



Notice of a public meeting of Area Planning Sub-Committee

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

Date: Wednesday, 13 October 2021

Time: 4.30 pm

Venue: West Offices, Station Rise, York, YO1 6GA

AGENDA

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 3 - 4)

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on 12 August 2021

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 our meetings. The deadline for registering at this meeting is at **5.00pm on Monday, 11 October 2021**.

To register to speak please visit
www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration

form or the meeting please contact Democratic Services on the details at the foot of the agenda.

Webcasting of Public Meetings

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

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

4. Plans List

To determine the following planning applications:

- a) Barnitts, 28A Colliergate, York (Pages 5 - 56)**
[19/02753/FULM]

Conversion of Drill Hall and upper floors of 28a Colliergate from retail to residential (Use class C3) creating 10no. townhouses and 2no. apartments, and associated alterations. [Guildhall Ward]

- b) Barnitts, 28A Colliergate, York (Pages 57 - 74)**
[19/02754/LBC]

Internal and external alterations in connection with conversion of Drill Hall and upper floors of 28a Colliergate to residential use. [Guildhall Ward]

- c) Mast Adjacent To Gas Holder Off Hawthorn (Pages 75 - 96)**
Grove, York [21/01692/FUL]

This application relates to the telecommunications equipment at the Heworth Green former gasworks site. The application is to replace the existing mast and associated equipment on site, with a new, taller and relocated mast [Guildhall Ward]

- d) York Brewery Warehouse, 9 The Crescent, (Pages 97 - 150)**
York, YO24 1AW [20/01411/FULM]

Erection of offices (Use Class B1a/E) following demolition of existing building. [Guildhall Ward]

- e) **Castle Howard Ox, Townend Street, York,** (Pages 151 - 194)
YO31 7QA [21_00537_FULM]

Conversion of public house to 16no. student studio apartments with two storey extension to the side/east elevation, first and second storey extension to the rear/north elevation, and single storey rear/north extension following the demolition of the single storey projections [Guildhall Ward]

- f) **Deighton Lodge Limited, Rush Farm** (Pages 195 - 208)
(Game Farm), York Road, Deighton, York
[21_00902_FUL]

Variation of condition 4 of planning permission 16/00267/FUL to increase the number of weddings that can be held in 2022 and 2023 from 15 per year to 19 per year. [Wheldrake Ward]

5. **Urgent Business**

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

Democracy Officer:

Jane Meller

Contact details:

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

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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- Bring your own drink if required.
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You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
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If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	12 August 2021
Present	Councillors Hollyer (Chair), Crawshaw (Vice-Chair), Fisher, Galvin, Melly, Waudby, Perrett and Lomas (Substitute)
Apologies	Councillors Craghill, Orrell and Daubeney

14. 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 that Cllr Pearson, who was to speak in objection to Cedar House 29 Station Road Haxby York YO32 3LU's application was his nephew, but since Cllr Pearson was speaking as a Ward Councillor and had no personal interest in the item himself, it was deemed that Cllr Fisher's interest was not prejudicial or pecuniary.

Cllr Perrett declared that Cllr Webb, who was to speak in objection to 62 Heworth Road York YO31 0AD's application was her partner, but indicated that they had not discussed the issue together and that the interest was not prejudicial or pecuniary.

15. Minutes

Resolved: That the minutes of the Area Planning Sub-Committee meeting held on 8 July 2021 be approved and then signed by the Chair as a correct record, subject to the amendment of Cllr Mary Urmston's public participation under Minute 11, which now reads as below:

'Cllr Mary Urmston (on behalf of Fulford Parish Council) spoke in objection to the application. She explained that the Parish Council was unable to support the expansion due to concerns about the felling of twenty trees which would result in harm to the public amenity and concerns around access arrangements.

She asked why the number of car parking spaces had increased and noted that the access road was never intended as a parking area. She noted concerns about parking on the northern boundary. She was asked and explained the history of the turning circle and previous assurance that had been made about the access to the site.'

16. 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.

17. 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.

18. Bright Beginnings Day Nursery 47 Rawcliffe Drive York YO30 6PD [21/00066/FUL]

Members considered an application which sought permission for the conversion of the existing property into two dwellings (dwelling 1 and 2) with associated extensions and alterations and the construction of a new dwelling (dwelling 3) in the rear garden with access from Ash Lane.

The Head of Planning and Development Services gave a presentation on the application. This was followed by an update with recent additional information and representations made. Members asked officers a number of questions to which they answered that:

- There was existing access to the rear of the property, and that although the development would cause an increase in traffic in the lane, the increased traffic would not in the opinion of highways officers meet the threshold for a severe or unacceptable impact on safety as set out in paragraph 111 of the NPPF.

- New passing places would be installed as part of the development to help ensure that traffic can flow.
- In order for the passing place to be clearly marked, the gravel surface of the lane would have to be replaced with paving and a sign installed.
- Officers considered the proposals to be acceptable from a planning point of view, and clarified that private disputes over ownership of land did not fall under the remit of the planning process.
- While there was no way to enforce the use of the vehicle turntable in forward gear, the possibility of cars reversing was not enough to recommend refusal of the application.
- There was enough room for bin storage for each of the proposed properties.
- There were spaces reserved in the plan for cycle storage.
- Emergency services were consulted on the proposed width of the lane after the installation of the new passing places and raised no objections.
- There was a previous application for the property in 2003 which was refused and dismissed at appeal, and that the comments of the planning inspector for that application had been taken into consideration when creating the present application.

Public Speakers

Diane Flowers spoke in opposition to the application as a local resident. She explained that she considered the new bungalow to be out of character with the surrounding properties and that the application ignored the influence the new property would have on its surroundings. She further explained that she considered the application to have ignored the City of York Design Guide, arguing that the application will lead to overdevelopment, noise and light pollution, and restrict natural light to other properties. She also referred to previously rejected similar applications on the site and on a nearby property.

Richard Bailey spoke in opposition to the application as a local resident, citing errors and omissions in the planning officers' report. He explained that he owns part of Ash Lane and the turning circle and that since the report encouraged parking in the lane for delivery vehicles and visitors, it was encouraging trespass on his land. He further explained that he considered that it had not been established that the new properties had a right to use the turning circle, so they would be forced to reverse down to the lane. He explained that, in his opinion, no

considerations had been given to previous refusals of similar applications, and that traffic along the lane had only increased since those refusals.

Paul Lee spoke in support of the application as the owner of the property. He thanked officers for their work on the application and highlighted the passing places as an addition to the application which, in his opinion, would increase access, visibility and safety. He explained that the needs and objections of neighbours were considered during the creation of the proposal. He referred to the proposals as having as minimal an impact as possible, and described the designs as making the best use of the space available. He addressed concerns around access, explaining that in the 5 years he has lived at the property, there had never been any issues around access, and that vehicle usage of the lane would continue to be low. He explained that there was a 280 square meter communal turning head for all residents which would negate any need to reverse out of the lane.

Cllr Edward Pearson spoke in objection to the application as Ward Councillor on behalf of local residents. He explained that he was not in principle opposed to the sub division to the house, but that the manner of division proposed in the application was inappropriate in his eyes, being out of character with the local area. He explained that the new properties would not benefit from any outdoor amenity space and that many previous applications had been rejected along Ash Lane for reasons of access. He considered the application to be contrary to the City of York Council's Highway Design Guide on shared driveways.

In response to questions from committee members, Cllr Pearson stated that he believed that large vehicles such as bin lorries could not turn in the lane, and while a smaller vehicle such as a delivery van could do so, it would limit access to anyone else attempting to use the lane at the same time.

