the rule when considering building heights along Micklegate as a whole. Indeed the buildings to the rear of the site

such as those along Priory Street are taller than the existing buildings on the application site, which sits at odds with Micklegate's status as the principal street. Historic photographs also show that a larger building has previously occupied part of the application site. The staggered step down in the height of the building to single storey at the rear is considered to result in a proposed building that is not too bulky as asserted by some responses, particularly in light of the reduced three storey outer sections fronting Micklegate.

5.18 The site is approximately 30 metres to Micklegate Bar and the city walls either side. The proposal has been revised from the previous submission and no longer includes 127 Micklegate, a building of merit in the conservation area, which is closer to the Bar and walls. The section nearest the Bar has also been reduced in scale during the application process. It is noted there are tall buildings either side of the Bar on Micklegate and Blossom Street. The front elevation will not block views of the Bar or the walls from Micklegate and while it will be somewhat larger in views from the city walls it is not considered that this in itself is harmful particularly given the number of other taller buildings, the detracting appearance of the existing development (particularly the flat roof rear projection) and the way the revised design is divided into separately designed sections. The proposal is therefore not considered to harm the significance of the Bar and City Walls.

5.19 The proposal replaces an existing building that detracts from the Micklegate area of the Central Historic Core Conservation Area. While the mass of the building has been considered within its heritage context, it is worth noting the central location of the application site on the principal historic thoroughfare into York city centre. Micklegate as a whole has a large number of substantially proportioned buildings, including those in commercial uses and with active frontages. It is considered that the effects of the development would not be harmful to the settings of the listed buildings opposite due to the comparable and subservient scales of the new-build elements, a generally contextual palette of materials, articulation of the facades in ways which relate to characteristics of the historic streetscape and the modelling of the roof forms. The proposal is not considered to detract from the significance of the conservation area and it is considered that in this context, the scale of the building is appropriate and an active frontage will be a positive to a city centre streetscene, including in the context of the application site.

5.20 The roof design is considered appropriate, extending into the plot from the front elevation and thereby reducing the potential for an extended flat roof projection that would be visible from the city walls. The distinct sections of the proposed building provide visual interest and the rendered section adjacent to the Priory is considered to be a positive design solution, bridging the gap between the pub building and the larger double gable section in the centre. Further interest is provided by the asymmetrical appearance from Micklegate and the front dormer designs. The use of a zinc roof would harmonise with the predominant use of slate elsewhere in the vicinity. The use of zinc rather than slate and timber detailing to the front elevation recognise the historic nature of Micklegate but do not seek to exactly mimic this, thereby preventing a slide into pastiche. Following the revisions the proposal is not considered to have a harmful impact on the significance of the identified heritage assets. As the Council's Design Manager and Conservation Officer have noted, the key to the success of this building in design terms is likely to come down to the quality of the materials used for elements including the timber detailing and as such strict control over the relevant materials conditions is recommended.

IMPACT ON NEIGHBOUR AMENITY

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

5.22 The main issues in terms of amenity are the impacts of the building in terms of light and privacy to buildings to the rear on Dewsbury Court and also the impacts of a night time use at ground floor in terms of noise, comings and goings and also odour from cooking. With regard to the impact on Dewsbury Court, the proposed hotel staggers down in height from the Micklegate frontage and at the boundary adjoining Dewsbury Court is only single storey in height.

5.23 The rear facing windows above ground level are approximately 18.5 metres from the rear elevation of Dewsbury Court and are on the second and third floor levels. The two storey rear projection does not have rear facing windows. This

distance is considered to be acceptable in this location and given the design of the existing building and its proximity to neighbouring buildings.

5.24 The current use of the site includes a day time use in the van hire garage and a predominantly evening use with the restaurant. A restaurant (or bar) will be included in the new building and the hotel use will account for a number of comings and goings to the buildings. Given the central location next to a number of pubs and restaurants the proposed use is typical for the area. The Councils Public Protection Officer has recommended a number of conditions to cover amenity including noise and odour and a CEMP. Subject to these conditions, the proposal is considered to be acceptable on amenity grounds.

HIGHWAYS AND PARKING

5.25 Paragraph 108 of the NPPF states that when assessing applications for development, it should be ensured that:

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

5.26 Para 109 goes onto say development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

5.28 The application site lies within the city centre and is approximately 400 metres from York railway station. There are also a number of bus stops within walking distance on Blossom Street, Rougier Street and at the station. No car parking is

provided although there are public pay car parks nearby on Tanner Row and Nunnery Lane. Cycle parking is to be provided internally for guests/staff in excess of Council guidance requirements and the applicant has further agreed to cycle railings to the recessed front elevation for visitors to be agreed in detail by condition.

5.29 The proposal as a car free development and with cycle parking is acceptable in this location and subject to conditions complies with paragraphs 108-109 of the NPPF and Policy T1 of the 2018 Draft Plan.

SUSTAINABILITY

5.30 In terms of general sustainability, the site is in a very sustainable city centre location and is proposed as a car free development. Policy CC1 and CC2 of the 2018 Draft Plan require that new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable and non-residential buildings meet BREEAM excellent. The applicant has confirmed acceptance of the necessary requirements of this by way of planning condition.

ARCHAEOLOGY

5.31 The previous application on the site included the proposal for a double storey basement and there have been excavations at the site which revealed high quality evidence from the Roman era. The current application has removed the basement from the scheme so intrusions will be limited to foundations and drainage. The City Archaeologist has requested a condition requiring foundation design to keep at least 95% of deposits in situ. A further watching brief condition will also be required. Subject to these conditions, the proposal is considered to comply with Policy D6 of the 2018 Draft Plan and Section 16 of the NPPF with regard to archaeology.

