



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

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

Date: Thursday, 17 September 2020

Time: 4.30 pm

Venue: Remote Meeting

AGENDA

Note: there will be no site visits ahead of this meeting

1. Declarations of Interest

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

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

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

2. Minutes

(Pages 1 - 20)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee, held on 20 August 2020.

3. Public Participation

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

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 15 September 2020.

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

Webcasting of Remote Public Meetings

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

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

4. Plans List

To determine the following planning applications:

Note: Annexed to each report is a series of presentation slides showing photographs of the site and its environs and plans of the proposed works.

- a) **105-111 Micklegate** (Pages 21 - 80)
This application seeks permission for the erection of a new 62 bed hotel (use class C1) with bar/restaurants on the ground floor (use classes A3 and A4) after demolition of existing buildings.
[Micklegate]
- b) **The Lord Nelson, 9 Main Street, Nether Poppleton** (Pages 81 - 126)
This application seeks permission for the erection of 2 dwellings with detached garages on land to the rear of the Lord Nelson pub. [Rural West York]
- c) **Hare & Ransome Limited, Unit 1 The Joinery Works, Heritage Park, Outgang Lane, Osbaldwick [20/00892/FUL]** (Pages 127 - 146)
This application seeks permission for a change of use of the first floor from former builders' yard offices to a taxi business.
[Osbaldwick and Derwent]

5. Urgent Business

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

Democratic Services:

Contact details:

- Telephone – (01904) 552599
- Email democratic.services@york.gov.uk

For more information about any of the following please contact Democratic Services:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	20 August 2020
Present	Councillors Hollyer (Chair), Fisher, Galvin, Craghill, Orrell, Waudby, Melly, Webb, Perrett, Daubeney (Substitute) and Pavlovic
Apologies	Councillors Crawshaw and Cullwick

70. Election of Vice-Chair for this Meeting

In the absence of the Vice-Chair Cllr Crawshaw, who had given his apologies, it was proposed and seconded that Cllr Pavlovic be Vice-Chair for this meeting.

Resolved: that Cllr Pavlovic be Vice-Chair for this meeting.

71. Declarations of Interest

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

Cllr Fisher declared a personal non-pecuniary interest in Agenda item 4a) Moorlands Nursing Home, Strensall, [19/02044/FULM] as a member of Stensall with Towthorpe Parish Council. Whilst the Parish Council had expressed a view on the application, Cllr Fisher declared that he was considering this item afresh.

72. Minutes

A Member requested that the year in the following minute be checked as earlier on in the officer report this application is stated as having being received at committee in **2019**.

Dean Court Secure Car Park [20/00505/FUL], Reason for Approval,

“This scheme is similar to the 2018 application which Members recommended for approval...”

Post meeting note: This was checked and should be 2019.

Subject to the above change it was:

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

73. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

74. Plans List

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

74a) Moorlands Nursing Home, 10 - 12 Moor Lane, Strensall, York YO32 5UQ [19/02044/FULM]

Members considered a full application from Mr M Ladhar for the erection of a 62 bedroom care home with associated car parking and landscaping following the demolition of existing care home. The current application had been submitted in October 2019 and following concerns raised by the case officer and local residents with regard to the scale and the impact on neighbour amenity, revised plans were submitted for consideration in February. These have been subject to a re-consultation with local residents and the relevant internal and external consultees.

Officers gave a presentation based upon the slides at pages 41-58 of the Agenda and reported that:

- An additional representation had been received from Strensall with Towthorpe Parish Council who considered that the revised drawings had not removed any of the objections submitted by the Parish Council and would draw your attention to comments from the Conservation Architect, City of York Council.

- An additional representation had been received from Cllr Doughty, Ward Member for Strensall, who supported the representations presented by Strensall with Towthorpe Parish Council and added that in recent conversations with the Director for Health and Adult Social Care he had been told that we have a changing market place in York and there had been no problem in finding care accommodation in the city.
- A replacement of the Drainage Condition 3 (as set out in the resolution below)

Officers confirmed that the additional information had been assessed and the planning balance and the recommendation remained unchanged from that in the published report.

Mr Thackray, a neighbouring resident at Harvest Close, spoke in objection to the proposal on the grounds that his amenity would be most affected by overlooking, given the number of windows. He considered that the terraces on the first and second floors would allow direct views into the homes and gardens on the South and West sides of the plot.

Mr Ford, a neighbouring resident, spoke in objection on the grounds that the proposed building was not suitable or appropriate for the area and would devalue the status of the nearby conservation area. He considered that the neighbouring residents would be adversely affected by the increased impact of traffic which would lead to further deterioration of the road.

Mr Dobson, a neighbouring resident, spoke in objection, explaining that the revised proposal had not addressed concerns regarding the size and scale of the development. The southern façade was much higher and broader than the existing, therefore the outlook from his kitchen would be a view of brickwork and roof. The proposed roof terraces would provide overlooking across his and neighbouring properties.

Mr Nick Kemp from Acanthus Darbyshire Architects, Agent for the Applicant, addressed the committee explaining that there had been a shortfall of 576 nursing care beds in the City. The proposal would create around 54 jobs to the area. The management company were well established care providers with over 30 years' experience. They considered that concerns

regarding scale and mass had been addressed and confirmed that there would be ample amenity space for residents.

In response to questions from Members, officers confirmed that:

- The commutable sum in relation to the Traffic Regulations Order of £5K would be secured through the s106 process five years from the commencement of building.
- Officers were satisfied that 25 parking spaces had met the Highways requirements, there was further parking allocation for an ambulance or doctors.
- The council's forest engineer had not raised concerns regarding the drainage arrangements impacting upon the roots at the oak tree T7.
- A shadow assessment had been undertaken in December 2019, this aspect had been acceptable.

After debate, Cllr Webb moved, and Cllr Pavlovic seconded, that the application be approved subject to the Section 106 agreement, in accordance with the officer recommendation, with the addition of the conditions, informatives and guidance in relation to drainage, (resolution below refers) with an amendment to Condition 8 regarding the protection of the oak tree T7, Cllrs: Craghill, Daubeney, Galvin, Melly, Perrett, Pavlovic, Webb and Hollyer all voted in favour of this motion. Cllrs: Fisher, Orrell and Waudby and voted against this motion and the motion and it was therefore:

Resolved: That the application be APPROVED subject to the Section 106 agreement and the conditions listed in the report, with the following amended, additional conditions and informative:

Amended Condition 7

That delegated authority be given to the Head of Development Services, in consultation with the Chair and Vice Chair, to consult with the council's arboriculture officer to formulate the necessary strengthened conditions following Members request to protect the roots at oak tree T7.

Replacement of Drainage Condition 3

No development shall take place until details of the proposed means of foul and surface

water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

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

Additional Condition 26

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

Reason: In the interest of satisfactory and sustainable drainage.

Additional Condition 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.

Additional informative notes: drainage

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

The applicant should be advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any

watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Design considerations

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

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

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

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using

computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

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

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

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

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

Reason for Approval:

Paragraph 11 of the NPPF states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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 the Framework taken as a whole.

The proposed development does not involve a change of use given the use would remain as a care home. A need for places in care homes in this area of York has been recognised and the replacement would allow these places to be kept. The redevelopment of the site would provide a much more efficient and suitable modern building and greatly improved outdoor amenity space for residents. While concerns have been raised over the design and scale of the building, the height is similar to existing buildings in the immediate area. The size of the building is acknowledged but due to the reasonable height, the substantial set back from the public highway and the set in front the adjoining properties it is considered to be acceptable and broadly in accordance with national and local policies with regard to design. In terms of amenity, the use and number of occupiers will remain as before and due to the reduced height and siting of the majority of the building away from the

boundary, impacts will be minimised. Obscure glazing will be applied to certain windows to protect privacy. The proposal is considered to be acceptable in terms of highway safety and parking subject to condition. The proposal will also result in a more modern building that achieves the climate change policies set out in CC1 and CC2 of the 2018 Draft Plan. The site layout shows there will be an increase in soft landscaping which in turn is likely to have a beneficial impact in terms of drainage.

Set against this is the identified harm to the character of the Strensall Conservation Area by the siting of the building to the south west of the conservation area boundary. The building will be of a larger scale than previously and will be more visible in views out of the conservation area. However the amount of harm is considered to be modest rather than significant. The NPPF states that great weight should be attached to an identified harm to a designated heritage asset and the greater the importance of the asset, the greater the weight. Given the proposal affects the character of the conservation area from views to the outside, this is considered to further reduce the weight against granting permission to be apportioned in the planning balance. Furthermore, the harm should be weighed against the public benefits of a modernised, replacement care home with improved facilities and an improved landscaping scheme for residents in an area of recognised need for care home place. The proposed design will be more energy efficient in terms of meeting the climate change policies in the 2018 Draft Plan and will result in an increased permeable area for drainage with a new drainage strategy. There are further limited public benefit in the form of temporary employment during the construction period and measures for bat habitation incorporated into the design. The identified harm is not considered to outweigh these identified benefits. The proposal is therefore considered to be acceptable and is recommended for approval subject to the following conditions and a legal agreement to cover the monitoring of parking on the public highway.

74b) 61A Gale Lane, York, YO24 3AD [20/00494/FULM]

Members considered a full application from Inglehurst Properties for the erection of 3 storey building to form 8no. apartments and 2no. semi-detached bungalows to the rear following demolition of existing bungalow with new access and associated landscaping.

Officers gave a presentation based upon the slides at pages 73-90 of the Agenda and reported:

- A further objection received from the occupier of 61 Gale Lane on the grounds that although they note the obscure glazed window at first floor level, their preference would be for this to be removed entirely. They also considered that there was loss of privacy to their garden from the ground floor patio door and window.
- Further information on the floor area as follows:
Gross Floor Area of the development is approximately 670 square metres.

The units measure approximately:

Unit 1 – 43 square metres

Unit 2 (2 bed) – 58 square metres

Unit 3 – 48 square metres

Unit 4 – 48 square metres

Unit 5 – 51 square metres

Unit 6 – 48 square metres

Unit 7 – 48 square metres

Unit 8 – 51 square metres

Bungalows – 67 square metres

- Amended Condition 3 which sets out drainage details.
- Additional Condition 15 requesting details of the reduction in carbon emissions the development would achieve.

In response to questions from Members, officers confirmed that:

- If there were new material considerations, this item would be brought before this committee for consideration.
- That most of the properties flats and bungalows would meet, or be very close to meeting, the space standards for planning 2015 as set out by the Department for Communities and Local Government. The Planning Officer explained that as this standard had not been confirmed by a Local Plan, this therefore could not be applied in consideration of this application. The current position was that legally there was no minimum size standard.
- The Housing in Multiple Occupation (HMO) Licensing requirements in respect of room sizes, could also not be applied in consideration of this application.
- Further information would be provided to Members who sit on the Planning Committees, in the form of a briefing or

further training, on space standards and why they were not applied.

After debate, Cllr Galvin moved, and Cllr Webb seconded, that delegated authority be given to the Head of Development Services to approve this application after the expiry of the consultation period, subject to no new material objections, in accordance with the officer recommendation with the addition of amended Condition 3 which sets out drainage details and an additional Condition 15 requesting details of the reduction in carbon emissions the development would achieve. Cllrs: Craghill, Daubeney, Fisher, Galvin, Orrell, Waudby, Webb and Hollyer all voted in favour of this motion. Cllrs: Melly, Pavlovic and Perrett voted against this motion and it was therefore:

Resolved: That DELEGATED AUTHORITY be given to the Head of Development Services to APPROVE this application after the expiry of the consultation period, subject to no new material objections and subject to the conditions listed in the report and the following amended and additional conditions:

Amended Condition 3

Prior to the commencement of the development hereby approved (excluding demolition of the existing bungalow), the suitability of new soakaways as a means of surface water disposal shall be ascertained in accordance with BRE Digest 365 to the satisfaction of the local planning authority. If the soakaway is proved to be unsuitable, drainage shall be carried out in accordance with the submitted drainage strategy detailed on plan – Drainage Design – Re: YH659/1D dated 5th February 2020 by HM Designs. Unless otherwise approved in writing by the Local Planning Authority, the development shall be implemented in strict accordance with the details thereby approved.

Reason: To ensure that the site can be safely and effectively drained and to secure compliance with Policy GP15a) of the York Development Control Local Plan. It is considered necessary

that drainage details are approved prior to the carrying out of any groundworks on the site, which may compromise the implementation of an acceptable drainage solution for the development.

Additional Condition 15

Details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the buildings and the development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations). Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with Policies CC1 and CC2 of the Publication Draft Local Plan 2018.

Additional Condition 16

That suitable secure cycle parking spaces at a ratio of one space per dwelling be provided.

Reason: To encourage sustainable travel.

Additional Condition 17

That electric vehicle charge points be provided.

Reason: To assist in the reduction in carbon emissions.

Reason for Approval

The proposed development departs from the previous approved scheme slightly increasing the scale of the scheme, however these are modest increases, such as 0.25 metre increase in height to the proposed apartment block. The proposal would result in an increase in the number of units approved under permission 19/00583/FULM by one, thereby according with the national and local policies for boosting housing supply. It is noted that the revised plans including the change in roofing material and the introduction of further obscure glass to windows is subject to re-consultation which ends on 21 August. No comments have yet been received and it is considered the introduction of obscure glazing overcomes the concerns raised in terms of privacy to neighbours. When considered against national and local planning policies, the proposed development is considered to be acceptable subject to the following conditions.

74c) Site to the rear Of 5 Cherry Lane York [19/02729/OUT]

Members considered an outline application from Crossways Commercial Estates Limited for the erection of 5no. detached dwellings with means of access.

Officers gave a presentation based upon the slides at pages 117 -123 of the Agenda and reported:

- The following update to their recommendation as follows: Approve, subject to a Section 106 Agreement to secure the following obligations:
 - Affordable housing (contribution of £31,547.98 per dwelling); and
 - **Formation of a management company to manage and maintain landscaped areas outside residential curtilage in accordance with agreed scheme.**
- An amendment to paragraph 5.20 of the committee report to read 'A short section of hedge (approximately **7m or 4%** of the hedge)'.
4%
- A replacement of Condition 10 with the following 3 conditions:

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's).

Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

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

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

If SuDs methods can be proven to be unsuitable then in accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak

run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

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

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

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

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

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

(iii) 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.

- Additional Condition 27

The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme 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 which within a period of five years from the completion of the development 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.

Mr Lacopi had registered to speak, however, he had intended to speak on an application that was not due to be discussed at this committee at the present time.

Cllr Fenton, Ward Member for Dringhouses and Woodthorpe mentioned that whilst he was pleased with Condition 23 road safety audit, he suggested that there needed to be further mitigations, should the application be approved, such as traffic speed control. He considered that the applicant should be approached with a request for a commutable sum in respect of education, given the size of the site. He considered that the application would adversely impact upon the 'green corridor'.

Mr Keogh from O'Neill Associates, Agent for the Applicant, explained that the site provided an opportunity for much needed housing in the City. The applicant had agreed to many sustainability features. The third-party objections had been addressed. The proposal provided for a management plan to ensure its nature interest was maintained.

The Applicant, Mr Dorman, was also available to respond to Members questions.

In response to questions from Members, officers confirmed that:

- The site was a windfall site in an urban area.
- The NPPF stated that a commutable sum could be requested in respect of education on an application in excess of 10 dwellings or one hectare in size. A request for a commutable sum for education had not been made, officers advised that Members could request this.
- Officers checked the detailed ecology report and confirmed that there were no protected ecology in the surrounding Site of Importance for Nature Conservation (SINC).

- A management company would manage the open space in the SINC, which would be administered as a service charge to the residents of these dwellings.

After debate, Cllr Orrell moved, and Cllr Pavlovic seconded, that the application be refused, overturning the officer recommendation, for the following reasons, which included:

Previous consideration of the site for housing allocation through the Local Plan process had been rejected. The proposal would erode the green corridor and adversely impact upon the openness and character of the area contravening policy G13.

A second motion to defer the application was moved by Cllr Melly and seconded by Cllr Fisher. A Member considered that the second motion to defer the decision on this application should take precedence over the first motion to refuse this application. The Senior Solicitor advised that motions should be taken in the order that they are proposed and that any change to that order would be at the discretion of the Chair.

A vote was taken on the first motion to refuse the application, which had been moved by Cllr Orrell, and seconded by Cllr Pavlovic. Cllrs: Craghill, Daubeney, Melly, Orrell, Pavlovic, Perrett, Waudby, Webb and Hollyer all voted in favour of this motion. Cllr Galvin voted against this motion, Cllr Fisher abstained from voting, and it was therefore:

Resolved: That the application be REFUSED

Reason: That delegated authority be given to the Head of Development Services to formulate the reason for refusal in consultation with the Chair and Vice Chair.

[The committee adjourned for 5 minutes]

**74d) Etas Ltd. Bacchus House, Link Road, Court, Osbaldwick
Link Road, Osbaldwick, [19/02738/FULM]**

Members considered a full application from Mr Chris Parker for permission for the change of use from offices (Use Class B1) to a health care unit (Use Class D1), and single storey extension and flat roof canopy to the north west elevation.