In response to further questions from members, officers noted that:

- The passing places are a new addition compared to previous applications and that one of the previous applications referred to by a public speaker was for a 13-bed nursing home, which would have created much larger volumes of traffic than the current proposal. It was also

noted that there had been significant changes to planning policy since past refusals.

- The planning inspector from a previous application of May 2005 was of the opinion that a very similar proposal would lead to overdevelopment and was out of keeping with its surroundings.
- Dwelling 1 would retain permitted development rights if the application were approved, but that there would be no opportunities to implement these rights due to a lack of remaining space after the building of the proposed development.
- The development will have some impact on light to surrounding properties, but it was not considered by officers to be of a degree that would merit recommending refusal of the application.
- That the proposed passing place measured around 4.4 metres in width, and the general width of a car is 1.8 metres, which would allow cars to pass, although some larger vehicles may have to wait at the widest point at the top of the lane.
- Visibility splays would be within the acceptable limit.
- Officers do not consider the proposals to be overdevelopment because each dwelling retain adequate and appropriate outside amenity space such as bin storage.
- Officers had not deemed it necessary to install additional lighting on the lane.
- Cars currently reverse into the lane to park, and leave the lane in forward gear.

After debate, it was moved by Cllr Fisher and seconded by Cllr Melly to refuse the application. A named vote was taken and Cllrs Fisher, Lomas, Melly, Perrett, Waudby and Hollyer voted in favour, with Cllrs Crawshaw and Galvin abstaining. The motion was carried and it was therefore:

Resolved: That the application is refused.

Reason:

1 - The proposed erection of 1 dwelling and the conversion of an outbuilding to a dwelling by virtue of their scale, design and layout would result in the creation of dwellings which would be out of keeping with the existing character of the locality and result in significant harm being caused to the character and appearance of the area which is considered unacceptable in

principle. The proposals would constitute an overdevelopment of a constrained site which contributes to the character and layout of the area and is considered to be inappropriate for a development of this nature in this location. The proposals would therefore conflict with Section 12 of the National Planning Policy Framework (NPPF), in particular paragraphs 130 and 134 and Policy D1 of the emerging Publication Draft City of York Local Plan 2018.

2 - It is considered that insufficient information has been submitted to enable an assessment of the impact the proposal will have on the trees both on an adjoining the site and the associated biodiversity impacts. The proposal would, therefore not be in accordance with guidance contained within section 15 of the NPPF and policy G14 (Trees and Hedgerows) of the Publication Draft Local Plan (2018).

[The meeting adjourned from 17:38 to 17:52].

20. 62 Heworth Road York YO31 0AD [20/02010/FUL]

Members considered an application which sought full planning permission for the provision of two dwellings at the rear of 62 Heworth Road, which was a two storey property fronting the public highway with rear outbuildings and linear garden plot. The site comprised a collection of buildings in the northern part immediately south of no.62 and an area to the south that was undeveloped with overgrown vegetation. It was accessed by an existing private lane that also served the Nags Head Public House to the west and commercial building behind it. The area of land was bounded to the east and south by residential properties on Heworth Road and East Parade. It lay within the Heworth/Heworth Green/East Parade/Huntington Road Conservation Area No.5 ("Heworth CA"). The site fell within Flood Zone 1 (low probability).

The Head of Planning and Development Services gave a presentation on the application. A question was raised by a member regarding amenity space, officers responded that the only outside space for 62 Heworth Road was its driveway.

Public Speakers

Lee Vincent, an architect and agent acting on behalf of the applicant spoke in favour of the application. He emphasised that he considered the proposal to be modest in nature and referred to the mitigation efforts on the impact on neighbouring properties. He explained that in his opinion the property would provide a high standard of amenity for existing and future users, he also referred to the positive impact the development would have on biodiversity, and he referred to development's adherence to the City of York Council's Climate Change Policy. Referring to a previous question from a member, he clarified that the driveway for 62 Heworth Road was at the front of the property and that the area marked driveway on the papers was in fact an amenity space.

Molly Newton, a local resident, spoke in objection to the application. She raised her concerns that the development would not create affordable housing and would have a detrimental impact on biodiversity, claiming that it did not take into account that the area is a priority habitat. She referred to the heritage plum tree in her garden, which had been mislabelled as an ordinary apple tree, concerned that the development would affect its roots. She also suggested that the Council's Biodiversity Action Plan had not been adhered to, stating that a detailed ecology report had not been carried out. Finally, she stated that she had not been consulted on the impact of the development on her property, and raised concerns about the impact of increased traffic near the local primary school.

In response to a question from members, Mrs Newton stated that her greatest concern in regards to biodiversity was that three trees were due to be felled with no plans for them to be replaced. Furthermore she stated that there had been no communication from the applicants at any stage regarding air, light or noise pollution.

Cllr Robert Webb (Ward Councillor for Heworth Ward) spoke in opposition to the application. He emphasised that the property the application related to was situated in a conservation area and referred to the National Planning Policy Framework provisions for such areas. He explained the he considered the proposal to be harmful to a heritage asset and in his opinion the current proposal is not dissimilar to an application for the same

site rejected last year. Finally, he raised concerns around increased traffic levels around the local primary school.

In response to questions from members, Cllr Webb stated that the development is surrounded by residential properties which would be able to view it and that access to the development would be shared with the nearby pub.

In response to further questions from members, officers stated that:

- Trees in conservation areas are afforded extra protection, although on this occasion the consulted landscape architect had determined that none of the trees due to be felled were worthy of a tree protection order, which is why there were no proposals to replace them in the application. Furthermore, there would be little space left after the development for the planting of any replacement trees.
- That root protection measures for the heritage plum tree on Mrs Newton's property could be conditioned if required by members.
- It was possible to have discussions with the applicant around replacing the trees outside of the proposed development, but that may prove difficult.

Following debate, it was moved by Cllr Crawshaw and seconded by Cllr Lomas to reject the application. A named vote was taken, with Cllrs Crawshaw, Fisher, Lomas, Melly, Perrett, Waudby and Hollyer voting in favour and Cllr Galvin voting against. It was therefore:

Resolved: That the application is refused.

Reason:

The proposed single storey detached dwelling by virtue of its scale, design and layout would result in the creation of a dwelling which would be out of keeping with the existing character of the locality and result in significant harm being caused to the character and appearance of the area which is considered unacceptable in principle. The proposal would constitute an overdevelopment of a constrained site which contributes to the character and layout of the area and is considered to be inappropriate for a development of this nature in this location. The proposals would therefore conflict with Section 12 of the National Planning Policy Framework (NPPF),

in particular paragraphs 130 and 134 and Policy D1 of the emerging Publication Draft City of York Local Plan 2018.

Cllr A. Hollyer, Chair

[The meeting started at 4.30 pm and finished at 6.40 pm].

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COMMITTEE REPORT

Date: 13 October 2021 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 19/02753/FULM
Application at: Barnitts 28A Colliergate York
For: Conversion of Drill Hall and upper floors of 28a Colliergate from retail to residential (Use class C3) creating 10no. townhouses and 2no. apartments, and associated alterations
By: Oakgate Group Ltd And Barnitts Ltd .
Application Type: Major Full Application
Target Date: 15 November 2021
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to part of the Barnitts' retail premises on Colliergate and St Andrewgate; no. 28a (which accommodates the clock and sits independently from the rest of the Barnitts facade), the Drill Hall, which is on St Andrewgate, and attached buildings behind. These parts of the premises are now surplus to requirements. Barnitts have excess floor-space at the city centre premises, as bulkier goods are now stored at their James Street premises.

1.2 The Drill Hall and 28a are Grade II listed. No. 28a dates from the early C19 and was originally a house. The Drill Hall was constructed in 1872 and 28a became part of this facility. Barnitts acquired the Drill Hall buildings in the 1990s. The main Drill Hall building was added to the Grade II listing for 28a in 1997. The site is in the Central Historic Core Conservation Area and City Centre Area of Archaeological Importance.