6.0 CONCLUSION

6.1 The proposed redevelopment of the application site for a hotel and ground floor restaurant is considered to be acceptable in principle given the city centre use. The proposal is acknowledged to be in highly sensitive location with a number of designated heritage assets, including the city walls, Micklegate Bar in close proximity and also being within the conservation area. The proposal, while larger

than the existing buildings is considered to preserve the character and appearance of the conservation area and the setting of the listed buildings and scheduled monuments. Furthermore, the proposed replacement will provide a sustainable car free development and meet the Council's ambitious climate change targets set out in draft Policies CC1 and CC2. The proposal is considered to be a distinctive and positive design solution for the location and acceptable on amenity grounds.

6.2 Paragraph 11d) of the NPPF states where there are no relevant development plan policies, planning permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. While it is acknowledged that the scheme is contentious due to its sensitive and prominent location and that Historic England and York Civic Trust have maintained their objections to the scheme, this assessment has concluded that the proposal does not harm the heritage assets. The proposed conditions would ensure the proposal is acceptable and the recommendation is approval.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS2 Apprvd plans and other submitted details

3 DRAIN1 Drainage details to be agreed

4 A foundation design and statement of working methods, which preserve at least 95% of the archaeological deposits, is required for this site.

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

This condition is imposed in accordance with Section 16 of NPPF and City of York

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Historic Environment Policy D6 (2018 Draft Local Plan).

Reason: The site lies within an Area of Archaeological Importance or the site is of Archaeological Interest which contains significant archaeological deposits. The development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

5 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. The archaeological scheme comprises 4 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be approved/discharged.

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

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

C) A copy of a report to include the final 2019 evaluation assessment results and the results of the watching brief shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) Results from the evaluation and watching brief to be produced in a form suitable for publication in an agreed and suitable journal. LPA to approve prior to submission to the editor of the journal.

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

Reason: The site lies within an Area of Archaeological Importance and the development may affect

important archaeological deposits which must be recorded prior to destruction.

6 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

7 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

8 Development shall not commence until, an investigation and risk assessment (in addition to any assessment provided with the planning application) must have been undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and submitted to . The written report is subject to the approval in writing of the Local Planning Authority for approval in writing prior to commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where

appropriate);

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and

service lines and pipes,

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- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

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

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

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

11 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

12 Prior to the above ground construction, details of the extraction plant or machinery and any filtration system required adequate facilities for the treatment and extraction of cooking odours shall be submitted to the local planning authority and approved in writing. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

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

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

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

14 No development shall take place until a detailed scheme of noise insulation measures for protecting the hotel accommodation above this proposed development from noise internally generated by the proposed A1 or A3 use has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason: To protect local amenity.

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15 No development shall take place until a detailed scheme of noise insulation for the building envelope of the commercial premises (the bar/restaurant) within the site has been submitted to and approved in writing by the Local Planning Authority. This shall include measures for protecting the residential accommodation in the near vicinity outside of the premises from noise break out internally generated by the proposed A3 use of the

ground floor. Upon completion of the insulation scheme works the A3 use shall not commence until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Monday to Friday 08:00 to 18:00 hours

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

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

18 HWAY18 Cycle parking details to be agreed

19 Within the first 6 months of occupation an updated Travel Plan shall be submitted to in writing and approved by the Local Planning Authority, to address travel by staff, guests and deliveries/contractors to the hotel and the ground floor use.

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Reason: In the interests of sustainable transport

20 The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to first use details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

21 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.

22 VISQ8 Samples of exterior materials to be app

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

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

24 No works shall take place until large scale details (including samples if deemed necessary) of the following items have been submitted to and approved in writing by the local planning authority.

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

roof,

verges,

soffit,

fascias,

spandrels,

rainwater goods,

windows & doors,

dormer window structure

oriel window structure

rails (to windows),

gate to front elevation,

render finish,

glass lightwells

hard landscaping to Micklegate frontage

internal window screens to the front elevation including their method of fixing

render finish,

glass lightwells

hard landscaping to Micklegate frontage

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Reason: To ensure the finished appearance of the building is acceptable.

25 No works shall take place until details of any external fixtures to the building have been submitted to and approved in writing by the local planning authority.

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

Reason: To ensure a satisfactory final appearance

26 In the event that an alternative timber to European oak is proposed No works shall take place until a timber report prepared by a specialist containing details of the proposed timber gable details to the front elevation has been submitted to and approved in writing by the local planning authority. The report shall include details of timber species, innate durability performance criteria, timber finish, sustainable sourcing, quality of timber seasoning, coatings applied at point of installation, principles of maintenance, detailing principles such as minimum element sizes, constructional ventilation, end grain protection.

The works shall be carried out in accordance with the approved report.

Reason: So as to achieve a visually cohesive appearance.

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

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

28 No works shall take place until full-size sections of the following items have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

external timber frame and its intersection with spandrels, soffits and windows and method of fixing to the building structure

the eaves of the front-facing gabled roofs including the intersection between verge, soffit and timber frame

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Reason: To ensure a satisfactory final appearance.

29 The treatment proposed for the preservation or decoration of the external timber frame, including samples if so required, shall be submitted to and approved in writing by the local planning authority prior to the relevant works. Thereafter the treatment shall be applied and maintained in accordance with the approved details.

Reason: So as to achieve a visually cohesive appearance.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Amended plans

2. THE PARTY WALL ETC ACT 1996

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

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

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

3. INFORMATIVE: CONDITION 12

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in

September 2018 titled "Control of Odour and Noise from Commercial Kitchen

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

4. INFORMATIVE CONDITION 13

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 1metre from the nearest noise sensitive facades when assessed in accordance with BS4142:2014+ A1 2019, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Contact details:

Case Officer: Tim Goodall
Tel No: 01904 551103