Officers gave a presentation based upon the slides at pages 143 to 157 of the Agenda and reported that the applicant had submitted a BREEAM Statement confirming that the proposed development can achieve BREEAM 'Very Good'. As a consequence, Officers therefore requested that Members give consideration to the addition of the following condition:

Additional Condition 14

The development hereby approved shall be constructed to a BREEAM standard of 'Very Good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed).

Reason: In the interests of achieving a sustainable development in accordance with the requirements of the NPPF.

There were no registered speakers, although Mr Ian Moore of Richard Eves Architects, Agent for the Applicant, was available to respond to Members' questions.

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

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

Additional Condition 14

The development hereby approved shall be constructed to a BREEAM standard of 'Very Good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed).

Reason: In the interests of achieving a sustainable

development in accordance with the requirements of the NPPF.

Reason for Approval:

The proposed development would result in the loss of office use/accommodation, however the proposed use is considered to employ similar numbers to the permitted use. The proposed use would provide an expansion to the capacity of this service and would benefit the health of the wider population for the city and the surrounding area. Officers recommend approval of the scheme subject to the completion and signing of a Section 106 agreement covering introduction of parking restrictions to the surrounding area.

The proposal falls within class D1 (Non-residential institutions) of the Use Classes Order 1987 (as amended). Permitted uses within D1 use class include clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court, non-residential education and training centres. Change of use to a different use within the same use class does not normally require planning permission. Whilst the currently proposed use is in principle acceptable in this area - subject to appropriate conditions - the characteristics of other uses in class D1 may make those uses unacceptable. A condition should therefore be attached limiting the planning permission to the proposed clinic use only and no other use within class D1.

Cllr Hollyer, Chair_

[The meeting started at 4.30 pm and finished at 8.30 pm].

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.

Application Reference Number: 19/02750/FULM

Item No:

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.

Application Reference Number: 19/02750/FULM

Item No:

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

Application Reference Number: 19/02750/FULM

Item No:

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

Application Reference Number: 19/02750/FULM

Item No:

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.

- 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

Application Reference Number: 19/02750/FULM

Item No:

- 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

Application Reference Number: 19/02750/FULM

Item No:

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

Application Reference Number: 19/02750/FULM

Item No:

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.

Application Reference Number: 19/02750/FULM

Item No:

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,

Application Reference Number: 19/02750/FULM

Item No:

- 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.

Application Reference Number: 19/02750/FULM

Item No:

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.

Application Reference Number: 19/02750/FULM

Item No:

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

Application Reference Number: 19/02750/FULM

Item No:

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

Application Reference Number: 19/02750/FULM

Item No:

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

Application Reference Number: 19/02750/FULM

Item No:

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/ozone 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:

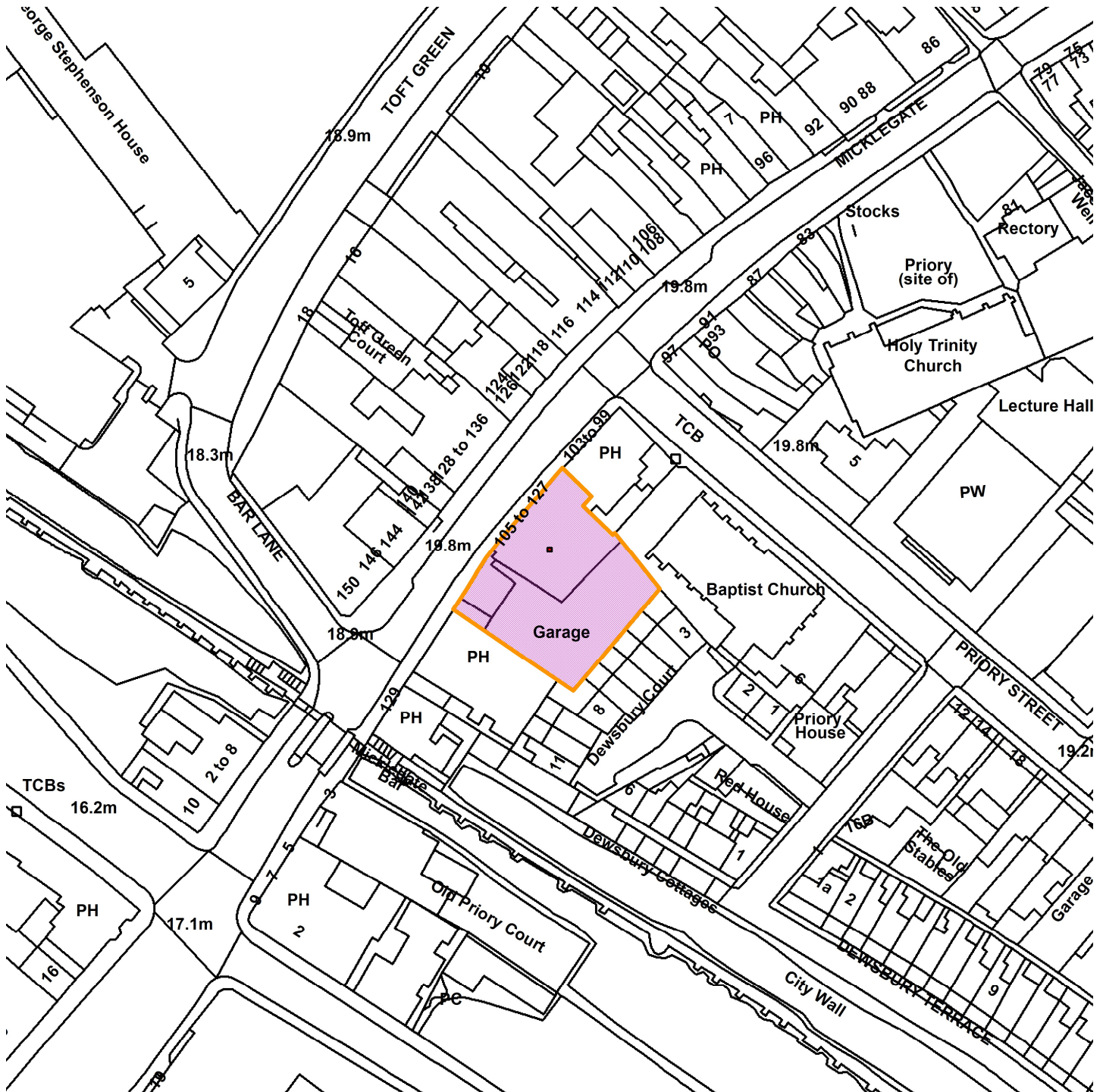
Case Officer: Tim Goodall
Tel No: 01904 551103

105 - 111 Micklegate, York

19/02750/FULM



GIS by ESRI (UK)



Scale : 1:1159

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	07 September 2020
SLA Number	

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Area Planning Sub-Committee

19/02750/FULM
105 - 111 Micklegate

Existing site plan



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KEY
 Site boundary

Vincent & Brown
 Studio 12, Millthorpe Business Park
 The Ball Lane, Brighthelm, York YO32 2BD
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Project:
 105-111 Micklegate
 York
 Drawing:

Existing Site Plan			
Date	Drawn by	Checked by	Scale
18/12/19	Planning	CA	NB
Scale: 1:200 @ A1			
Job number	Project name	Drawn by	Checked by
17075-VB	XX-XX-DR-A	(09)02	

EXISTING SITE PLAN
 1 : 200

Existing Micklegate elevation



ELEVATION 01 - VIEW FROM MICKLEGATE
1 : 200



ELEVATION 02 - VIEW OF OPPOSITE BUILDINGS ON MICKLEGATE
1 : 200

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LOCATION PLAN

revision	date	description
<p align="center">Vincent & Brown</p> <p align="center"><small>Studio 12, Whitefriars Business Park 100 Falsgrave, Harrogate, North Yorkshire, YO22 9BG t: 01832 780041 or email: vincentandbrown.com</small></p>		
<p><small>project:</small> 105-111 Micklegate York</p>		
<p><small>drawing:</small> Existing Contextual Elevation</p>		
<small>date:</small>	<small>drawn by:</small>	<small>checked by:</small>
18/12/19	Planning	CA MB
<small>scale:</small>	<small>1:200 @ A1</small>	
<p><small>job number:</small> 17075- <small>planning phase:</small> VB- <small>land use:</small> XX- <small>type:</small> DR- <small>date:</small> A- <small>drawing number:</small> 002/07</p>		

Existing Priory Street elevation



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LOCATION PLAN

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project
 105-113 Micklegate
 York
 drawing

Existing Priory Street Elevation (North East)

date	sheet	drawn by	checked by
18/12/19	Planning	CA	MB
scale	sheet size		
1:100 @ A1			
job number	project name	sheet	date
17075-1	VB-100-100-DR-A-	000100	18/12/19

EXISTING PRIORY STREET ELEVATION (NORTH EAST)
 1 : 100

Existing Rear elevation

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LOCATION PLAN



EXISTING DEWSBURY COURT ELEVATION (SOUTH EAST)
 1 : 100

revision	date	description

Vincent & Brown
 South 11, 109 Micklegate (Business Hub)
 One Salt Lane, Bishopscopps, York YO1 2SD
 t 01904 700841 or studio@vincentandbrown.com

project
 105-111 Micklegate
 York

drawing

Existing Dewsbury Court Elevation (South East)

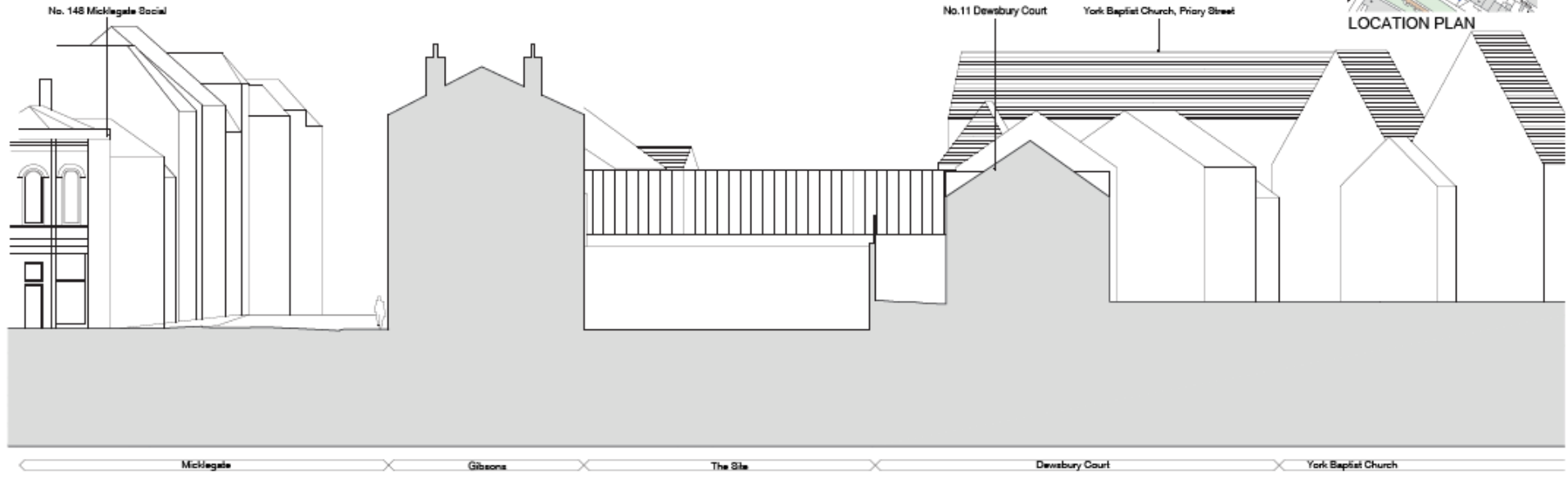
date	drawn by	checked by	approved by
18/12/19	Planning	CA	MB

scale
 1:100 @ A1

job number	project	area	level	type	drawing number	revision
12075	VB	XX	XX	DR	A	(00)10

Existing south elevation

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EXISTING BAR WALLS ELEVATION (SOUTH WEST)
 1 : 100

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project
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 York

Existing Bar Walls Elevation (South West)

date	18/12/19	drawn by	Planning	check by	CA
scale	1:100 @ A1	date	18/12/19	drawn by	NB

job number	17075	project	VB-XX-XX-DR-A	sheet	0011
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Proposed Site plan



PROPOSED SITE PLAN
1 : 200

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KEY
— site boundary

PI	1880000	Final Planning Scheme
author	date	description
Vincent & Brown		
Studio 112, Micklegate, Red House Park 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200		
t: 01924 598911 e: info@vincentandbrown.com		
project 205-111 Micklegate York		
drawing Proposed Site Plan		
date 03/23/07	drawn by Planning	checked by CA
scale 1:200 @ A1		drawn by NB
job number 17075-VB	stage XX	sheet 09-A-10002
		revision P1

Proposed front elevation



PROPOSED STREET ELEVATION (NORTH WEST)
1 : 200

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KEYPLAN
1 : 1000



PROPOSED MICKLEGATE ELEVATION (NORTH WEST)
1 : 100

MATERIALS KEY

General Note:
All materials as specified, unless otherwise approved by Planning Condition

- 01 Roof Material - Standing Seam Pre-Weathered Quartz-Zinc
- 02 Feature Corner - Standing Seam Pre-Weathered Quartz-Zinc
- 03 Silicone Scraped Texture finish Render - White
- 04 Anodised Aluminium Window Frames, Projecting Window/door Surrounds, Door Panels (where grey). Colour to match roof
- 05 Anodised Aluminium Recessed rainwater pipe. Colour to match roof
- 06 Cream Multi Brickwork - Iwanhoe Cream Original in Flemish bond to front and english bond to side and rear. Brick bonding to adopt historical hierarchy with Flemish bond to the Micklegate elevation, and English bond to the flanks and rear. Exact type and mortar colour to be approved by Planning Condition
- 07 Timber panels and fins - Solid European Oak external cladding/members treated with clear protection oil (Unless otherwise approved by Condition. Details to be confirmed in a Specialist Timber Report and approved by Condition)
- 08 Anodised Aluminium Insulated spandrel panel. Colour to match roof
- 09 Cream Multi Brick fins to feature wall - Iwanhoe Cream Original. Exact type and mortar colour to be approved by Planning Condition.
- 10 Anodised aluminium spandrel panels and window frames with Laminated heat strengthened Low-E glass and spandrel panels - Patina Brass Antique Finish
- 11 Pre-Weathered Quartz-Zinc rainscreen panel to match roof

P1 0800000 - External Planning Scheme

revision	date	description

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project
105-111 Micklegate
York

Proposed Micklegate Elevations (North West)

date	author	checked by	checked by
18/12/19	Planning	CA	NB

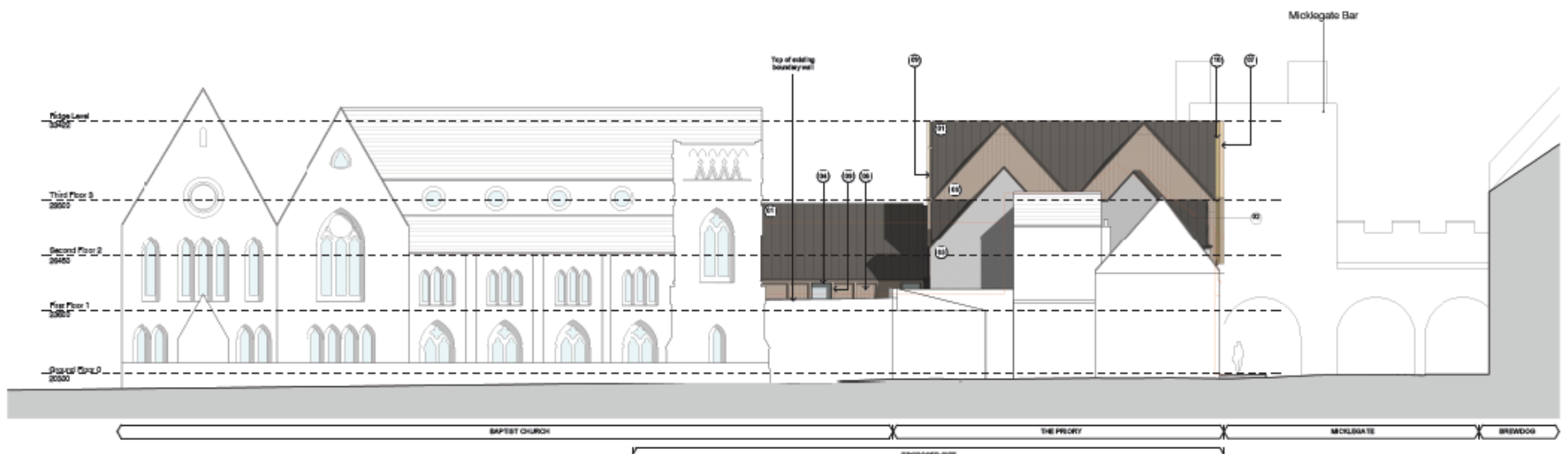
notes - see drawing

job number	client	site	type	date	drawing number	revision
17075-VB	XX	XX	DR-A	10/01/13	P1	