PROPOSALS

1.3 Full Planning Permission and Listed Building Consent applications have been submitted to detach the buildings from the remainder of the Barnitts' store and for conversion into 12 dwellings, and a ground floor retail unit within 28a.

1.4 In 28a the frontage building would accommodate a 2-bed dwelling on the upper floors, and a second dwelling created on the upper floors to the rear. The dwellings would be accessed via St Andrewgate and the Drill Hall.

1.5 Behind the Drill Hall and behind nos.27 and 28 Colliergate the existing building would be converted into a 2-storey 3-bed dwelling. Single storey structures to each side of this building, which date from the late C20, would be demolished.

1.6 There would be eight 3-bed dwellings installed within the Drill Hall. Access into townhouse 1 would be via the existing side access to the Drill Hall. The central access would lead to an open courtyard and the remaining dwellings. The townhouses would be over 3-storey. The existing roof covering will be replaced. The new structure has roof-lights, set behind the parapet, and perforated sections towards the ridge to allow natural light and ventilation into the proposed courtyard and subsequently the proposed houses.

1.7 The rear wing of the Drill Hall (which sits against the side boundary shared with St Andrew Place) would be converted into a 2-bed dwelling.

1.8 All windows would be removed, repaired and adapted to accommodate double glazing. A new window pattern is proposed for the Drill Hall, copying a window at the rear of the building, which is assumed to be the original design.

DEFERRAL

1.9 The application was deferred by members at Area Planning Sub-Committee on 11th November 2020 to allow for an independent viability review, to determine whether the scheme could provide for planning obligations. The obligations being affordable housing and contributions towards education and open space.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these should be applied.

2.1 Key policies / sections of the NPPF are as follows -

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

The Publication Draft City of York Local Plan 2018 ('2018 DLP')

2.3 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.

2.4 Key relevant DLP 2018 policies are as follows –

DP2 Sustainable Development
DP3 Sustainable Communities
DP4 Approach to Development Management
SS1 Delivering Sustainable Growth for York
SS3 York City Centre
R1 Retail Hierarchy and Sequential Approach
R3 York City Centre Retail
H10 Affordable Housing
D1 Placemaking
D4 Conservation Areas
D5 Listed Buildings
D6 Archaeology
GI6 New Open Space Provision
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development
ENV5 Sustainable Drainage
DM1 Infrastructure and Developer Contributions

3.0 CONSULTATIONS

INTERNAL

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

CONSERVATION ARCHITECT

3.1 The Conservation Architect considers that the significance of the drill hall does not rest “almost entirely on its external appearance”. Though architecturally the exterior is the most impressive part of the building, the spatial qualities and plan form are also of significance (i.e. its hall like qualities), which though compromised by the inserted first floor, are still legible. This understanding will be lost as a consequence of the proposed scheme. The Conservation Architect objects to the

application and advises that the harm to the significance of the listed buildings is less than substantial; it has been reduced by the latest revisions, but is still categorised as high.

3.2 The proposals will cause harm to the Drill Hall in the following ways:

- Loss of the spatial qualities / volume / character of the Drill Hall. Although the winter gardens will allow some visual permeability into a larger central area within the building, the subdivision of the hall into 8 private dwellings will result in the permanent loss of the hall like qualities of the listed building. Note that the harm could be reduced through a less intense scheme.
- External alterations to the Drill Hall roof, with the inclusion of 12 large roof-lights which are openable (top window opens out to form a “roof”, and the lower window opens out to form a balustrade). Though these windows won't be open all the time (so less harmful than the previous scheme with dormers and roof terraces), when open, they will be visible from Colliergate, St Andrewsgate, and in views from the Minster. They will appear incongruous in York's roofscape, and will harm the character of the Conservation Area. Details of the “fins” over the void in the centre of the Drill Hall need to be finalised, but could potentially be covered by condition to ensure they give the appearance of a solid roof, especially in longer range views.

3.3 There would be harm at 28a due to the loss of the staircase and loss of the historic connection between upper floors and street at 28a Colliergate

3.4 There are benefits to the proposals which will help to better reveal the significance of the heritage assets. These are:

- Reinstatement of gable chimney to Drill Hall
- Spandrel panels across Drill Hall windows no longer needed across Drill Hall windows
- Removal of modern infill structures at the rear of the site
- Removal of external fire escapes
- Return of upper floors of 28a Colliergate to residential use

3.5 The following works also cause harm, although to a lower degree than the aforementioned –

- Multiple cases of replacing traditional glazed historic windows with modern double glazed windows, including on 28a facing King's Square
- Townhouse 9 (ancillary wing of Drill Hall) – harm caused by loss of historic stair.
- Townhouse 10 (building behind Drill Hall) – suggested (contemporary) ground floor fenestration is not characteristic of this group of listed buildings and therefore harmful

ARCHAEOLOGY

3.6 St. Andrewgate and Colliergate are at least medieval in date. Medieval deposits may survive at much shallower depths within 1m of the current ground surface and in some cases just below the modern surface. 28A Colliergate contains a basement which may have destroyed some of the medieval street frontage archaeology.

3.7 The proposals are likely to require ground disturbing works for potential new/strengthening foundations and services. Given the possibility of encountering medieval archaeology at shallow levels an archaeological watching brief will be required with excavation where necessary. An archaeological watching brief can be maintained until archaeological layers are revealed. After reaching archaeological depths hand excavation will be required.

3.8 A photographic recording will also be required for the Drill Hall and 28A Colliergate.

EDUCATION

3.9 Officers seek financial contributions, as schools within the catchment do not have capacity.

HIGHWAY NETWORK MANAGMENT

3.10 Car-free development can be accommodated in this city centre location, however good cycle facilities are necessary as an alternative. Officers seek two spaces per townhouse, using Sheffield type stands and in a secure enclosure.

3.11 Confirmation was requested that none of Barnitts' existing staff provision was being lost to accommodate this scheme (planning officer note - no formal staff parking is lost).

3.12 The site plan suggests the bollards on St Andrewgate potentially relocated. These bollards are in place to allow servicing for the commercial premises opposite (and Barnitts) to take place from via King's Square avoiding residential streets. This change would not be permitted.

PUBLIC PROTECTION

3.13 Noise - Request longer monitoring, than that carried out in the noise assessment, to determine noise levels on St Andrewgate. Regarding noise from the adjacent public house, monitoring did not represent worse-case scenario, and should be extended to weekends. Suggest the glazing specifications recommended in the noise assessment are increased slightly to ensure that the levels in BS8233:14 are definitely met. If levels are only achievable with the windows closed

then windows in the flats overlooking Kings Square would need have mechanical ventilation.

SPORT AND ACTIVE LEISURE

3.14 The citywide open space audit identifies a shortfall of outdoor sports provision in the Guildhall Ward and within the closely neighbouring wards of Micklegate, Heworth and Fishergate, meaning a contribution would need to be sought. The Outdoor Sport Provision contribution would be used towards the provision of or improvement to sport or active leisure facilities within 2km from the Development. The following facilities would be potential beneficiaries of the S106 funds -

- York RI, Queen Street for development of Queen Street;
- York Hospital Bootham Park pitches;
- York City Rowing Club for development of existing boat house;
- Glen Gardens;
- Heworth Tennis Club.

EXTERNAL

CONSERVATION AREAS ADVISORY PANEL

3.15 The Panel welcome the basic proposals and in particular the need to retain the St Andrewgate elevation. The viability of such residential accommodation in this area of the city was however questioned. The Panel considered it was important to carry out a full detailed recording of the existing buildings, features and structures.

HISTORIC ENGLAND

3.16 Historic England object to the application.

3.17 The amended scheme consists of minor changes to the plans, and minor improvements made in terms of reducing some of the harm to the listed building. Nevertheless, the fundamental issue of the amount of subdivision and therefore loss of spatial character of the Drill Hall remains at the heart of this scheme. HE have repeatedly drawn attention to how the subdivision (both horizontal and vertical) of the Drill Hall and the resulting loss of its spatial qualities would be harmful. There would also be harm to the Conservation Area by the incongruous appearance of the alterations to the roofscape.

3.18 The harm would amount to less than substantial harm to the significance of the Grade II listed building, but at the upper end of this level. This calls for a very strong clear and convincing justification. It should be demonstrated that there is not a less harmful way of achieving residential conversion. In this respect the viability information submitted should be tested independently.

3.19 The historic Drill Hall makes a unique contribution to York's history. There is no objection in principle to the conversion to residential use. This use has the potential to secure the long-term future of the listed building. However, a reduced amount of accommodation has the potential to preserve the listed building in a manner appropriate to its significance, which would not be achieved by the current proposal.

3.20 Within 28a Colliergate related to the proposed new access arrangement is the loss of the historic staircase from ground to first floor. Historic England has concerns over the loss of the stair, and recommend retention if possible.

GUILDHALL PLANNING PANEL

3.21 Support in principle the conversion to residential use, but have concerns which mean they cannot support the current application:

- The density of development is too high, cramming too many small units together with limited amenity space
- The present design lends itself to holiday let use rather than family residences, with shared facilities and community space
- The units are designed to a very low specification, not as quality home. We would not want to live there. Lack of storage, arrangement of kitchens on upper floors and bedrooms on lower floors, limited natural light, overlooking.
- The sustainability and accessibility of the units is unclear

4.0 REPRESENTATIONS

4.1 Eight objection letters received. The following issues raised -

Impact on neighbour's amenity

- Overlooking from dormers and external amenity space proposed at roof level on the Drill Hall.
- Noise – activity associated with residential use.
- Disruption during construction.

- Relocation of bollards on St Andrewgate raises concerns that it would result in increased construction and commercial traffic in a residential area.
- Proposals unlikely to contribute to meeting housing need. There's no car parking or amenity space and it is therefore likely these premises will be holiday lets. Such uses and the transient occupants lead to noise disturbance.
- The Drill Hall could be re-used as a retail unit, being close to the busy King's Square area.

4.2 Three letters in support received. Comment as follows -

- The York Retail Forum and York BID have made representation in support of the scheme. They support the application because it allows Barnitts to re-purpose its space and adapt to changing customer needs.
- The future of the city depends on the remaining retail outlets being able to adapt to the change in our shopping habits. This application will allow a much loved store to remain for generations to come.
- Drill hall facade retained.

5.0 APPRAISAL

KEY ISSUES

- Principle of the proposed uses
- Impact on Heritage Assets
- Affordable housing
- Other planning obligations
- Amenity
- Highway network management
- Sustainable design and construction
- Archaeology

PRINCIPLE OF PROPOSED USES

5.1 In the DLP 2018 Colliergate is a secondary shopping street and the host premises are annotated as forming part of the primary shopping area.

5.2 The works within 28a Colliergate; the creation of a retail unit facing King's Square and incorporating residential use on the under-used upper floors is consistent with overarching local and national city centre policy regarding economic growth and provision of housing in sustainable locations. These policies are set out

in the economic and social objectives of the NPPF and section 2 of the DLP 2018 which sets out the vision and development principles within the plan.

5.3 The Drill Hall is surplus to Barnitts' requirements and provides a challenge to find a suitable and viable re-use. It is undesirable to alternative retailers because when sub-divided its entrance is in a discreet location, off King's Square on a residential street where footfall diminishes. Furthermore the building's lack of presence (as a retail unit) is exacerbated by the facade which is not commercial in character. Due to the scale of the Drill Hall it also provides a significant amount of floor space on the upper floors, which is less attractive to operators.

5.4 Although the Drill Hall forms part of the primary shopping area in the 2018 DLP, this allocation is a consequence of association with the Barnitts' premises. In isolation an alternative use for the building could be accommodated without detriment to the overall function of the primary shopping area.

5.5 The Drill Hall is on St Andrewgate which is a residential street. Residential use of the Drill Hall would be sympathetic; there is a demonstrable need for housing and this is a sustainable location, where residents can contribute to overall vitality and viability of the area. The residential use proposed does not conflict with the housing and retail policies in the NPPF, and accords with NPPF section 11 principles for making effective use of land, in particular in contributing towards meeting housing need.

IMPACT ON HERITAGE ASSETS

5.6 No.28a Colliergate and the Drill Hall are listed buildings at Grade II. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the 1990 Act") requires that in considering whether to grant planning permission for development, which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

5.7 The site is within the Central Historic Core Conservation Area. The local planning authority has a statutory duty under section 72 of the 1990 Act to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas.

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

5.9 The approach to determining planning applications, in terms of assessment on Heritage Assets, is set out in section 16 of the NPPF. The starting point is to understand the significance of the Heritage Assets affected. In considering impact, where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Public benefits can derive from either of the social, environmental or economic objectives of the NPPF.

5.10 Publication Draft Local Plan policy D5 states “proposals affecting a Listed Building or its setting will be supported where they:

- i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and
- ii. help secure a sustainable future for a building at risk;
- iii. are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.

Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm its significance.

Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal”. Policy D5 conforms with section 16 of the NPPF.

Significance

5.11 The 1872 Drill Hall dates from the earliest phase of Drill Hall development (1859-80). The Drill Hall was added to the listing of 28a in 1997 to reflect the increased appreciation and understanding of the significance of this building type, recognising its special architectural and historic interest at a national level. The listing of the Drill Hall even in the light of the remodelling of the interior (as retail) could be taken as an indication of the importance of the retained legibility of the internal space.

5.12 Historic England’s ‘Introduction to Heritage Assets - Drill Halls (June 2015)’ sets out the historic development of Drill Halls in the 19th century and into the 20th century. Drill Halls originated as a building type following the formation of the Rifle Volunteer Corps in 1859.

5.13 The 1872 date for this site places it in the earliest phase of Drill Hall development (1859 - 1880). The Gothic Revival Style characterised this early period including decorative touches such as polychromatic brickwork and lancet windows. This clearly moved the special character of this building type away from a domestic appearance.

5.13 28a was originally a house, later an inn and stable yard. It became the Territorial Army office with Drill Hall in 1872. The original plan form of the house has been lost due to later uses. The staircase within 28a (proposed for demolition) is within the rear section of the building; this is a later addition, contemporary with the Drill Hall.

5.14 The buildings at rear of 28a, 28 and 27 are later C20 infills. They are a mix of single and two storey and of low significance. The single storey additions, where demolition is proposed, detract from the main buildings.

Impact on significance

DRILL HALL

5.15 The scheme involves the insertion of 8 townhouses within the building envelope. The decorative main entrance on St Andrewgate is retained and would form the communal entrance into the residential development. The side entrance and staircase beyond was the principal entrance to the upper floor of the Drill Hall and are retained. The other townhouses would be arranged around an internal open courtyard. The outer walls to the building are restored and the roof covering replaced. As part of the restoration the existing chimney is restored and a chimney to match re-instated on the opposite gable.

Plan form

5.16 The building's spatial qualities are an integral component of its significance and its understanding as a former drill hall. To accommodate residential use subdivision of the building is necessary, which causes harm to the plan form, and consequently the historic importance of the building.