Proposed Priory Street elevation



KEYPLAN
1 : 1000



PROPOSED PRIORY STREET ELEVATION (NORTH EAST)
1 : 100

MATERIALS KEY

General Note:
All materials as specified, unless otherwise approved by Planning Condition

- 01 Roof Material - Standing Seam Pre-Weathered Quartz-Zinc
- 02 Feature Dormer - Standing Seam Pre-Weathered Quartz-Zinc
- 03 Silicone Scraped Texture Finish Render - White
- 04 Anodised Aluminium Window Frames, Projecting Window/door Surrounds, Door Panels (where grey), Colour to match roof
- 05 Anodised Aluminium Recessed rainwater pipe. Colour to match roof
- 06 Cream Multi Brickwork – Ivenhoe Cream Original in Flemish bond to front and English bond to side and rear. Brick bonding to adopt historical hierarchy with Flemish bond to the flanks and rear. Exact type and mortar colour to be approved by Planning Condition
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- 09 Cream Multi Brick fins to feature wall – Ivenhoe Cream Original. Exact type and mortar colour to be approved by Planning Condition.
- 10 Anodised aluminium spandrel panels and window frames with Laminated heat strengthened Low-E glass and spandrel panels - Patina Brass Antique Finish
- 11 Pre-Weathered Quartz-Zinc rainscreen panel to match roof

Vincent & Brown Planning Services

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project: 105-111 Micklegate
York

Proposed Priory Street Elevation (North East)

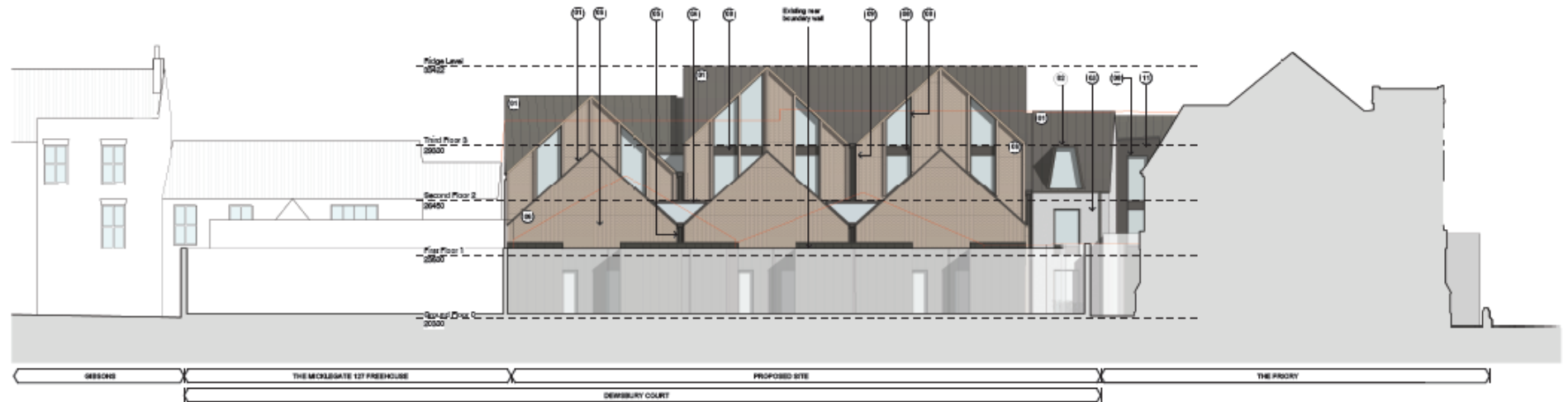
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scale	drawing number		
1:100 @ A1	10		
job number	client	date	drawing number
17075-VB-	XX-XX-	08-A-	100116
			P1

Proposed rear elevation

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KEYPLAN
1 : 1000



PROPOSED DEWSBURY COURT ELEVATION (SOUTH EAST)
1 : 100

MATERIALS KEY

General Note:
 All materials as specified, unless otherwise approved by Planning Condition

- 01 Roof Material - Standing Seam Pre-Weathered Quartz-Zinc
- 02 Feature Dormer - Standing Seam Pre-Weathered Quartz-Zinc
- 03 Silicone Scraped Texture finish Render - White
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- 05 Anodised Aluminium Recessed rainwater pipe. Colour to match roof
- 06 Cream Multi Brickwork - Ivanhoe Cream Original in Flemish bond to front and english bond to side and rear. Brick bonding to adopt historical hierarchy with Flemish bond to the Micklegate elevation, and English bond to the flanks and rear. Exact type and mortar colour to be approved by Planning Condition
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- 10 Anodised aluminium spandrel panels and window frames with Laminated heat strengthened Low-E glass and spandrel panels - Patina Brass Antique Finish
- 11 Pre-Weathered Quartz-Zinc rainscreen panel to match roof

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Proposed Dewsbury Court Elevation (South East)

date	author	checked by	approved by
18/12/19	Planning	CA	NB

date	scale	sheet	total sheets
18/12/19	1:100 @ A1	10	11

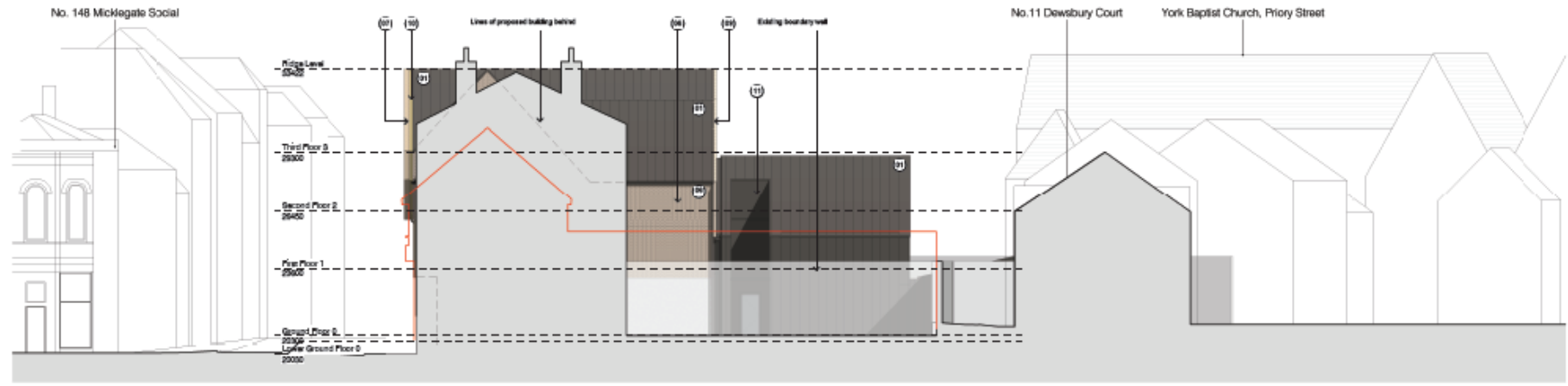
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Proposed South elevation

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KEYPLAN
1 : 1000



MATERIALS KEY

General Note:
All materials as specified, unless otherwise approved by Planning Condition

- 01 Roof Material - Standing Seam Pre-Weathered Quartz-Zinc
- 02 Feature Dormer - Standing Seam Pre-Weathered Quartz-Zinc
- 03 Silicone Scraped Texture finish Render - White
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- 10 Anodised aluminium spandrel panels and window frames with Laminated heat strengthened Low-E glass and spandrel panels - Patina Brass Antique Finish
- 11 Pre-Weathered Quartz-Zinc rainscreen panel to match roof

7/1 08820200 Edward Pritchard Architects
version date description

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York
01904 700511 | v&b@vincentandbrown.com

Proposed Bar Walls Elevation (South West)

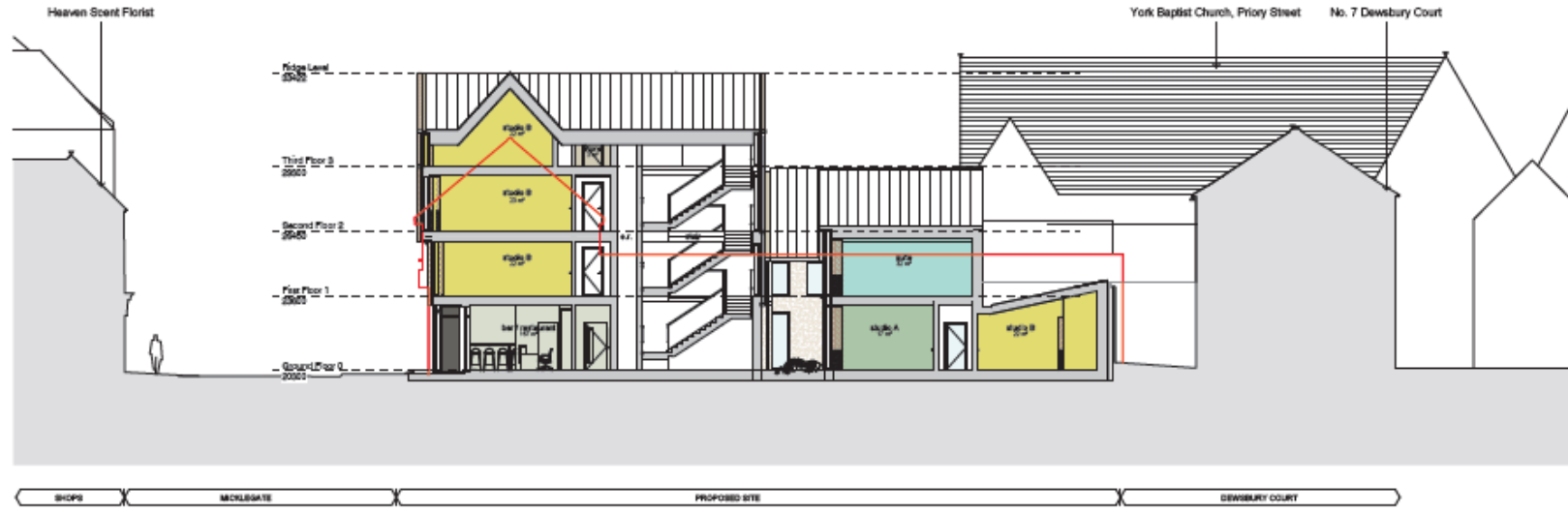
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18/12/19	Planning	CA	NB

scale: 1:100 @ A1

job number	project name	level	type	drawing number	revision
17075-	VB-	XX-XX-	DR-A-	105115	P1

PROPOSED BAR WALLS ELEVATION (SOUTH WEST)
1 : 100

Proposed section



PROPOSED SECTION BB
1 : 100

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KEYPLAN
1 : 1000

- KEY**
- Hotel/Ancillary Bar/Restaurant
 - Plant Room
 - Cycle Store
 - Bin Store
 - Store
 - Studio A 1870 sqm
 - Studio B 2226 sqm
 - Studio C 2192 sqm
 - Outline of existing buildings

PI 1000000 Existing Planning Scheme
version date description

Vincent & Brown

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project
105-111 Micklegate
York
drawing

Proposed Section BB

date	stage	drawn by	checked by
18/12/19	Planning	CA	NB

scale
1:100 @ A1
sheet size
A1

no.	revisions	date	by	checked by	reason	
17075-	VB-	XX-	XX-	DL-A-	03/09/19	PI1



Proposed section



PROPOSED SECTION CC
1 : 100

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KEYPLAN
1 : 1000

- KEY**
- Hotel/Ancillary Bar/Restaurant
 - Plant Room
 - Cycle Store
 - Bin Store
 - Store
 - Studio A 1879 sqm
 - Studio B 2256 sqm
 - Studio 3152 sqm
 - Outline of existing buildings

PI 10000000 Project/Planning Details
version date description

Vincent & Brown
Studio 12, 100 Middleway Business Park
One Bell Lane, Bishops Cleeve, York, YO21 3EP

project
105-111 Micklegate
York
drawing

Proposed Section CC

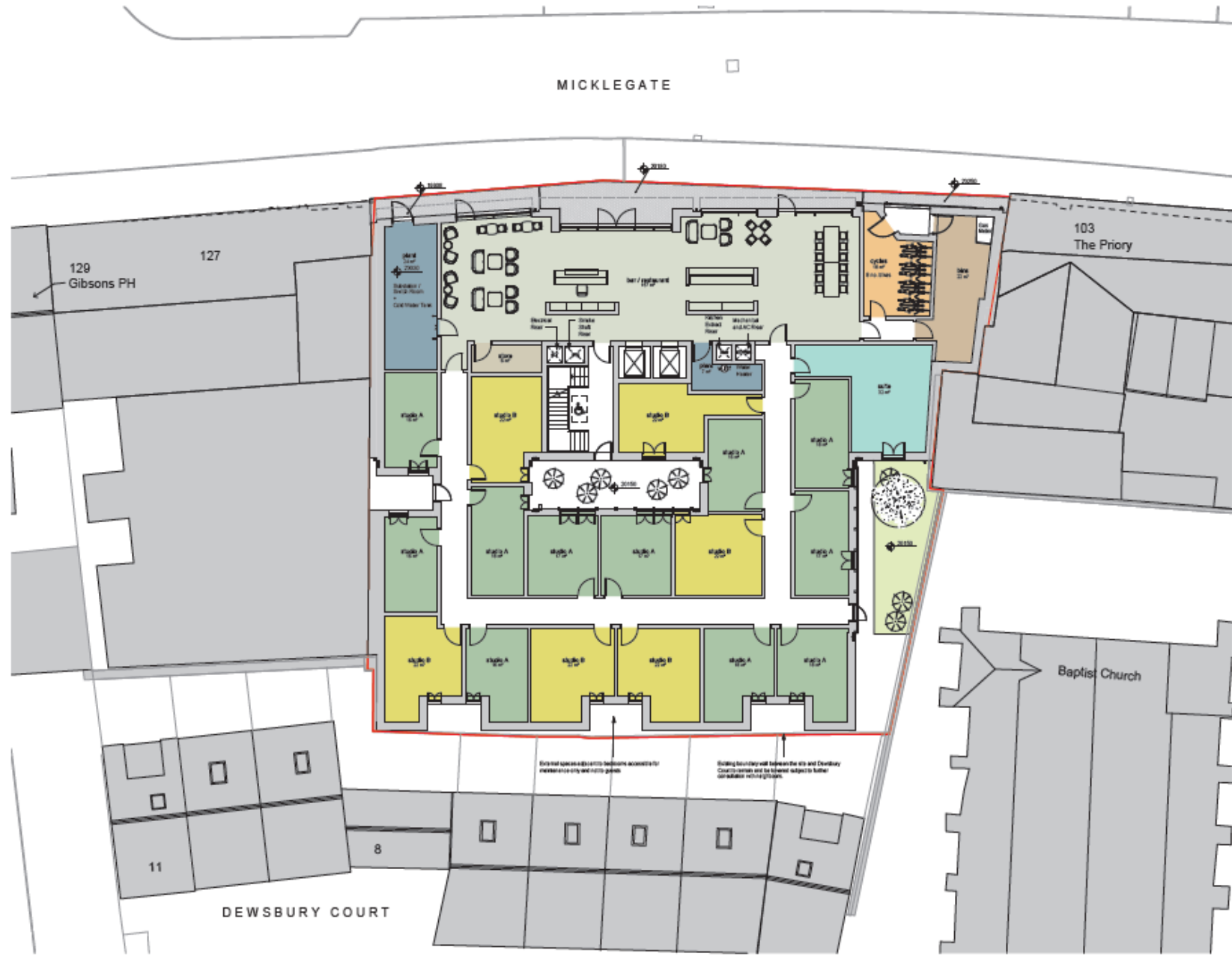
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18/12/19	Planning	CA	HB

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1:100 @ A1

sheet number	project name	sheet	type	revision number	revision
1/07/19	VB-105-111-MG-A	00010	PI		



Proposed ground floor plan



PROPOSED GROUND FLOOR PLAN
1 : 100

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- KEY**
- Hotel Ancillary Back/Bar/Restaurant
 - First Floor
 - Cycle Store
 - Bin Store
 - Stairs
 - Studio A 10719 sqm
 - Studio B 22128 sqm
 - Studio 21512 sqm
 - Site Boundary

NOTE
Internal features layout to bar / restaurant indicative only

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 York
 01904 308611 | info@vincentandbrown.com