5.17 Historic plans for the Drill Hall show ancillary storage, meeting rooms and offices at ground floor level. The main hall was on the upper floor, with an elevated viewing balcony positioned against the side gable wall. The buildings original layout and volume to a degree has been harmed as a consequence of later uses, however its spatial qualities remain evident, in particular in the upper section. The layout would be fundamentally altered by introducing townhouses arranged around a central courtyard.

5.18 Significant changes to the interior, and fundamental alteration to the historic plan form, are essential in order to facilitate a viable residential use. A scheme with less intervention (retaining the existing floorplates but still requiring sub-division for example) would not be viable due to the costs associated with restoration and the amount, quality and type of dwellings that would be provided.

Windows

5.19 The applicants contend that the Drill Hall windows are not original; they are thought to be contemporary with the insertion of mezzanine floors. Whilst there is not definitive evidence on the date of the current windows they do appear characteristic of the building age and type. Replacement windows are proposed that would provide improved energy efficiency, outlook and noise attenuation. The replacements would reference the buildings assumed original window form, with a circular window at the top of the arch. One example of the window type remains at the rear of the building.

5.20 The proposed windows would read as a contemporary intervention associated with the new use of the building; the design has character and visual interest. They bring the aforementioned benefits to the functionality of the building.

Roof

5.21 The roof covering is proposed to be replaced. The existing roof is post 1940's and the building previously had a central brick front gable and two groups of skylights to each side. The existing roof is of C20 origin and of low historic value; its replacement is accepted in principle.

5.22 Due to the depth of the building an internal courtyard is key to the scheme for natural light gain. The roof has historically utilized sky-lights for natural light gain. The revised scheme maintains the traditional pitched roof form. Perforated sections and roof-lights, the latter discreet due to being close to the eaves and parapet, will enable natural light and ventilation. It also omits the outside terraces from the external roofslope. The roof-lights would fold outward to form balconies; as such these have been objected to by the Conservation Architect.

The ancillary wing

5.23 The ancillary wing, which leads off the rear of the Drill Hall, would be converted into a single dwelling. This was a storage space and target range and is narrow in depth. The proposals include removal of the original staircase, so circulation is moved into the centre of the plan, allowing rooms to each side. All windows and doors would be replaced.

5.24 This building, in form, will still appear as an ancillary element of the main Drill Hall. Whilst the staircase loss is harmful, this is a low level of harm, which is essential to enabling efficient re-use of the building as a dwelling. Without the alteration an excessive amount of the space would be required for circulation.

COURTYARD BUILDING

5.25 The existing building is two-storey with dual-pitched roof attached to the back of the Drill Hall. It dates from the early C20. It has single storey buildings dating from later in the C20 which would be removed; these are not of significance.

5.26 The building would be formed into two storey dwelling. There would be contemporary detail at ground level with full height windows, timber cladding and doors with transom lights above following demolition of the single storey buildings. A passage to the side of the building would enable access via the Drill Hall to the upper floors of 28a. Top floor windows would be new also but of traditional design; timber sash with 6 panes over 6. This building is very evidently C20 and a later addition to the listed Drill Hall and 28a. Its modernization and re-use does not have an adverse effect on the significance of the main listed buildings.

28A COLLIERGATE

5.27 28a was originally a house, subsequently extended at the rear and linked into the Drill Hall building. The original means of circulation and floor plan has been lost, to accommodate the Drill Hall and later commercial use. The scheme would create a retail unit at ground level. Apartments on the upper floor would have access from the rear (via the Drill Hall). In principle these proposed uses are sympathetic to the building. The residential use helps restore original plan form in the frontage building.

5.28 For the scheme to work and to allow the ground floor retail a C19 staircase up to first floor (presumed contemporary with the introduction of the Drill Hall) would be lost. The upper floor front single glazed windows would be replaced (to achieve current standards in terms of adequate noise levels and energy efficiency). The windows have historic character, but have been subject to detrimental repair and alteration. Due to their condition in this case the proposed upgrade and installation of double glazing is acceptable rather than retention and installation of secondary glazing.

5.29 Removal of the existing stair represents a loss of historic fabric (though not original), which forms part of the building's history and therefore causes harm. The proposals also remove any direct link from the upper floors of this building to Colliergate, which harms the significance of this property through the loss of the historic connection between the house and the street.

Public benefits

5.30 In considering the impacts of the scheme the NPPF requires “great weight” to be given to conservation. “Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification”. The identified harm is regarded to be “less than substantial” in NPPF terms, although this has been placed at the upper end of such harm by Historic England and the council’s Conservation Architect. NPPF paragraph 202 states “this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”. Advice from Historic England is that the scheme would only be justified if it is demonstrable a residential scheme with less harm would be unviable. Following the independent viability appraisal this is now evident; alternative schemes have been explored and they would derive significantly less value than the current scheme.

5.31 The affected buildings have accommodated very different uses over time and the public benefits in finding a new use for the Drill Hall and re-introducing residential use on the upper floors of 28a, whilst improving the environmental performance of these buildings, are deemed to outweigh the identified harm. A residential scheme, which better maintained the original volumes and openness of the interior of the Drill Hall, and was compatible with the building’s windows, would have a significant effect on the number and the quality of dwellings that could be accommodated and would not likely be viable.

AFFORDABLE HOUSING

5.32 Local affordable housing targets are set out in policy H10 of the DLP 2018. The policy, in so far as it relates to major developments, (as is the case here) carries moderate weight, being evidence based and in conformity with the NPPF. As fewer than 15 dwellings are proposed, the policy requirement is for a contribution towards off-site affordable housing. The NPPF in paragraph 65 states that when more than 10 dwellings are proposed (i.e. major developments) affordable housing provision is expected.

5.33 The background text to local policy H10 states “if agreement cannot be reached on the appropriate level of affordable housing between the Council and the developer it will be referred to the Valuation Office Agency (VOA) at the expense of the developer, to determine the viable level of affordable housing”.

5.34 The applicants provided a viability assessment to illustrate that the scheme is not viable if contributions are required towards affordable housing. Viability issues are primarily around the costs associated with re-development of the Drill Hall.

5.35 The application was deferred at Area Planning Sub-Committee in November 2020, to allow for an independent valuation of the scheme. This process has been

undertaken and the valuer also found that the scheme was not viable if an off-site affordable housing contribution were sought.

5.36 A viability review was recommended to capture actual costs and dwelling sales, noting the following -

- In determining the value of the proposed dwellings, the location and unique nature of the houses was noted, in particular the townhouses, and the lack of comparable evidence available. The houses will be to a high specification and prices continue to rise in York.
- The abnormal costs do have a significant contributing factor in respect of viability. These costs are attributed to the new substructure required and costs associated with demolition, alteration and repairs.

OTHER PLANNING OBLIGATIONS

5.39 Whilst no affordable housing provision is proposed, the developers have agreed to provide contributions towards off site open space and education in accordance with local supplementary planning guidance. The independent viability appraisal confirms the scheme can afford to make these Planning Obligations.

5.40 The open space contribution would be used towards the provision of or improvement to sport or active leisure facilities within 2km from the Development, as set out in section 3. The contribution would be £6,603.

5.41 An education contribution would be provide for 2 early year places (£36,474) and 2 primary spaces (£36,474) within the catchment area.

AMENITY

5.42 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.

5.43 The Drill Hall and its attached ancillary building will create no extra volume of building and in this respect there will be no adverse effect on neighbouring amenity considering the dominance of the buildings and light gain.

5.44 St Andrewgate is a fairly narrow street, some 5 m wide typically, and buildings are directly against the pavement. The intimate relationship between buildings and enclosure of the street is part of the areas historic character. The houses opposite

the Drill Hall are around 12 m and 13 m away. The level of overlooking between buildings would be what could reasonably expected in this part of the city centre.

5.45 The adjacent houses on St Andrew Place have back gardens which are some 5 m deep and each space is overlooked by its neighbours. The proposed roof-lights can be opened to form balconies. The roof-light proposed on the St Andrew Place side of the Drill Hall would be 4 m from the common boundary. Any possible overlooking of surrounding houses, due to the angles involved and the intervening building at the boundary, would be indirectly towards upper floor windows only and are not considered to amount to grounds for refusal.

5.46 Construction works affecting boundary walls are dealt with by separate legislation; The Party Wall Act.

5.47 A noise impact assessment has been provided to assess the effect of existing uses and activity on the proposed houses. This has covered activity in King's Square, noise from the adjacent beer garden and plant and machinery in the locality. Typically double glazing is required to achieve satisfactory noise levels. The report could be used to inform conditions requiring alternative ventilation to living and bedroom windows at 28a and the building behind, this would enable compliant noise levels.

HIGHWAYS

5.48 The NPPF states that in 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.

5.49 Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.50 It is considered the scheme is acceptable on highways grounds, being consistent with national advice to locate development in sustainable and well-connected locations. No car parking is proposed which can be supported due to the central location and as 24 covered and secure cycle spaces would be provided within the Drill Hall (accessible to all residents).

5.51 The developer has been informed that the bollards in front of the Drill Hall will remain in-situ. These have been specifically located to enable servicing to the commercial units opposite from King's Square.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.52 The applicants planning statement advises that the development is targeting a BREEAM domestic refurbishment 'very good' rating in accordance with draft Policy CC2 of the emerging Local Plan. Conditions are proposed to secure the BREEAM requirement and 19% carbon emissions reduction requirement, required under local policy CC2.

ARCHAEOLOGY

5.53 The site is within the City Centre Area of Archaeological Importance. The NPPF states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

5.54 The scheme is for conversion and affects previously developed areas. As such a watching brief would suffice for groundworks. Given the historic interest of the Drill Hall a historic building recording would be required prior to demolition works.

6.0 CONCLUSION

6.1 The scheme involves the re-use of buildings surplus to the requirements of the current owner. The restoration and proposed alternative uses accord with the social and economic objectives of the NPPF regarding housing supply, the economy, the vitality of town centres and making effective use of land. In respect of decision-making the NPPF requires planning to support (and give substantial weight in decision-making) the development of under-used buildings, especially when this would help meet identified needs for housing. The scheme retains commercial use at the ground floor facing King's Square, within 28a, and appropriately makes more effective use of other underused parts of the site; the upper floors of 28a, the buildings behind and the Drill Hall.

6.2 It is considered that residential use is likely the only viable option to secure re-use and continued occupation of the relevant building(s). There is demonstrable local housing need. To facilitate re-use of the listed buildings, including ones which are in poor condition, and the associated social and economic benefits of the scheme would equate a public benefit that justifies the harm to the significance of

the buildings. In making the planning balance, officer's recommendation is that the benefits outweigh the identified harm, despite non-compliance with local affordable housing policy. Any residential re-use of the Drill Hall would lead to a degree of harm to the original layout. A scheme less harmful to that proposed would not be viable, given the amount of restoration work involved, and the amount and quality of accommodation provided. The loss of the staircase in 28a is necessary to enable the desired mix of uses in a functional and efficient way.

6.3 Other technical issues – amenity, sustainable design and transport can be addressed by conditions.

6.4 Independent valuation has concluded that the scheme cannot deliver an affordable housing contribution. However it acknowledges the uncertainty in this case, given the extent of construction work, the unique nature and location of the housing proposed and local housing supply and prices. The applicants have accepted a viability re-appraisal, if there is a delay in implementation of the scheme. This would ensure the value of the development remained relevant. It would be secured by the S106 legal agreement, triggered if development does not commence within 2 years of the date of approval.

7.0 RECOMMENDATION:

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

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

Education

- 2 early year places £36,474
- 2 primary spaces £36,474

Open Space

- £6,603 towards the provision of or improvement to sport or active leisure facilities within 2km from the Development

Viability Re-appraisal

- Updated appraisal should the phase of development related to the Drill Hall not be commenced within 2 years of the date of permission.

b. The conditions set out below

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

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

Conditions:

1 TIME2 Development start within three years

2 Approved Plans

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

Location Plan
2016-221/0806 B

Proposed floor plans and roof
2016-221 - 0200, 0201 rev G, 0202 F, 0203 F, 0205 E

Sections and elevations
2016-221 - 0210D, 0211E, 0212C, 0213C

Demolition and alterations schedule
2016-221- 0601C, 0602C, 0603C, 0605B, 0606D, 0607C, 0608C, 0609C, 0610C

Landscape Plan
0901revE

Typical Window Details
0711

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

3 Archaeology

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

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

B) The watching brief/excavation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) above and the provision made for analysis, publication and dissemination of results and archive deposition will be secured.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF, as the site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

4 Building recording

A programme of archaeological building recording, specifically a written description and photographic recording of the Drill Hall and 28A Colliergate to Historic England Level of Recording 2 is required for this application.

A) No demolition works of a phase of works shall take place until a written scheme of investigation (WSI) for that phase has been submitted to and approved by the local planning authority in writing.

The WSI should conform to standards set by CYC and the Chartered Institute for Archaeologists.

B) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition part (A) and the provision made for analysis, publication and dissemination of results and digital archive deposition with Archaeology Data Service will be secured.

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

Reason: In accordance with Section 16 of NPPF, as the buildings on this site are of archaeological interest and must be recorded prior to alteration or removal of fabric.

5 Construction management plan

Prior to commencement of any phase of development, including site enabling works,

a Construction Management Plan shall be submitted to and approved in writing by the local planning authority for the phase of works. The approved plan(s) shall be adhered to throughout the relevant construction period of the development. The plan(s) shall include the following details (where relevant for each phase of construction)-

- Dilapidation survey

A dilapidation survey of the highways adjoining the site (the extent of such to be agreed in conjunction with the council) which shall be jointly undertaken with the Council's highways department and the results of which shall be agreed in writing with the Local Planning Authority.

- Management of vehicular movements associated with construction and contractor parking.

- Measures to prevent mud and detritus getting on to the public highway.

- Measures to control the emission of noise, dust and dirt during construction. To include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and a package of mitigation measures commensurate with the risk identified in the assessment and measures to control noise during any piling of foundations.

- A scheme for recycling/disposing of waste resulting from construction works.

- Means of preventing light pollution, including the angling of lighting and times of operation.

- Point of contact on site for enquiries.

- A complaints procedure.

To detail how a contact number will be advertised to the public, and procedure once a complaint had been received. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To reasonably protect the amenity of the locality.

6 Times of construction

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays. Any working outside of the permitted hours is subject to prior approval in writing by the Local Planning Authority. (It is asked that any requests to

work outside of the permitted hours contains justification and details of practical measures to avoid noise disturbance).

Reason: To reasonably protect the amenities of adjacent residents.

7 Sustainable design / construction

Townhouses 1 to 8 (within the Drill Hall conversion) shall achieve a BREEAM domestic refurbishment 'very good' rating and a reduction in carbon emissions of at least 19% compared to the target emission rate as required under Part L of the Building Regulations 2003 unless otherwise agreed in writing with the local planning authority.

Prior to first occupation of the relevant dwelling 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 policy CC2 of the Publication Draft Local Plan 2018.

8 Large scale details

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

Drill Hall

- New timber windows (to include typical sections at 1:5 showing mouldings/profiles of glazing bars)
- New roof, to include Skylights and aluminium roof windows and louvres shown in context and confirmation of manufacturers' details and colour for all items.