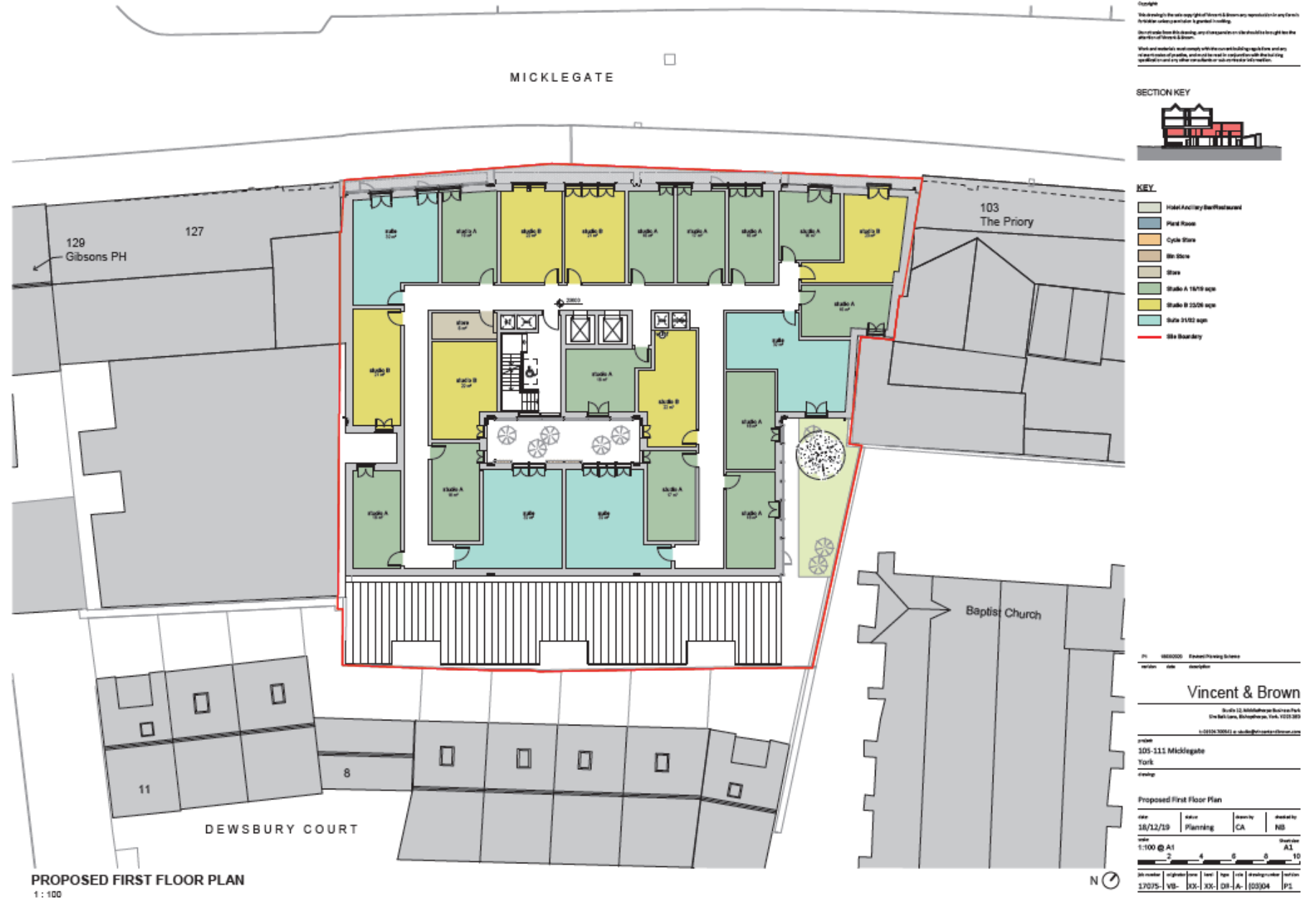
Vincent & Brown
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 The Salt Lanes, Bishops Cleeve, York, YO21 3EP
 01904 308611 | info@vincentandbrown.com

103-111 Micklegate
 York
 18/12/19
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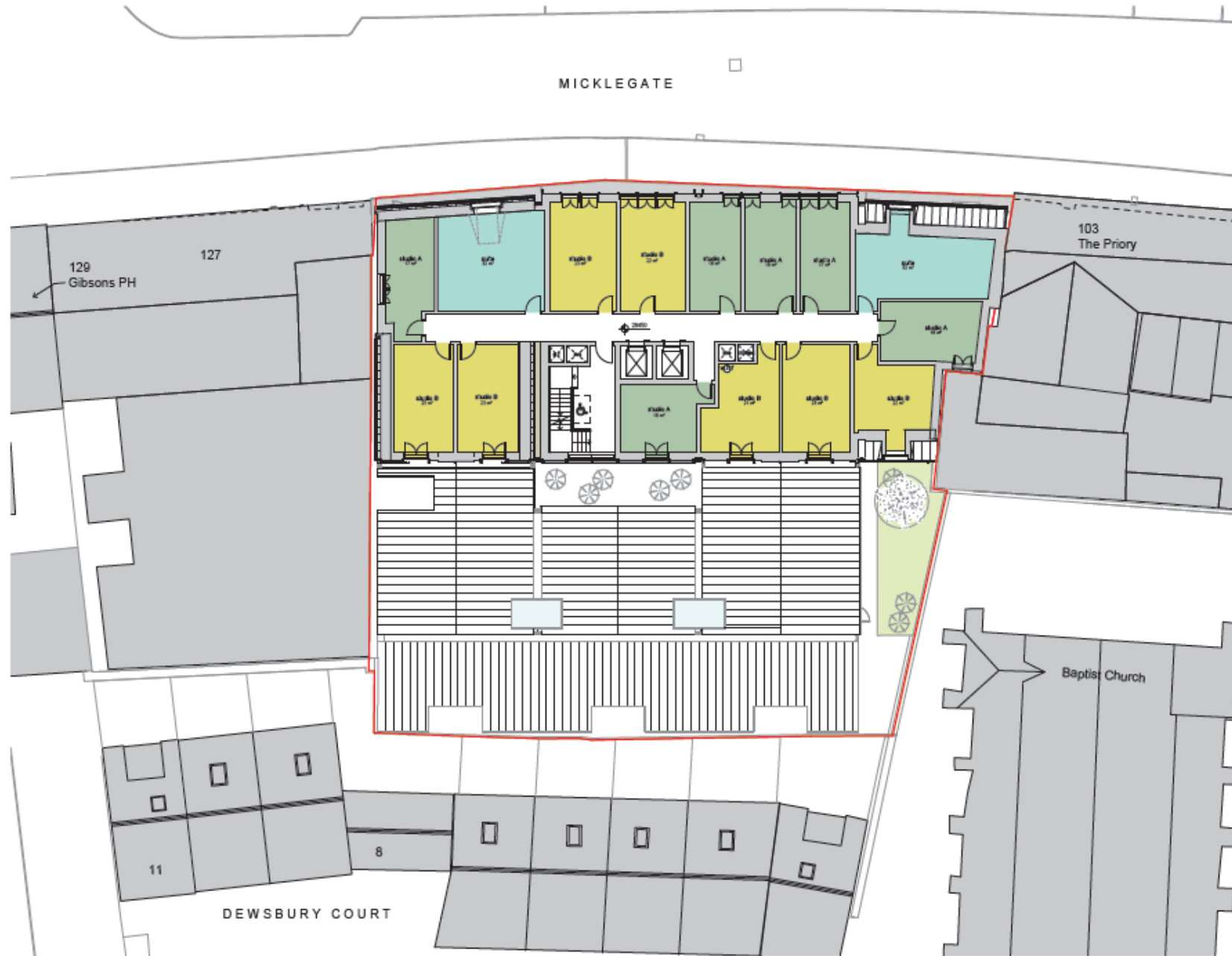
date	stage	drawn by	checked by
18/12/19	Planning	CA	NS

17075-VB-XX-XX-DH-A-10303 P1

Proposed first floor plan



Proposed second Floor plan



PROPOSED SECOND FLOOR PLAN
1 : 100

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- KEY**
- Hotel Auxiliary Bar/Restaurant
 - Plant Room
 - Cycle Store
 - Men Store
 - Store
 - Studio A 16750 sqm
 - Studio B 22750 sqm
 - Studio C 21250 sqm
 - Site Boundary

Project: 103-111 Mickle Gate, York

Vincent & Brown
Architects

103-111 Mickle Gate, York, YO1 1JL
t: 01904 300611 e: info@vincentandbrown.com

Client: 103-111 Mickle Gate, York

Scale: 1:100 @ A1

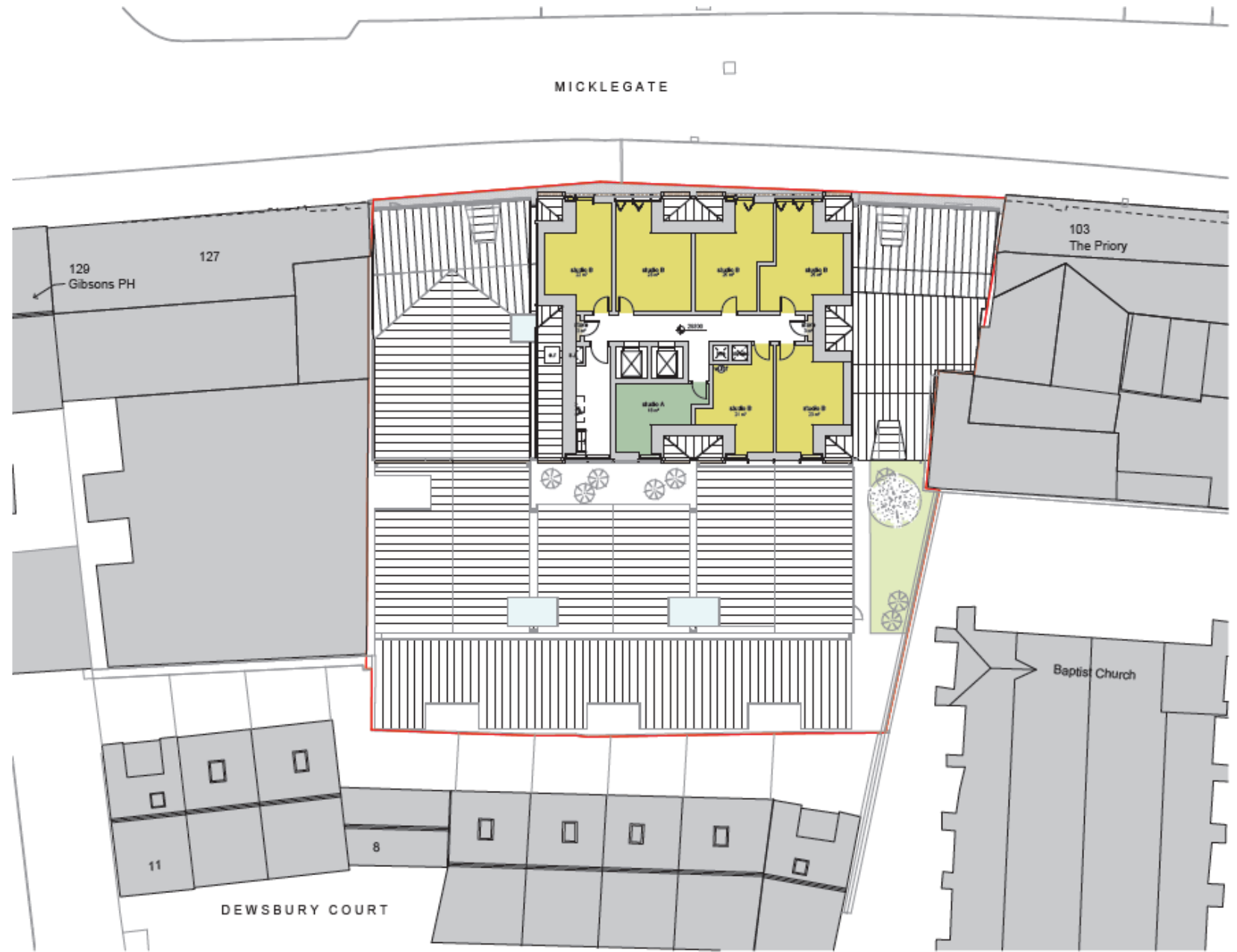
Date	Issue	Drawn by	Checked by
18/12/19	Planning	CA	NB

Scale: 1:100 @ A1

0 2 4 6 8 10

Job number	Client	Area	Level	Scale	Date	Drawn by	Checked by
17075-VB-	XX-	XX-	DR-A-	10000	18/12/19	CA	NB

Proposed third floor plan



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- KEY**
- Hotel Ancillary Bar/Restaurant
 - Plant Room
 - Cycle Store
 - Bin Store
 - Store
 - Studio A 150sq ft
 - Studio B 250sq ft
 - Studio B 100sq ft
 - Site Boundary

PROPOSED THIRD FLOOR PLAN
 1 : 100

Project: 105-111 Mickle Gate
 Location: York

Vincent & Brown
 Studio 12, Millthorpe Business Park
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 t: 01904 300611 e: vincent@vincentandbrown.com

Project: 105-111 Mickle Gate
 Location: York

Proposed Third Floor Plan

Date	Author	Checked by	Drawn by
18/12/19	Planning	CA	NB

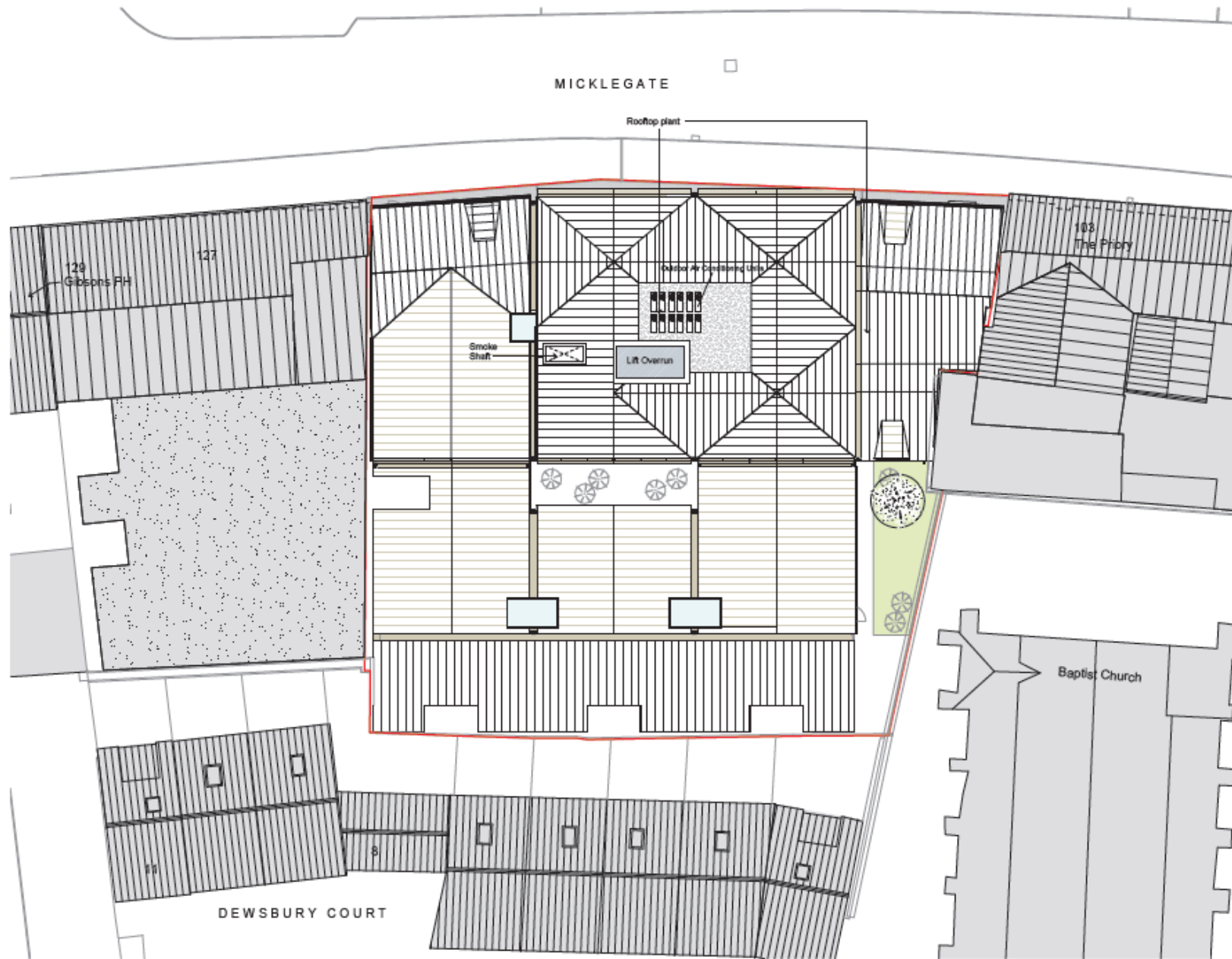
Scale: 1:100 @ A1

Sheet: A1

Revision table:

No.	Description	Date	By	Check	Approved
17075	VB	18/12/19	CA	DF	A

Proposed roof plan



PROPOSED ROOF PLAN
1 : 100

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project: 105-111 Micklegate
York

Proposed Roof Plan

date	drawn	checked	drawn by	checked by
18/12/19	Planning	CA	CA	NB

scale: 1:100 @ A1
sheet: A1

job number	revisions	date	by	checked	description
17075-VB-	XX-XX-	DR-A-	10/07	PL	

Site beyond Priory PH



Site from Bar Lane



Site from steps to city walls



Site and Micklegate from
Micklegate Bar



Rear of site from walls



Rear of site from Priory Street



COMMITTEE REPORT

Date: 17 September 2020 **Ward:** Rural West York

Team: West Area **Parish:** Nether Poppleton Parish
Council

Reference: 18/02692/FUL

Application at: The Lord Nelson 9 Main Street Nether Poppleton York YO26 6HS

For: Erection of 2no. dwellings with detached garages on land to the rear of the Lord Nelson pub

By: Mr Thomas

Application Type: Full Application

Target Date: 23 April 2019

Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks permission for the erection of two detached dwellings on land to the rear of The Lord Nelson Public House, Nether Poppleton, which has previously been used for the storage of caravans. Access to the site would be via the existing vehicular access which serves the land and the existing public house. The properties would be located to the north western boundary of the site, adjacent to Hall Garth and would be two storeys in height. Both properties would have large gardens associated with them and ample off street parking.

1.2 The site lies within the Nether Poppleton Conservation Area and is unallocated within the Upper and Nether Poppleton Neighbourhood Plan Policy Map and the Draft Local Plan 2018 Policy Map. Poppleton House which is Grade II* listed lies to the south east of the site and is separated by mature landscaping and high boundary walls.

Call-in

1.3 The application has been called to committee by Cllr Hook due to concerns in connection with the location within the conservation area, potential impact upon archaeological features, the scale of the dwellings, the potential detrimental impact upon the public house, surface water drainage and possible conflict with traffic and parked vehicles.

Application Reference Number: 18/02692/FUL

Item No:

2.0 POLICY CONTEXT

Upper Poppleton and Nether Poppleton Neighbourhood Plan

PNP4	Village Design Statement
PNP6A	Development with Upper Poppleton and Nether Poppleton
PNP3	Development within Conservation Areas

Draft Development Control Local Plan 2005

GP1	Design
GP4a	Sustainability
HE2	Development in Historic Locations
HE3	Conservation Areas
GP4B	Air Quality
GP15A	Development and Flood Risk
H4A	Housing Windfalls

Publication Draft Local Plan 2018

D1	Placemaking
D2	Landscape and setting
DP3	Sustainable communities
HE2	Development in Historic Locations
HE3	Conservation Areas
ENV2	Managing Environmental Quality
ENV4	Flood Risk
CC2	Sustainable Design and Construction of New Development

2.0 CONSULTATIONS

Design, Conservation and Sustainable Development

City Archaeologist

Application Reference Number: 18/02692/FUL

Item No:

2.1 The proposed development area is within the historic village of Nether Poppleton. It occupies a village toft leading back from the Main St which has seen little disturbance. It is an area of archaeological interest.

2.2 An archaeological evaluation of this site is required ahead of the construction of any proposed dwellings. This will assess the impact of the scheme on any surviving archaeology on the site and allow a mitigation strategy to be agreed. Should nationally significant archaeology be discovered during the evaluation preservation in-situ may be required. If archaeological features of regional/local significance are located on the site a full excavation may be required. Conditions are sought.

Conservation Officer

2.3 Significant amendments have been made to the proposal scheme, however, conservation cannot support the application. Development is proposed along the length of the plot and across approximately half of its width. Both houses are 2 storeys. The scale of the dwellings together with the rise of the land would mean that the development would draw attention to the development from outside the site. The subdivision of the site would be apparent as the brick boundary walls (and entrance gate and piers) would be visible from in front of the site access. The effect would be to draw attention to the subdivision of the historic plot and its overlaying with development of modern suburban form. By doing so, it would fail to preserve the character of the conservation area and detract from the setting of the grade II listed Poppleton House.

Landscape Architect

2.4 The trees within the grounds of Poppleton House adjacent to the southeast boundary of the site are subject to a tree preservation order TPO 1/1970 –A5. They are also located within the Nether Poppleton conservation area. The trees contribute to the setting and public amenity of the conservation area and their scale is fitting to the setting of Poppleton House (a Grade II listed property).

2.5 In the latest proposals, the building footprint of the dwelling on plot 2 is much further away from the existing trees within the grounds of Poppleton House. To this end it would probably be possible, with strict adherence to a suitable arboricultural

method statement (AMS), to construct the house and other buildings without entering the recommended root protection area of the trees.

2.6 These are tall mature trees that have a dominating presence both in stature and due to the shade they will cast in the summer months, in particular over plot 2 during the morning and early afternoon. The trees will also produce a large quantity of seasonal fall, e.g. leaves, nuts/seeds, and twigs.

Public Protection

2.7 This application is for the construction of 2 new dwellings close to a commercial use. This commercial use; a public house, can generate noise from plant/machinery located to the rear, noise from the use of the car park and also noise from the customers using the premises. All of these existing noise sources could cause disturbance to the future occupants of these new dwellings. As such a condition is proposed requesting a detailed scheme of noise insulation measures for the dwellings. A condition is also proposed in connection with electric vehicular recharging sockets.

Highway Network Management

2.8 No objections are raised. Adequate turning has been provided within the site for delivery vehicles to the public house and adequate on site car parking has been retained. It is not considered that significant overspill car parking onto the highway will occur due to the public houses' location within the settlement. The parking of the bus to the front of the public house is an existing situation and is unlikely to be affected by the proposal.

Flood Risk Management Team

2.9 The Flood Risk Management Team witnessed site specific soakaway testing on the 9th February 2019 which were successful no objections are raised to the development in principle but if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and public sewer network.

Ainsty Internal Drainage Board

Application Reference Number: 18/02692/FUL

Item No:

2.10 The application appears to enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The applicant states that surface water will drain by a combination of soakaways and balancing storage.

2.11 A soakaway test has been undertaken and witnessed by Council officers and worked well. As such surface water can be conditioned to soakaway.

2.12 The Board notes that the applicant is proposing to connect into the mains sewer. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.

Yorkshire Water

2.13 No objections but recommend a condition in connection with surface water drainage

Conservation Area Advisory Panel

2.14 The Panel considered that the proposals contravened the backland development principles, was over development of the site whilst the proposed designs did nothing to enhance the Conservation Area and considered this to be a missed opportunity for a high quality 'modern' development.

Nether Poppleton Parish Council

2.15 Object on the following grounds:

Application Reference Number: 18/02692/FUL

Item No:

- This proposed development is within the Nether Poppleton Conservation Area where there are up to 6 Grade 11* listed buildings adjacent to and/or within walking distance of the proposed new development
- Approach road is subject to flooding
- Existing traffic congestion
- Dwellings should be reduced in height
- Do not fit with the surroundings
- Not seen as sympathetic or empathetic in any way with the surroundings
- Proposed outbuildings could be used for business purposes
- The proposed development with narrow access would not be able to be used by emergency vehicles or refuse vehicles as there is no provision for a turning circle in the development
- The need to protect the roots of the trees in adjacent properties. The trees are in a Conservation Area and therefore have TPOs.
- The land was never identified for development in the Local Plan or the Neighbourhood Plan

4.0 REPRESENTATIONS

4.1 Neighbours and Publicity – 22 properties objecting:

- The site falls within the conservation area
- The land is a Burgage strip and should not be developed
- Proposed dwellings are too large and are not consistent with the objectives of the Village Plan
- The land is not allocated for development within the Village Plan
- Roof heights are higher than those of Hall Garth properties
- Garages could be adapted to increase the number of vehicles stored
- Additional level of hardstanding could lead to surface water drainage issues
- Potential for surface water to run off into neighbouring properties and streets
- Dwellings would result in loss of light, site lines, noise and nuisance
- Potentially result in 5/6 vehicles exiting onto Main Street at a narrow point where vehicles park on the road
- May impact upon the existing bus stop to the front of the public house

Application Reference Number: 18/02692/FUL

Item No:

- Inadequate car parking for the public house forcing cars to park on the already busy road resulting in congestion
- Difficulties accessing the public house
- Site is of archaeological importance
- Out of scale with neighbouring properties
- The site is elevation making the development more prominent

Council for British Archaeology

4.2 Object on the following grounds:

- The proposed dwellings are over-large and of a design that is not in keeping with the village and will therefore harm the character and appearance of the Nether Poppleton Conservation Area
- The proposed dwellings will result in over development of the site and will therefore harm the character and appearance of the Nether Poppleton Conservation Area.
- The proposed dwellings will result in the loss of back land associated with Nether Poppleton medieval crofts and therefore harm the significance of a non-designated heritage asset associated with medieval Nether Poppleton as well as the character and appearance of the Nether Poppleton Conservation Area.
- Development of Lord Nelson back land will result in the loss of important open space associated with the potential future viability of an Asset of Community Value (we consider that the proposal to create new access and shrink the available land owned directly by the Lord Nelson may affect viability).
- The impact of the proposed dwellings on the setting of the Listed Grade II Poppleton Hall is not clear and therefore the CBA considers this to be adverse and therefore harmful to the setting of the Listed Grade II Poppleton House.

5.0 APPRAISAL

KEY ISSUES:-

Application Reference Number: 18/02692/FUL

Item No:

- Principle of development;
- Design and amenity
- Impact upon conservation area and listed building
- Flood risk and drainage
- Access, parking and Highway safety
- Asset of Community Value
- Landscape
- Sustainability

RELEVANT PLANNING POLICY:

Upper Poppleton and Nether Poppleton Neighbourhood Plan 2017

5.1 The Upper Poppleton and Nether Poppleton Neighbourhood Plan is the statutory Development Plan for the application site, by virtue of the provision of Section 38 (3) of the Planning and Compulsory Purchase Act 2004 which requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Additionally, paragraph 30 of the NPPF states that policies in a made neighbourhood plan take precedence over existing non-strategic policies covering the neighbourhood area where they are in conflict.

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

Poppleton Village Design Statement

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

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

Application Reference Number: 18/02692/FUL

Item No:

5.4 Central Government guidance is contained in the National Planning Policy Framework (NPPF, February 2019), which places emphasis on achieving sustainable development. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance, including heritage assets, provide a clear reason for refusing the proposed development or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

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

Publication Draft Local Plan (February 2018)

5.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan 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). The evidence base underpinning the 2018 Draft

Application Reference Number: 18/02692/FUL

Item No:

Plan is capable of being a material consideration in the determination of planning applications. Relevant policies are set out in section 2 above. Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this proposal and the consistency with the Framework, the policy requirements of emerging plan policies can be applied with moderate weight.

York Development Control draft Local Plan 2005

5.7 The York Development Control draft Local Plan was approved for development control purposes in April 2005. Its policies are capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those on the NPPF, although it is considered that the policies should be afforded very limited weight. Relevant policies are set out in section 2 above.

PRINCIPLE OF DEVELOPMENT

5.8 The NPPF supports the Government's objective of significantly boosting the supply of homes, with homes provided in rural areas where it will enhance or maintain the vitality of rural communities. The proposal would provide two dwellings. In NPPF Chapter 5 Delivering a sufficient supply of homes, Paragraph 68 advises that small sites can make an important contribution to meeting the housing requirements of an area and supports the development of windfall sites within existing settlements for homes.

5.9 Paragraph 11 of the NPPF establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. For decision-taking this means approving development proposals without delay that accord with the development plan. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted. The footnote to paragraph 11 includes those policies relating to land designated as a designated heritage asset.

5.10 Paragraph 12 of the NPPF states that proposals that conflict with up-to-date development plans (including neighbourhood plans) should not usually be granted. It states that Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

5.11 The land is unallocated within the Upper Poppleton and Nether Poppleton Neighbourhood Plan or the Publication Draft Local Plan 2018. Whilst it is not allocated for housing development it is neither identified as existing open space or green infrastructure and until recently was used as a site for the storage of caravans. This use was approved in 1988. The site is located in a sustainable location with easy access to a wide range of services. Indeed, the Vision Statement of the Poppleton Plan includes the following:

'Upper Poppleton and Nether Poppleton are two villages that have coalesced to form a distinctly quintessential English Village, with the right array of facilities, amenities and transport links. It is a desirable place to live, work, raise a family and retire to. This is because first and foremost it is a community, with a place identity, shared green spaces good schools, shops, churches, clubs and most importantly a history of friendliness and caring'.

5.12 The current application is therefore considered acceptable in principle subject to other material considerations being acceptable.

DESIGN AND AMENITY

5.13 Paragraph 127 of the NPPF requires that developments, *inter alia*, function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping, be sympathetic to local character and history and maintain a strong sense of place. It states in paragraph 130 that development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions should be refused. These aims are reflected in draft Local Plan policies GP1 of the 2005 plan and D1, D2 and DP3 of the 2018 plan.

5.14 Policy D1 'Placemaking' of the Draft Local Plan 2018 (read with May 2018 minor modifications) requires development to enhance, respect and complement the historic arrangement of street blocks, plots and buildings, demonstrate that it is of an

Application Reference Number: 18/02692/FUL

Item No:

appropriate density and does not dominate other buildings particularly those of historic interest. Development should not be a pale imitation of past architectural styles, use appropriate materials and demonstrate best practice in contemporary urban design and placemaking, creating active frontages to streets. The design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

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

5.16 There are no policies which directly relate to the redevelopment of backland sites within the Upper Poppleton and Nether Poppleton Neighbourhood Plan. Policy PNP6A is the most relevant but solely relates to the subdivision of an existing dwelling or the construction of a single dwelling with the curtilage of a dwellinghouse. Neither of these categories apply to this site. However, it states that applications will be supported where the proposals are:

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

5.17 The scheme seeks permission for the erection of two detached dwellings with associated garages and outbuildings. Plot one would be located towards the front of the site, immediately to the rear of The Lord Nelsons garden and car parking area. A detached garage and study would partially wrap around the car parking area of the public house and separate the dwelling from the public house. The dwelling would be constructed in two blocks attached by a lightweight glazed link. The blocks would measure approximately 7.9m in height reducing to 7.14m with the roofs pitching away from the boundary. The dwelling would run along the north western boundary of the site and would be constructed of brick and slate. The site would be separated from the driveway by a low wall and hedge.

5.18 Concerns have been expressed that the dwelling would result in a loss of privacy to number 1 Hallgarth Close. This property faces onto Main Street with its garden running parallel to the proposed garage and dwelling. Two first floor windows are proposed to plot one. These look directly onto the car park of the public house but do have acute views towards 1 Hall Garth. However, a degree of separation of 22m is achievable between the first floor windows and mature boundary treatment is present to protect the amenity of the existing ground floor extension which is present.

5.19 Plot one is also set 3m from the site boundary and as it is located a considerable distance from the rear elevation of 1 Hallgarth Close limited overshadowing would arise.

5.20 Plot two would be located further to the rear of the site and would comprise of a detached two storey dwelling incorporating a rear green roofed single storey element and a single storey projecting front element. A double garage incorporating an office and bike store is also proposed along with two small detached structures within the rear garden to be used as a garden store and music room. The dwelling would measure approximately 7.6m in height and would be constructed of brick and plain roof tiles. The single storey elements are proposed to be clad in timber. The dwelling would side onto 2 Hallgarth Close and would be separated by approximately 3.8m. Whilst the front elevation of Plot 2 would project slightly past the existing front elevation of 2 Hallgarth Close the location of windows central to the front elevation would mean there would be no loss of light or over-dominance arising. Likewise, the two storey element of plot 2 would project past the rear of 2 Hallgarth Close by approximately 2.3m but due to the degree of separation there would be no detrimental impact.

DESIGN AND VISUAL IMPACT ON CHARACTER AND APPEARANCE OF CONSERVATION AREA AND SETTING OF LISTED BUILDING

5.21 The application site is within the Nether Poppleton Conservation Area where Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the same Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the

Application Reference Number: 18/02692/FUL

Item No:

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.22 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.

5.23 The NPPF defines listed buildings and conservation areas as 'designated heritage assets'. The NPPF, Chapter 16 - Conserving and enhancing the historic environment, Paragraph 190 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Paragraph 192 a) states that when determining planning applications, local planning authorities should take account of sustaining and enhancing the significance of any heritage asset.

5.24 The NPPF, Chapter 16, Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. 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. Paragraph 194 states that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification.

5.25 The NPPF sets out where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits that outweigh that harm or other specified factors apply (paragraph 195). The NPPF, Chapter 16, Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

5.26 The national Planning Practice Guidance states that "It is the degree of harm to the asset's significance rather than the scale of the development that is to be

assessed. The harm may arise from works to the asset or from development within its setting."

5.27 The Upper Poppleton and Nether Poppleton Neighbourhood Plan 2017 policy PNP3 is relevant and states that all proposals for development in the Conservation Areas should preserve or enhance their special character or appearance and protect the open character and heritage assets of the village.

5.28 2018 Draft Plan Policy D4: Conservation Areas states that development proposals within or affecting the setting of a conservation area will be supported where they; (i) are designed to preserve or enhance the special character and appearance of the conservation area and would enhance and better reveal its significance; (ii) respect important views; and (iii) are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

5.29 2005 Development Control Draft Local Plan Policy HE2 'Development in Historic Locations' and HE3 'Conservation Areas' are also relevant.

5.30 The long narrow plot to the rear of the Lord Nelson Public House is characteristic of historic development in the settlement, either as a remnant of earlier burgage plots, or 18th century development. Survival of this plot form is good at the eastern end of the village and to some extent to the north of Main Street, however to the south the historic village plot form has been largely lost to 20th century suburban development, leaving the application site and the neighbouring plot to the south. The neighbouring Poppleton House and 5 Main Street are grade II listed as buildings of special architectural or historic interest. The spacious character of the plot contributes to the village character of the settlement, and the plot form is a tangible link to its historic development. The development site thus makes a positive contribution to the character and appearance of the conservation area.

5.31 The scheme has been substantially redesigned since its first submission in order to take into account the historic linear form of the site and to reduce the sense of subdivision across the plot. The traditional form of plot development is a house towards the front of the plot with ancillary agricultural buildings, attached or free standing, to the rear. The redesign has considerably reduced the mass of the

dwelling and orientated them along the boundary of the site adjacent to Hallgarth Close. This echoes the historic plot form and retains the spacious and vegetated setting of Poppleton House. Likewise, the height has been considerably reduced and the dwellings broken up with varying heights and smaller linked and detached elements to represent a more agricultural design. The previously proposed render has been removed and traditional brick is now proposed with minor elements of timber cladding.

5.32 It is considered that the design and location of the two dwellings clearly emphasises the form and historic presence of the historic plot by creating a linear form of development and by only developing across 50% of the width of the site, leaving the boundary with Poppleton House undeveloped. The plots would be separated by a low wall and hedging. This would retain the sense of openness and would, due to the natural hedging proposed, prevent a harsh subdivision which could be considered to be detrimental to the character and appearance of the conservation area.

5.33 Pulling the dwellings away from the boundary with Poppleton House gives a greater degree of separation, 18m to the boundary and 38m between Plot 1 and Poppleton House. In addition the reduced height of the dwellings to a comparable height to those along Hallgarth Close reduces the impact further. Poppleton House is a three storey listed building set within ample grounds and bounded, in part, by mature tree planting. The proposed scheme would not overdominate Poppleton House or have a detrimental impact upon its setting.

5.34 Only glimpse views of the properties would be available from Main Street, primarily from along that access which will serve the dwellings and the public house. However, due to the nature of their design and positioning within the site it is considered that they would not be overly intrusive or draw undue attention.

5.35 Para 7.4 of the Neighbourhood Plan states that 'Over-development as a definition in this Neighbourhood Plan refers to increased housing density which is out of character with the surrounding housing types, increases the density of housing on a plot in such a way as to have significant impact on amenities, space for gardening, car parking on site where access may be compromised and which could impact on neighbours, open recreational space, schools or rural ambience.' It is clear that the development does not represent overdevelopment of the site. The site is large and if located elsewhere would be likely to accommodate a higher

number of dwellings. The reduced density has been proposed in order to reflect the character of the area and to preserve the character and appearance of the conservation area.

5.36 Whilst concerns are raised in connection with development of the site and the loss of the historic plot form the site does have planning permission for the storage of caravans which could be reintroduced at any time and whilst the caravans are movable there would still be a degree of visual intrusion as a result. Furthermore, the site is not allocated within the Upper and Nether Poppleton Local Plan as being open space, neither is it specifically referred to within the Conservation Area Assessment.

5.37 In assessing the proposal officers have considered the desirability of preserving and enhancing the significance of the heritage assets, being Poppleton House and the Nether Poppleton Conservation Area, and have considered the impact it would have on the significance of these heritage assets, as required by Paragraph 193 of the NPPF, and have judged that there will be less than substantial harm. As such the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Public benefits should be of a nature or scale to be of benefit to the public at large but do not always have to be visible or accessible to the public in order to be a genuine public benefit. It is considered that the public benefits include the provision of additional housing within the settlement and the economic benefits to the construction industry. These outweigh the harm as defined as the loss of openness of the burgage plot.

5.38 It is considered that the proposal for two dwellings would retain the generous character of the existing site and would preserve the established pattern of development.

FLOOD RISK AND DRAINAGE

5.39 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided, with development directed away from areas at highest risk. It goes on to say at paragraph 163 that local planning authorities should ensure that flood risk is not increased elsewhere when determining planning applications. Policies GP15a of the 2005 Draft Local Plan and ENV4 and ENV5 of the 2018 Public Draft Local Plan support this approach to flood risk and drainage.

Application Reference Number: 18/02692/FUL

Item No:

5.40 The site lies within Flood Zone 1 and should not suffer from flooding. Limited details have been submitted in connection with the drainage of the site. The application states that surface water will drain to SuDs. Soakaway testing was undertaken at the site during February 2019 and witnessed by the council flood risk engineer. The tests were considered to be acceptable and as such no objections are raised in connection with the drainage of the site subject to conditions. In addition the submitted plans indicate permeable paving being proposed.

5.41 Concerns have been expressed that the access to the site floods but Environment Agency records indicate that the site entrance is also located within Flood Zone 1 and as such access to the site would be maintained during a flooding event.

ACCESS, PARKING SAND HIGHWAY SAFETY

5.42 Paragraph 109 of the NPPF requires development only be prevented on highway grounds where there is an unacceptable impact on highway safety. It seeks to encourage sustainable travel and the location of development in sustainable and accessible locations.

5.43 Access to the site would be via the existing driveway which would be shared with the public house. A 5.5m wide drive would lead upto the proposed dwellings along the north eastern boundary. A gate would be set back, past the entrance to the public house car park. Adequate parking and turning is proposed within the residential development for the occupiers and for visitors and delivery vehicles. A refuse store is proposed close to the highway to negate the need for refuse vehicles accessing the site.

5.44 Concerns have been expressed that the scheme would result in an unacceptable loss of parking for the public house and inadequate turning within the site for delivery vehicles. The scheme provides 9 car parking spaces to the rear of the public house. At present the land to the rear of the public house is used for car parking although there are no formal bays marked out. It is considered that the public house serves the local community and is in easy walking distance from a sizable population. Highway officer consider that 9 car parking spaces is sufficient for the size of the premises.

5.45 Concerns have also been raised that due to the level of on-site car parking being proposed vehicles would be displaced to the highway. Parking spaces are limited at present on the highway and objections state that the majority of the available parking spaces are occupied by residents of existing dwellings or guests to nearby holiday accommodation. It is noted that due to the bus terminal, which is present to the front of the public house, buses idle waiting for the departure time and this often results in congestion due to existing parked cars. If cars are displaced from the car park it would appear that they would have to park some distance from the site, due to existing levels of on street parking. The conflict between the bus and parked cars is an existing situation and would not be worsened as a result of the proposal.

5.46 Swept paths have been identified within the rear car park which clearly indicate that an 8m delivery vehicle can enter and leave the site in a forward gear preventing conflict at the entrance to the site. It is unlikely that given the size of the public house larger vehicles would deliver to the site.

ASSET OF COMMUNITY VALUE

5.47 The emerging 2018 Local Plan views public houses as a community facility. This is in accordance with NPPF. In line with draft Policy HW1, the loss of viable community facilities will not be supported.

5.48 The Lord Nelson has been identified as an Asset of Community Value. Concerns have been raised that the development would have a detrimental impact upon the viability of the public house due to the level of on-site car parking being proposed. However, the public house is located within a sustainable location and is easily accessed by foot for properties within Nether and Upper Poppleton. An external seating area has been retained to the rear and it is not considered that the reduction in car parking would have a financial impact upon the running of the business.

LANDSCAPE

5.49 A tree survey has been undertaken on relation to the protected trees that run along the north eastern boundary.

5.50 The building footprint of the dwelling on plot 2 has been pulled further away from the existing trees within the grounds of Poppleton House. As such it would be possible, with strict adherence to a suitable arboricultural method statement (AMS), to construct the house and other buildings without entering the recommended root protection area of the trees. The most immediate trees include some tall Lime, Beech, and Sycamore. The trees are noted in the tree survey submitted by the applicant, though they have not been surveyed in detail because of their location off site.

5.51 The plans indicate a section of the drive passing under the canopy of the trees to the front of plot 2. However, this section indicates turning space for a fire tender. The car parking area for the occupiers of the dwelling lies to the south west of the protected trees, well away from the canopy spread and as such would have limited impact upon the root zone. Permeable paving is also proposed to the driveway.

5.52 Concerns have been expressed in connection with overshadowing of the dwellings from the trees. The front elevation of plot 2 lies approximately 18m from the boundary with Poppleton House and faces south east. Whilst it is noted that there would be a degree of overshadowing, particularly during the morning, the external amenity spaces which surrounds the dwellings are of a substantial size and allow adequate levels of unaffected amenity space.

SUSTAINABILITY

5.53 Policy PNP 11 Climate Change and Renewable Energy of the Upper Poppleton and Nether Poppleton Neighbourhood Plan is relevant and states that new developments that exceed the Building Regulations with regard to energy conservation and use of renewable energy technology will be particularly supported.

5.54 Development Control Local Plan Policy GP4a) of the 2005 York Development Control draft Local Plan sets out a clear policy requirement for new development proposals to adhere to the principles of sustainable development particularly through minimising the use of non-renewable resources through materials and construction methods as well as designing for the minimal use of energy through the life of the building.

5.55 A sustainability statement is required in line with draft 2018 Local Plan Policy CC2 to demonstrate energy and carbon dioxide savings in accordance with the

Application Reference Number: 18/02692/FUL

Item No:

energy hierarchy and water efficiency. It is noted that sustainability statement has been submitted identifying energy efficiency including sustainable construction, insulation, air tightness, heat recovery systems and solar heat gain. Conditions can be attached to secure the reduction.

6.0 CONCLUSION

6.1 The proposal would result in less than substantial harm to the designated heritage assets in terms of loss of openness of the plot. However, this harm is outweighed by public benefits. As such the revised proposals are considered acceptable in relation to the character and appearance of the conservation area, the setting of the listed building, residential amenity and would comply with the NPPF, the Upper Poppleton and Nether Poppleton Neighbourhood Plan, Policy D1 (Placemaking), D2 (Landscape and Setting) and D4 (Conservation Areas) of the Publication Draft City of York Local Plan 2018, Policies GP1 (Design), GP4a (Sustainability), HE2 (Development in Historic Locations), HE3 (Conservation Areas) and HE11 (Trees and Landscape) of the 2005 Development Control draft Local Plan.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing number 748-P10E Proposed Site Plan received 3rd August 2020

Drawing number 748-P50C Proposed Elevations Plot 1 received 31st January 2020

Drawing number 748-P40C Proposed Plans Plot 1 received 31st January 2020

Drawing number 748-P70C Proposed Elevations Plot 2 received 3rd August 2020

Drawing number 748-P60B Proposed Plans Plot 2 received 31st January 2020

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

3 VISQ8 Samples of exterior materials to be app

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

Application Reference Number: 18/02692/FUL

Item No:

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

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

5 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/excavation/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information;

- a dilapidation survey jointly undertaken with the local highway authority contact: George.green@york.gov.uk
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site
- how the bus stop facility is to remain clear of obstructing vehicles and accessible by pedestrians
- how pedestrians and cyclists are to be safely routed past the site
- details of any implications to the highway of abnormal load vehicles including details of dates/times any required escort
- where contractors will park to avoid affecting the highway
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

All works shall be carried out in accordance with the approved method of works statement.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic, access to the public house or safety of highway users.

6 HWAY21 Internal turning areas to be provided

7 Prior to the residential development coming into use details of the cycle parking

Application Reference Number: 18/02692/FUL

Item No:

areas, including means of enclosure, for the dwellings and the public house shall be submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

8 The dwellings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles 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.

9 Prior to any alterations to the access are undertaken, provision shall be made within the public house site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

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

10 A programme of post-determination archaeological evaluation specifically trenching on the footprint of the proposed dwellings is required on this site.

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

A) No trenching or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in

Application Reference Number: 18/02692/FUL

Item No:

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

C) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified during trenching shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

E) No development shall take place until:

- details in D have been approved and implemented on site

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

- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

Reason: The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

11 Before the commencement of development a fully detailed Arboricultural Method Statement (AMS) regarding protection measures for the existing trees within the grounds of Poppleton House shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and phased locations of protective fencing, ground protection, a schedule of tree works if

Application Reference Number: 18/02692/FUL

Item No:

applicable, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials and means of moving materials around the site, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material is proposed within the root protection area of existing trees. A copy of the document will be available for reference and inspection on site at all times. The development shall be carried out in accordance with the approved AMS.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of the conservation area.

12 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme 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 which within a period of five years from the completion of the development 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.

13 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A to E of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

14 Notwithstanding the information contained within the approved plans details of all means of enclosure shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to achieve an acceptable form of development

15 EPU1 Electricity socket for vehicles

16 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential accommodation 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.

The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

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

8.0 INFORMATIVES:

Notes to Applicant

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

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

Sought revised plans to address concerns of overdominance, flood risk, design and impact upon the character and appearance of the conservation area.

2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that

Application Reference Number: 18/02692/FUL

Item No:

no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

3. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

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

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

Application Reference Number: 18/02692/FUL

Item No:

accordance with manufacturer's instructions.

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

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

(f) There shall be no bonfires on the site

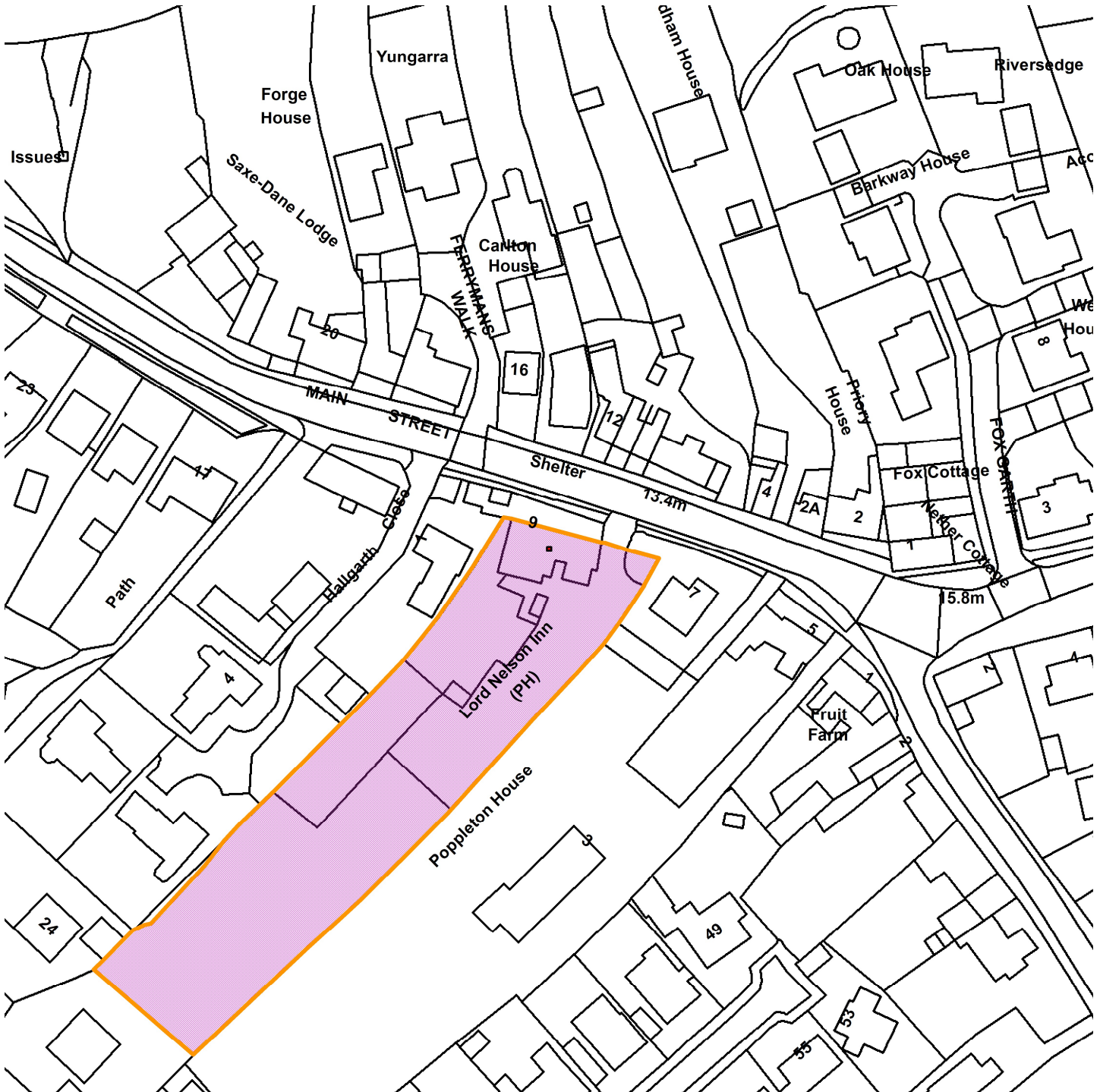
Contact details:

Case Officer: Heather Fairy

Tel No: 01904 552217

The Lord Nelson, Main St, Nether Poppleton

18/02692/FUL



Scale : 1:1159

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	07 September 2020
SLA Number	

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Area Planning Sub-Committee

18/02692/FUL

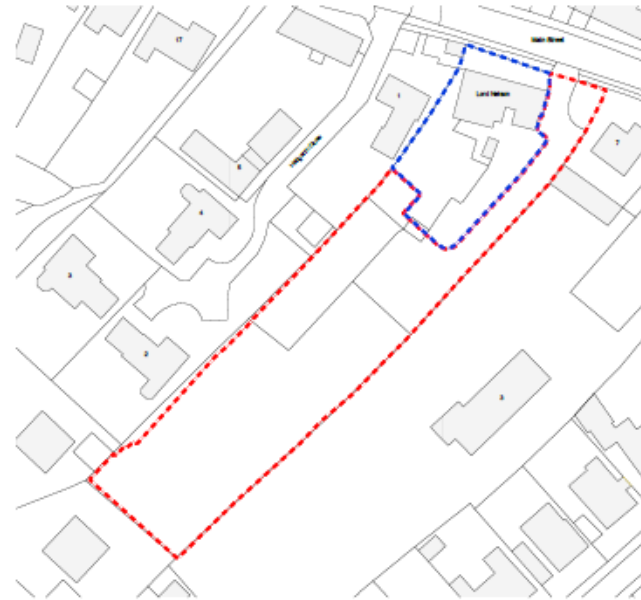
The Lord Nelson 9 Main Street Nether Poppleton

Location Plan

All drawings to be used in conjunction with all other relevant documents including Management Specifications.
 All dimensions to be checked on site prior to commencing installation or construction. Any discrepancies to be reported to the architect.
 Note to Walker Nicholas Architects Designer's Plot Agreement for submission to Local Planning Authority (Design and Management Regulations)
 COPYRIGHT
 Walker Nicholas Architects



Existing location plan
 Scale 1:1000 A1



Existing site plan
 Scale 1:500 A1

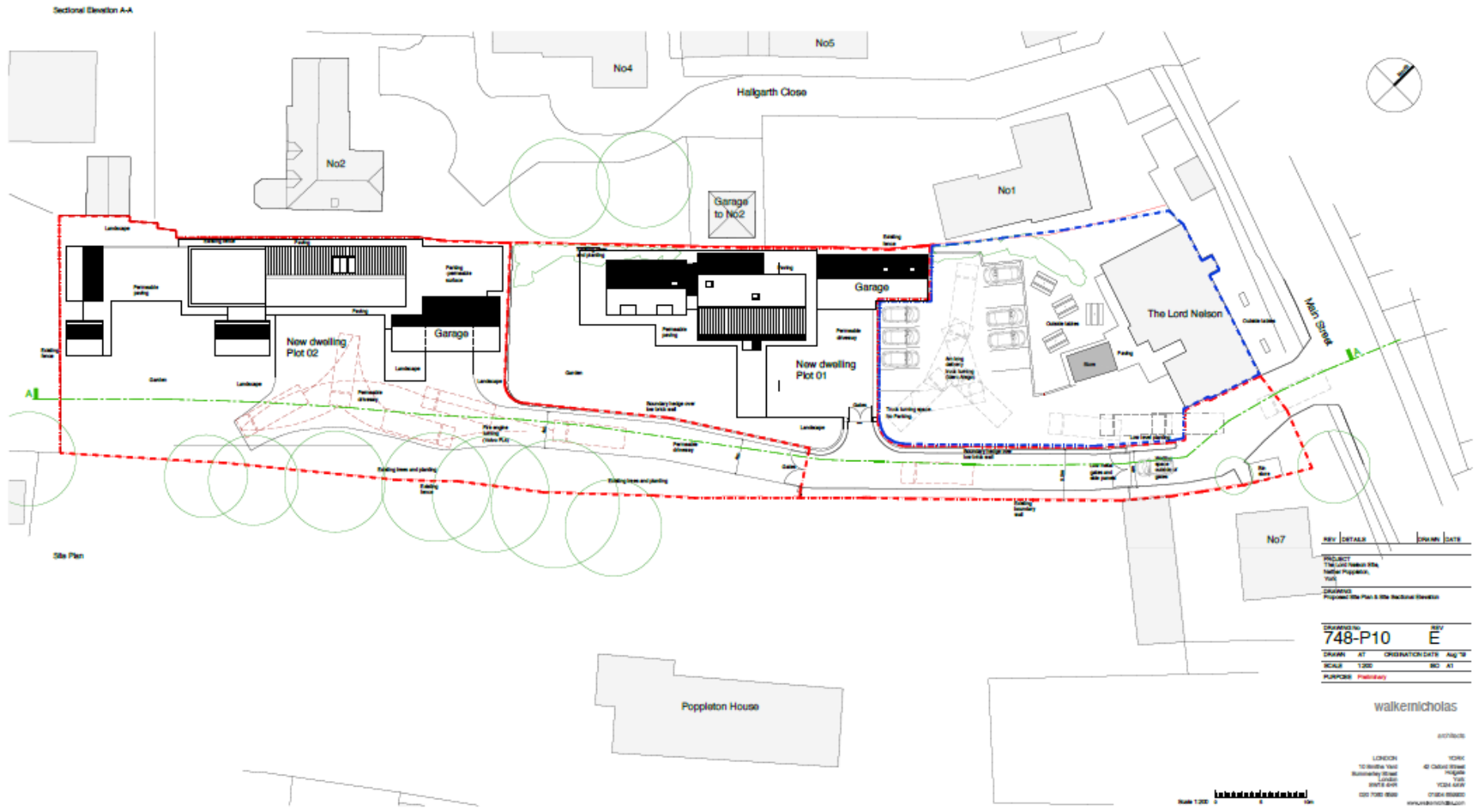
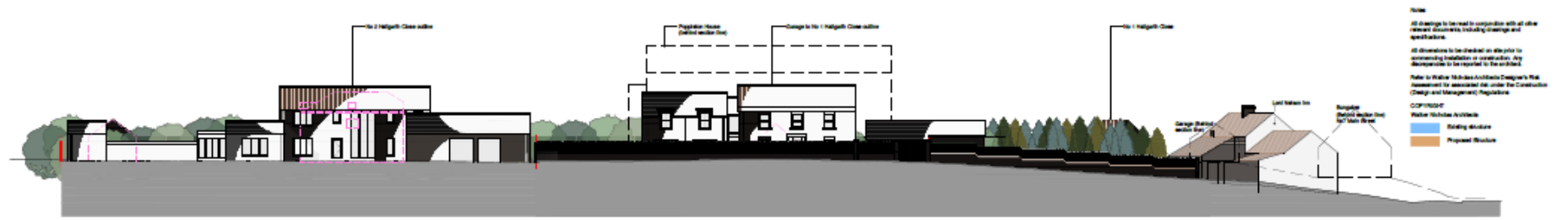
REV	DETAILS	BY	DATE
PROJECT			
Last map of The Lord Nelson			
Walker Population			
TWR			
DRAWING			
Location and site plans			
DRAWING NO.		REV	
748-P01		B	
DRAWN	BY	CREATED/DATE	DATE
	AT		
SCALE		1:500 AND 1:100	
PURPOSE		PLANNING	

walkernicholas

architects

LONDON YORK
 10 South Quay 42 Church Street
 South Quay Huggate
 LONDON YORK
 020 7592 0800 01904 66100
www.walkernicholas.com

Site plan and
Site section



Plot 1 elevations

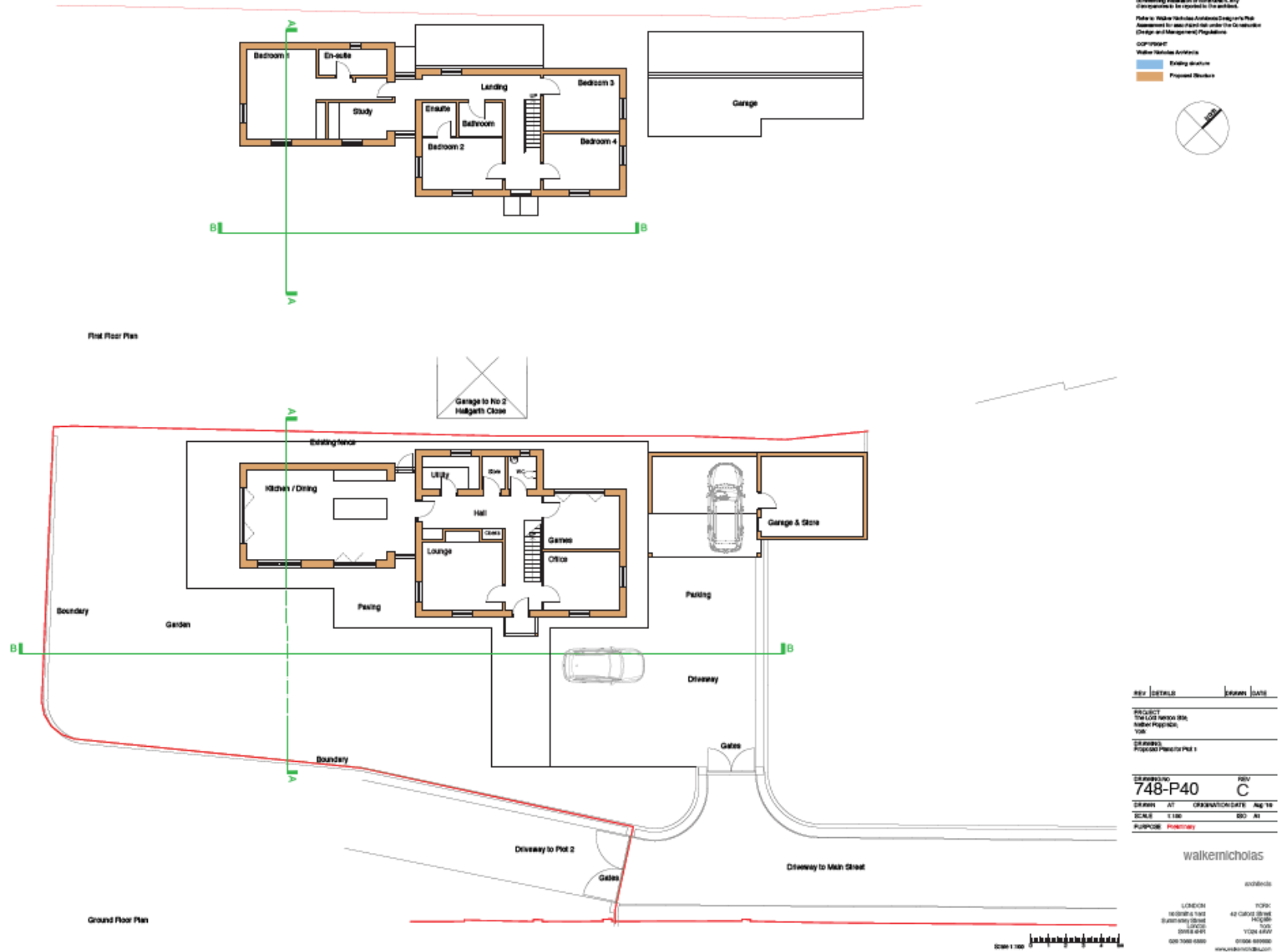


Title
 All changes to be made in cooperation with all other relevant documents, including drawings and specifications.
 All dimensions to be checked on site prior to commencing installation or construction. Any discrepancies to be reported to the architect.
 Refer to Walker Nicholas Architects' Design's Risk Assessment for associated risk under the Construction (Design and Management) Regulations.
CONTRACT
 Walker Nicholas Architects
 Existing Structure
 Proposed Structure

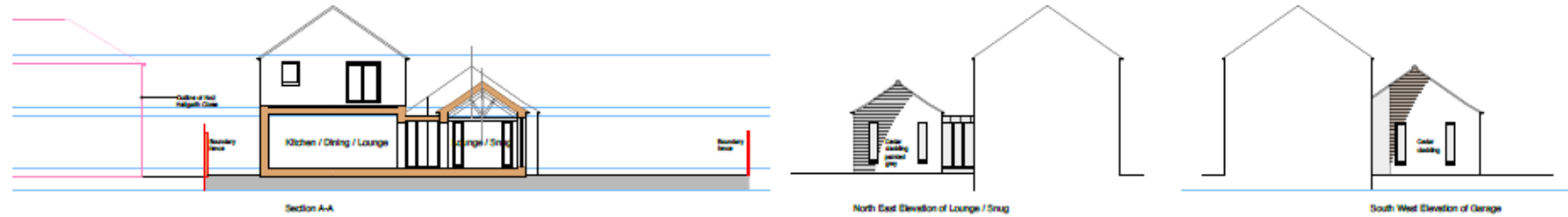
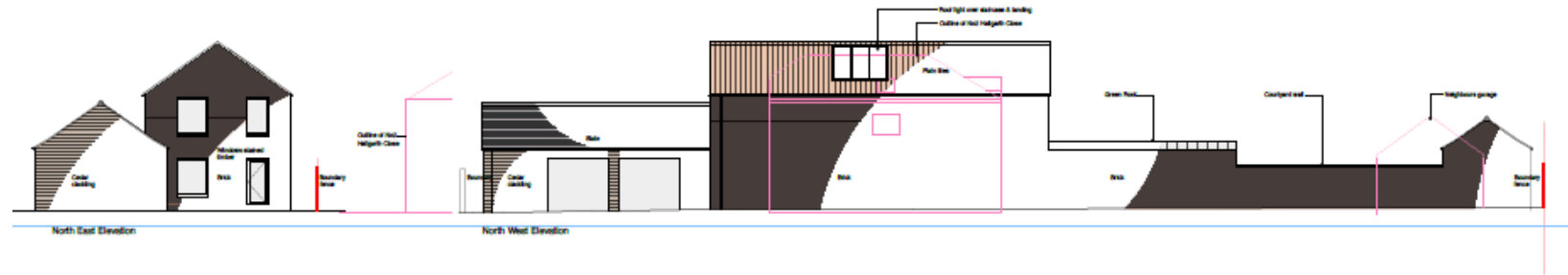
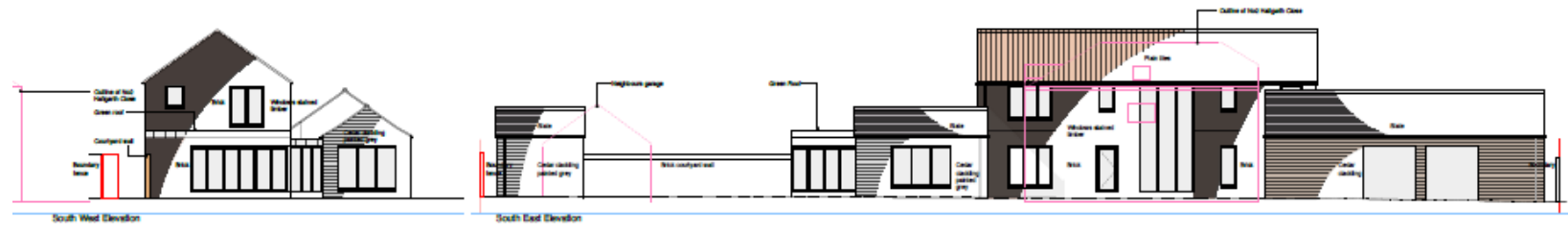
REV	DETAILS	ISSUED	DATE
PROJECT The Last House Site Walker Nicholas York			
DRAWINGS Proposed Elevations for Plot 1			
DRAWING NO. 748-P50		REV C	
DRAWN BY AT		OPERATION DATE Aug '19	
SCALE 1:250		NO 80	
PLANNING Preliminary			

walkernicholas
 architects
 LONDON YORK
 10 Church Yard
 40 Church Street
 York YO1 1AA
 01904 444444
 www.walkernicholas.com

Plot 1 floor plans



Plot 2 - elevations



All drawings to be drawn in conjunction with all other relevant documents including drawings and specifications.
 All dimensions to be checked on site prior to commencing installation or construction. Any discrepancies to be reported to the architect.
 Refer to Walker Nicholas Architects Designer's Risk Assessment for associated details under the Construction Design and Management Regulations.
 COPYRIGHT
 Walker Nicholas Architects
 Existing structure
 Proposed structure

REV	DETAILS	ISSUED	DATE
748-P70	C		

PROJECT: The LINDHAM site, latter Pippidon, York.
 DRAWING: Proposed Structure & Section for Plot 2
 DRAWN AT: ORIGINATOR DATE: Aug '18
 SCALE: 1:150
 PURPOSE: Preliminary

walkernicholas
 architects
 LONDON YORK
 10 Southgate York
 1001 2000 0754 8844
 1001 2000 0754 8844
 www.walkernicholas.com

Site access and
public house



Site from access



View from rear of
site



Existing public house garden



South/East boundary
with Poppleton House



Location of plot 1



Location of plot 2



No 2 Hallgarth Close
(adj proposed plot 2)



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- The current staff levels are 3 management staff in the daytime and 1 – 3 call room staff depending on the time of day/week.
- The taxi firm is currently located at Blossom Street. The Blossom Street office could close in the future as customer walk in offices are no longer considered necessary.
- The intention is for the company's fleet of taxis to be serviced and maintained by the vehicle repair facility that they would share the site with.

1.4 The application has been brought to Committee at the request of Cllr Warters because of concerns regarding the impact the use would have on noise and disturbance during late night and early morning and concerns regarding increased traffic travelling through nearby residential areas. He has raised further concerns regarding taxis being parked on nearby streets.

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

GP1 Design
GP4a Sustainability
E3b Existing and Proposed Employment Sites
T5 Traffic and pedestrian safety.

2.2 The Publication Draft York Local Plan (2018)

D1 Placemaking
T1 Sustainable Access
CC2 Sustainable design and Construction of New Development
EC2 Loss of Employment Land.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections to use as a taxi control centre. Do not consider that occasional training for up to 10 people would cause such harm to highway conditions to justify refusal or revisions.

PUBLIC PROTECTION

Application Reference Number: 20/00892/FUL

Item No:

3.2 Do not consider that the position of mechanised equipment in the vehicle repair business is such to create concerns regarding the working conditions in the Taxi office.

3.3 The applicant has advised that there will be no vehicles attending the site for pickups and the contact with drivers will be via radio link only. This is encouraged to ensure that there is no increase in vehicles within this area and noise levels do not increase. Therefore if planning approval is to be granted the following condition should be attached:

Condition: The mini -cab operation shall be conducted as a control room only and no facilities are to be provided on site for drivers waiting for fares or between shifts, nor shall the premises be used as a pick-up point for customers.

Reason: To safeguard the amenity of the adjoining premises and the area generally

EXTERNAL CONSULTATIONS

OSBALDWICK PARISH COUNCIL

3.4 No comments received

4.0 REPRESENTATIONS

4.1 An objection has been received from Gas Wise (Training and Assessment) Ltd who have recently occupied Utilities House immediately to the north.

The concerns raised are as follows:

- The taxi business and existing garage has inadequate car parking and will put additional pressure on road parking.
- A pedestrian was killed nearby in a road accident.
- The building has no sewer connection to meet needs for toilets etc.
- Taxi use is creating litter problems.
- They have created an opening and balcony overlooking Utilities House which creates concerns re privacy and smoking.
- When changing the use of Utilities House we had to meet strict criteria on car and cycle parking.
- Will increase traffic and noise in Osbaldwick village including during the night.

5.0 APPRAISAL

Application Reference Number: 20/00892/FUL

Item No:

PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The site is not considered to be within the general extent of the greenbelt.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 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 as revised in February 2019, 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).

5.3 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.4 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). 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 as revised in February 2019, although the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.5 The revised National Planning Policy Framework was published February 2019 (NPPF) and its planning policies are a material consideration in the determination of planning applications.

EMPLOYMENT POLICY

5.6 Policy E3b of the 2005 DCLP states sites in employment use shall be retained in their current use class unless there is a sufficient supply of employment land to meet both immediate and longer term requirements in both qualitative and quantitative terms or the development for other appropriate uses will lead to significant benefits to the local economy.

5.7 Policy EC2 'Loss of Employment Land' of the 2018 Draft Plan expects proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, to be accompanied by a statement to the satisfaction of the Council demonstrating that the site is not viable and that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.8 The proposed control office is in terms of the employment provided almost identical to a typical B1 office (such as a call-centre), however, for planning purposes a taxi control room is generally considered to be sui-generis (meaning – of its own kind). The office space being utilised by the facility is small in size. The workshop on the ground floor retains an office on the ground floor. It is not considered that there is any justification to oppose the proposal in respect to the loss of employment uses.

5.9 Public protection are satisfied that the use can co-exist with other employment uses in the locality.

HIGHWAY IMPLICATIONS

5.10 The NPPF encourages development that is sustainably located and accessible. Paragraph 108 requires that all development achieves safe and suitable access for all users. It advises at paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.11 Further, paragraph 110 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 emerging Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.12 The proposed control room is a low key use. Drivers will not need to visit the site in relation to their daily work and will be discouraged from visiting to socialise.

Application Reference Number: 20/00892/FUL

Item No:

Five car parking spaces are indicated for staff use. This is adequate for the number of staff normally present at the office (around 1 to 6). Providing the taxi-office is not a pick up point and drivers do not congregate there, it would not have a significant impact on the local road network. Planning conditions can control this. The applicant has stated that as the location is remote from the city centre it would not generally be convenient for drivers to congregate at or near the site between jobs.

5.13 Any facilities should be easily accessible by foot, bike and public transport in line with policy T1 'Sustainable Access'. Osbaldwick Link Road is served by a frequent bus route that runs from Clifton Moor to York University via the city centre (number 6).

5.14 The key consideration is the acceptability of having driver training at the office. The applicant has requested that this be allowed on up to 2 occasions per month. The applicant has stated that people attending the training will be encouraged to car share and use alternative modes of transport to the car. It is not considered that the frequency of training and numbers involved would be such to cause significant concern regarding the ability of the area to accommodate additional parking. It has been noted that cars do sometimes park partly on the footpath on parts of the industrial estate. Traffic enforcement regulations are in place to control such activity where deemed necessary.

5.15 The rest of the building above which the taxi office is located is used for vehicle repairs. Eleven parking spaces are shown as being reserved for the garage. The area of the garage is approximately 570sqm. In addition, there is an attached two storey building in fairly poor condition at the end of the site that is not currently in use. The floor area is around 200 sqm. The parking standard in Appendix E of the 2005 Local Plan for B2 (general Industrial) uses is 1 space per 75 sqm. The area of the site used by the garage and the associated unused building equates to 770sqm. Based on the 2005 Plan parking standards this would need 10 car parking spaces. Accordingly, the 11 parking spaces for the garage to utilise would meet appropriate parking standards.

5.16 The only secure cycle parking available at the site is a basic uncovered rack for 3 cycles near the entrance. As the building is seeking to undertake an element of training it is considered reasonable to condition that this is upgraded.

SUSTAINABILITY

5.17 Policy CC2 'Sustainable Design and Construction of New Development' states that Developments which demonstrate high standards of sustainable design and construction will be encouraged. Development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with the energy

hierarchy and water efficiency. The policy requires that non-residential change of use will be required to achieve BREEAM 'Excellent'. The Local Plan policy CC2 "Sustainable Design and Construction of New Development" is considered to have moderate weight given the evidence base that supports it.

5.18 The taxi business is utilising an existing office space and the application does not propose any external alterations. In the context it is not considered that the inclusion of a BREAM condition would meet the planning condition requirement of being proportionate or reasonable.

IMPACT ON ADJACENT LIVING AND WORKING CONDITIONS

5.19 The use is a relatively low key use and despite the 24 hour operation it would not be expected to cause disturbance. The nearest dwelling is around 80 metres way. Conditions can be included to stop the taxi office functioning as a pick up point.

FLOOD RISK

5.20 The site is in flood zone 3 (High risk). The proposal will not increase flood risk. The use is taking place in an existing first floor office and is not considered to raise any new flood risk concerns.

OTHER ISSUES

5.21 It has been brought to the attention of the Local Planning Authority that a fire escape door and unenclosed raised platform has been inserted in the rear of the first floor without permission. The planning application only relates to a change of use and does not indicate any external changes. It is not considered that the provision of the fire escape has a bearing on the assessment of the issues relating to the change of use. An informative has been included stating that any planning permission for a change of use to a taxi business does not grant or infer permission for installation of the door and that it does not override the need to comply with any separation legislation relating to the proposals.

6.0 CONCLUSION

6. 1 The taxi office is proposed in an area of existing office space no longer needed in relation to the current B2 (General Industrial) use of the building.

6.2 The main planning concerns relating to taxi offices normally relate to vehicle movements and noise from staff and customers congregating, particularly late in the evening. The taxi office would be a control room and customers would not visit.

Application Reference Number: 20/00892/FUL

Item No:

The location on an industrial site would limit this in any case. Taxi drivers would also not be based at the office and its location away from the city centre would make it unlikely that taxi drivers would wish to congregate there between jobs.

6.3 The applicant has stated that they wish to undertake training for drivers related to taxi work at the site. This would take place around twice a month for up to 10 people working for the taxi business. It is considered that the relatively infrequent and small scale nature of such training would limit any local parking impacts.

6.4 It is considered that subject to the suggested conditions controlling and restricting the nature of the use and improving cycle parking provision, the proposal is 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:-

Proposed ground floor plan received by the Local Planning Authority on 1 September 2020.

Proposed first floor plan received by the Local Planning Authority on 1 September 2020.

Proposed site plan received by the Local Planning Authority on 1 September 2020.

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

3 The taxi office shall be conducted as a control room only and no facilities are to be provided on site for drivers waiting for fares or between shifts, nor shall the premises and car park be used to pick-up or drop-off customers or be used as a waiting area for customers.

Reason: To safeguard the amenity of the adjoining premises and the area generally.

4 Training for staff working for the taxi business shall only take place at the site on a maximum of two days per month and shall be attended by a maximum of 10 staff at any one time.

Reason: Any proposal to increase the intensity of training activities would need to

Application Reference Number: 20/00892/FUL

Item No:

be considered in the light of local highway and parking conditions.

5 The area on the approved plans for the parking and manoeuvring of 5 vehicles for the taxi use shall be retained solely for such purposes at all times that the Taxi Office is operational.

Reason: In the interests of highway safety.

6 Prior to the occupation of the development commencing details of new secure cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

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 an acceptable outcome:

Conditions included limiting the site to a call-centre and occasional staff training area.

2. For Information - Fire escape and sanitation

This planning permission for a change of use to a taxi business does not grant or infer permission for the recent installation of the fire escape and planning permission for a change of use of the business does not override the need to comply with any separation legislation as appropriate.

Contact details:

Case Officer: Neil Massey

Tel No: 01904 551352

Application Reference Number: 20/00892/FUL

Item No:

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Unit 1 Heritage Park Osbaldwick

20/00892/FUL



Scale : 1:1449

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Organisation	City of York Council
Department	Economy & Place
Comments	Site Location Plan
Date	07 September 2020
SLA Number	

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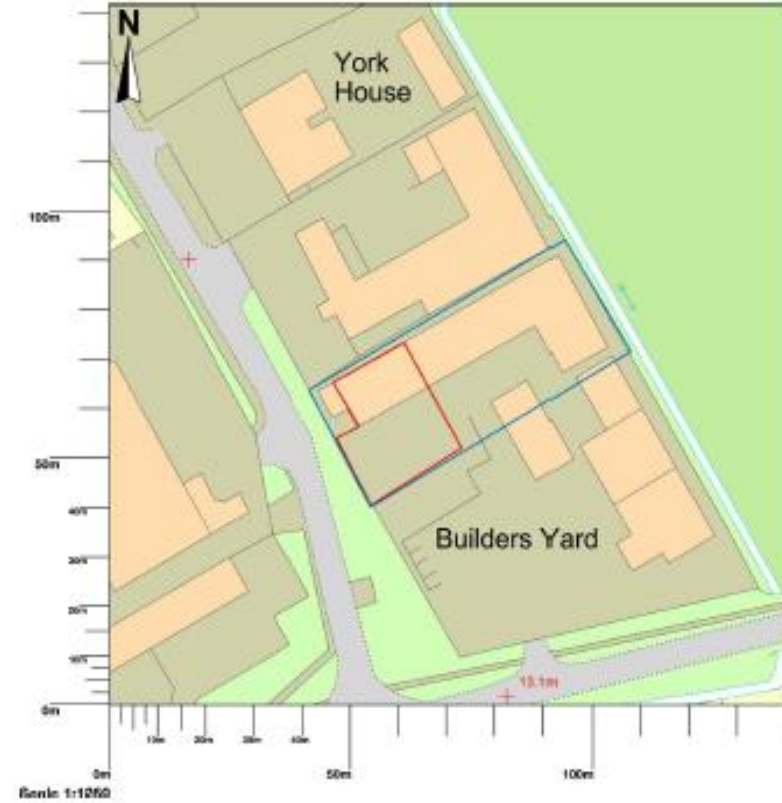


Area Planning Sub-Committee

20/00892/FUL

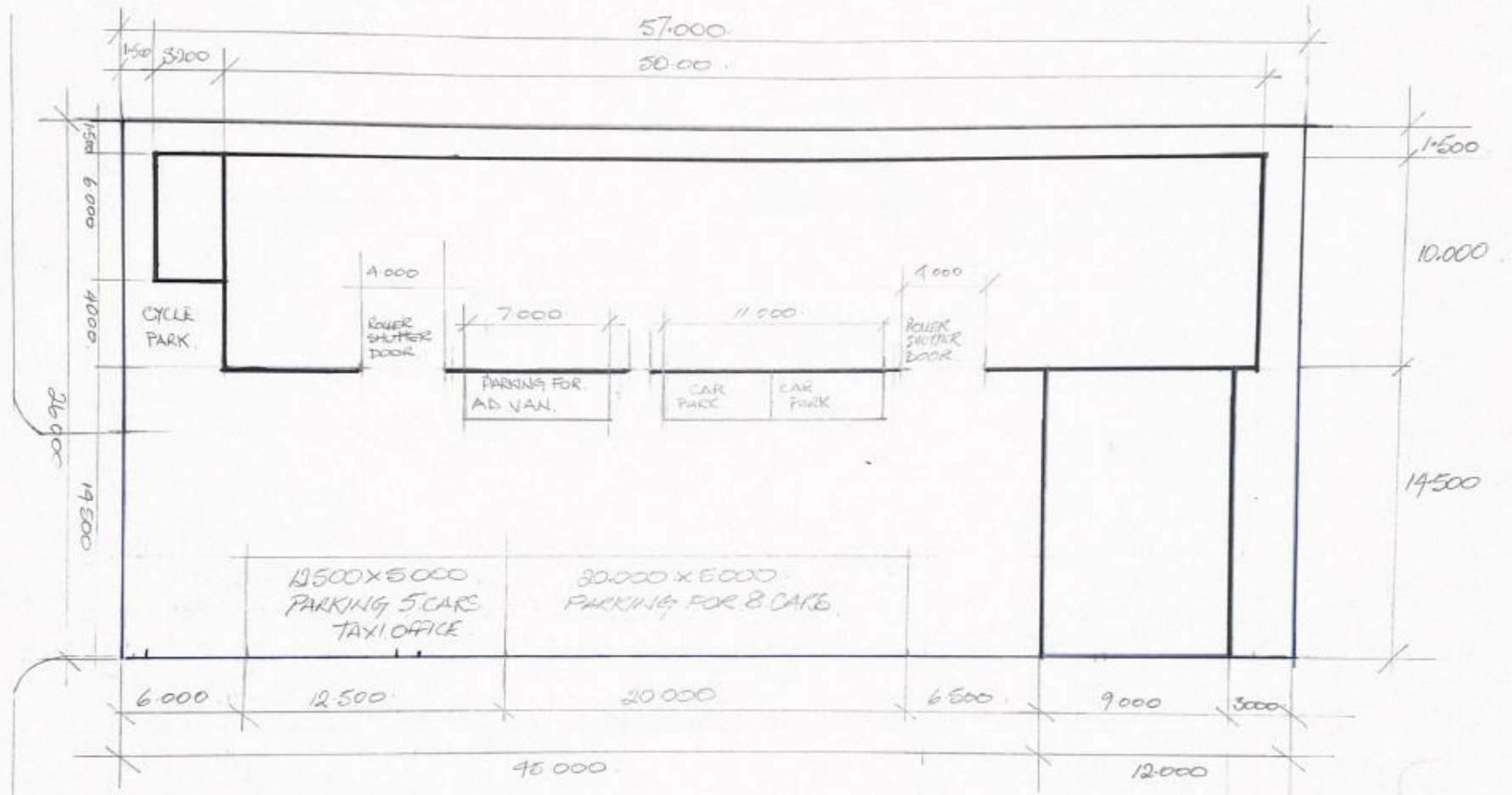
Unit 1 The Joinery Works Heritage Park Outgang Lane
Osbaldwick

Unit 1, Heritage Park, Outgang Lane, Osbaldwick, York, YO19 5UP



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OUTGOING LANE



SITE PLAN.-SHOWING PROPOSED PARKING LAYOUT
SCALE 1/200.

Application site and access



Outgang Lane
looking north



Part of building
subject of change of
use



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