28a

- New balcony at rear

Buildings A and D / townhouses 9 and 10

- Typical details for doors, windows, dormers/roof-light and single storey addition to townhouse 9 shown in context.

Reason: In the interests of good design, visual amenity and heritage assets, in accordance with the NPPF, sections 12 and 16.

9 Materials - brickwork

Sample panel(s) of the new brickwork to be used on each building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to construction of the external walls of the relevant building. The panel(s) 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: In the interests of heritage assets, good design and visual amenity, in accordance with the NPPF sections 12 and 16.

10 Noise

Prior to first occupation of the dwellings hereby permitted a detailed scheme of noise insulation measures for protecting the approved dwellings from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with NPPF sections 12 and 15.

INFORMATIVE: The building envelope of all residential accommodation should achieve internal noise levels in living and bedrooms, as follows –

- Day-time (07:00-23:00 hrs - no greater than 35 dB LAeq (16 hour)
- Night-time (23:00-07:00 hours) - 30 dB LAeq (8 hour) and LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A).

Noise levels shall be demonstrated with all windows open in the habitable rooms or with alternative means of background ventilation to relevant rooms where necessary. Should alternative means of ventilation be required details shall be provided (manufacturer's details and location) to illustrate the implications for the external appearance of the building, which shall be subject to approval by the local planning authority.

11 Storage

The cycle and bin storage shall be provided in accordance with the approved floor plans prior to first occupation of the development hereby permitted and retained in accordance with the approved details for the lifetime of the development.

Reason: In the interests of good design and promoting sustainable modes of travel in accordance with sections 12 and 9 of the NPPF.

12 Chimneys to Drill Hall

Prior to first occupation of townhouses 1-8, the Drill hall building's chimneys shall be retained and re-instated in accordance with the approved plans.

Reason: In the interests of the designated heritage assets and to secure the public benefits that justify approval of the scheme, when considered against section 16 of the NPPF.

13 LC4 Land contamination - unexpected contamination

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome: requested a revised scheme to address impact on heritage assets, viability review to enable a deliverable scheme and the use of planning conditions / s106 agreement.

Contact details:

Case Officer: Jonathan Kenyon

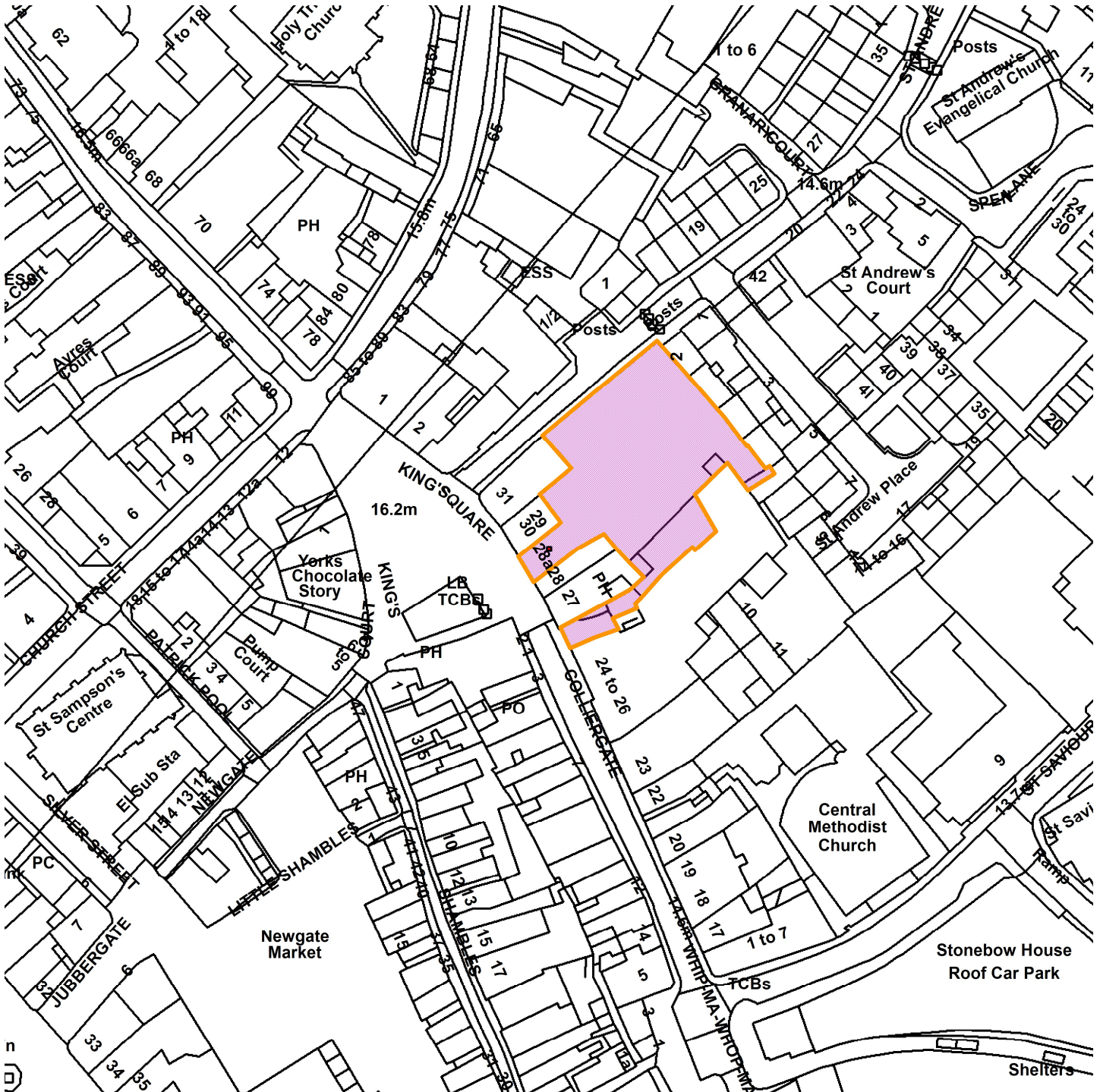
Tel No: 01904 551323

28A Colliergate, York

19/02753/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

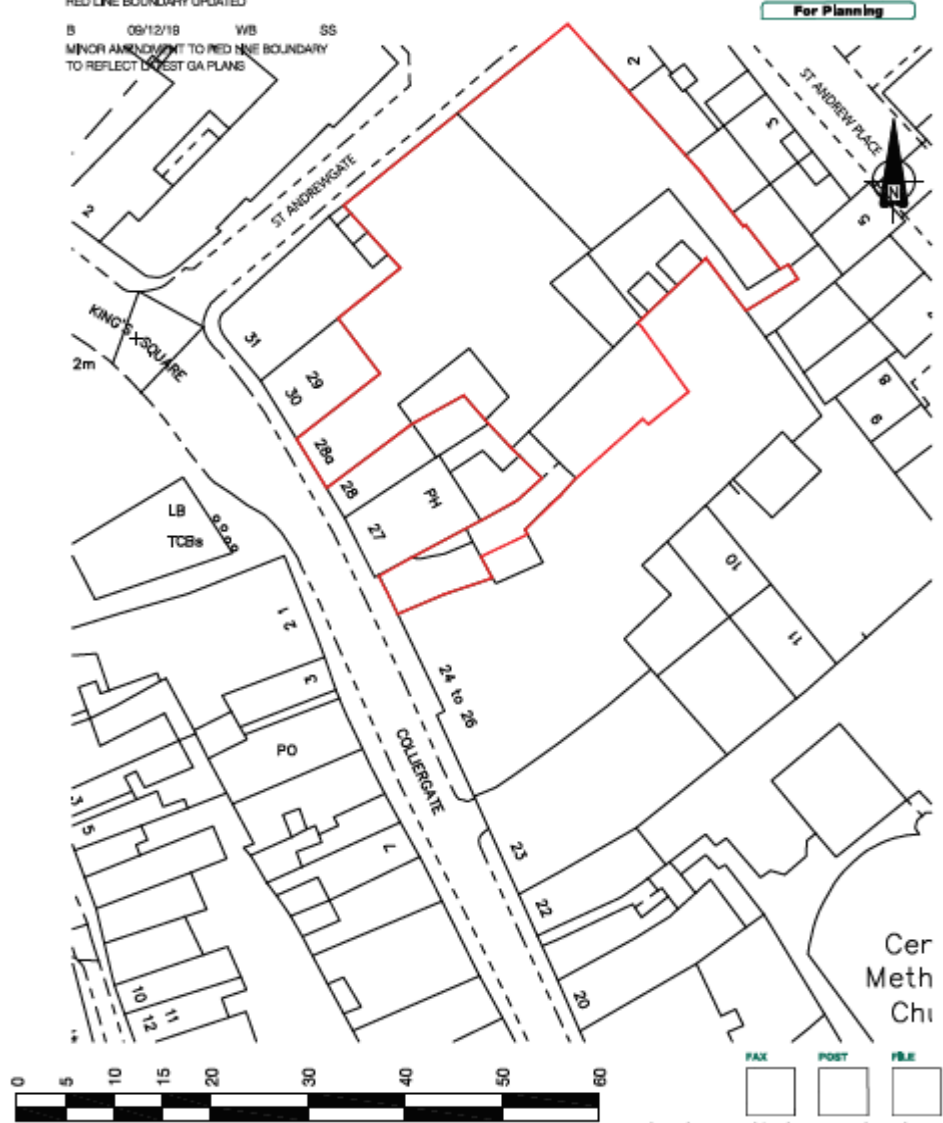
19/02753/FULM and 19/02754/LBC

Barnitts, 28A Colliergate

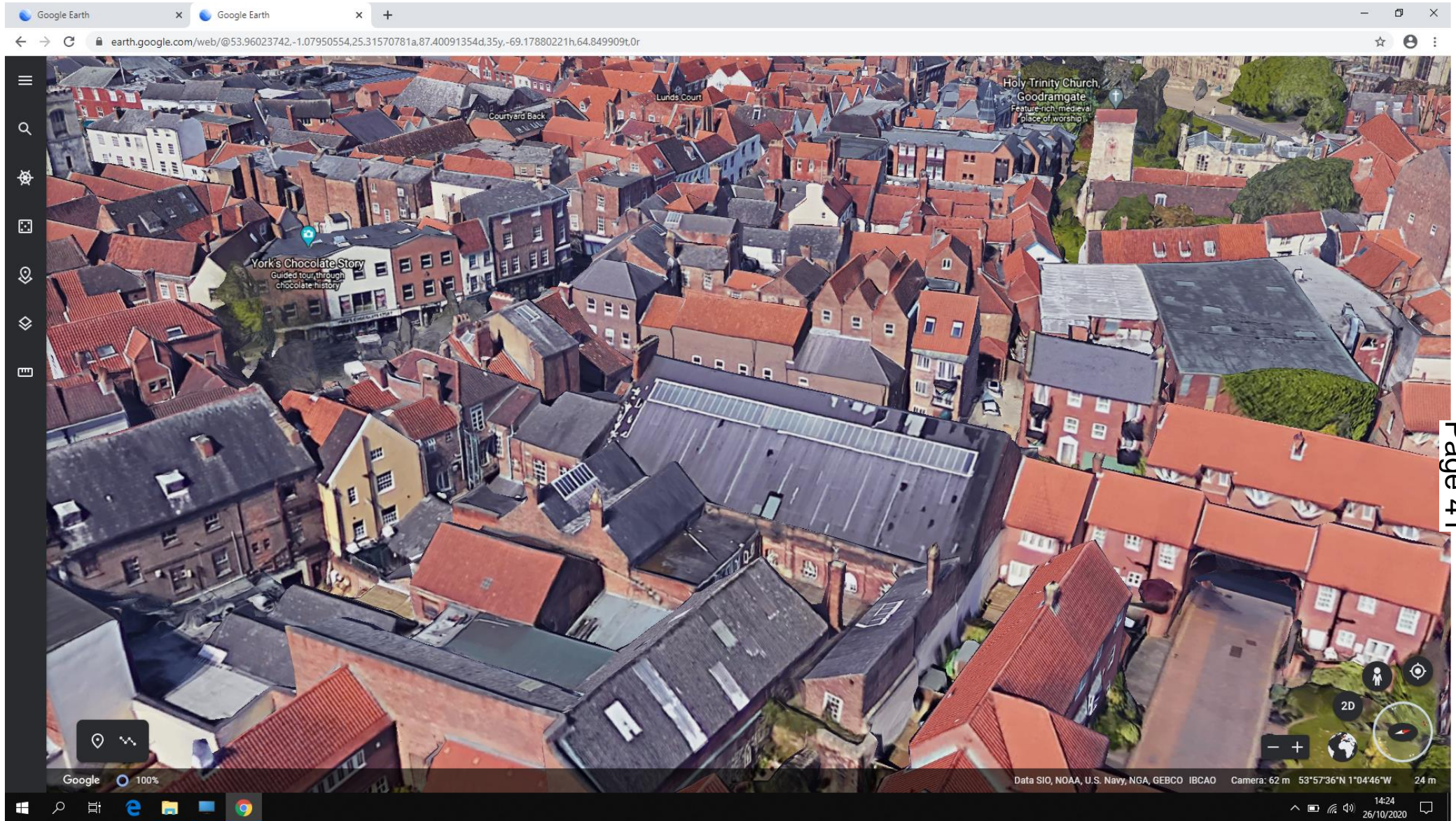
PROJECT	BARNITTS, COLLIERGATE YORK	NO	2016-221/0806
TITLE	LOCATION PLAN (PLANNING REDLINE)	DATE	29/10/19
SCALE	1:500	REVISION	B
		REVIEWED BY	OTHERS
		BY	OTHERS

A 14/11/19 WB SS
RED LINE BOUNDARY UPDATED

B 09/12/19 WB SS
MINOR AMENDMENT TO RED LINE BOUNDARY
TO REFLECT LATEST GA PLANS



Roofscape –
Source Google
Earth





Area Planning Sub Committee Meeting - 13 October 2021



(Photo 1) Drill Hall Entrance viewed from St Andrewgate

Existing First Floor Plan



SYMBOL	DESCRIPTION
[Symbol]	Room
[Symbol]	Stair
[Symbol]	Elevator
[Symbol]	Door
[Symbol]	Window
[Symbol]	Structural Column
[Symbol]	Structural Wall
[Symbol]	Structural Slab
[Symbol]	Structural Beam
[Symbol]	Structural Post
[Symbol]	Structural Pier
[Symbol]	Structural Core
[Symbol]	Structural Wall
[Symbol]	Structural Slab
[Symbol]	Structural Beam
[Symbol]	Structural Post
[Symbol]	Structural Pier
[Symbol]	Structural Core
[Symbol]	Structural Wall
[Symbol]	Structural Slab
[Symbol]	Structural Beam
[Symbol]	Structural Post
[Symbol]	Structural Pier
[Symbol]	Structural Core

ARCHITECTURE
1000 PARK AVENUE, SUITE 1000
NEW YORK, NY 10022
TEL: 212 692 1200
WWW.DIADDESIGN.COM

PROJECT:
MOZA COLLABORATIVE AND
ATTACHED DMALL HALL, YORK
PHASE:
EXISTING FLOOR PLAN
FIRST

DATE:
1/15/15

BY:
AD

SCALE:
AS SHOWN

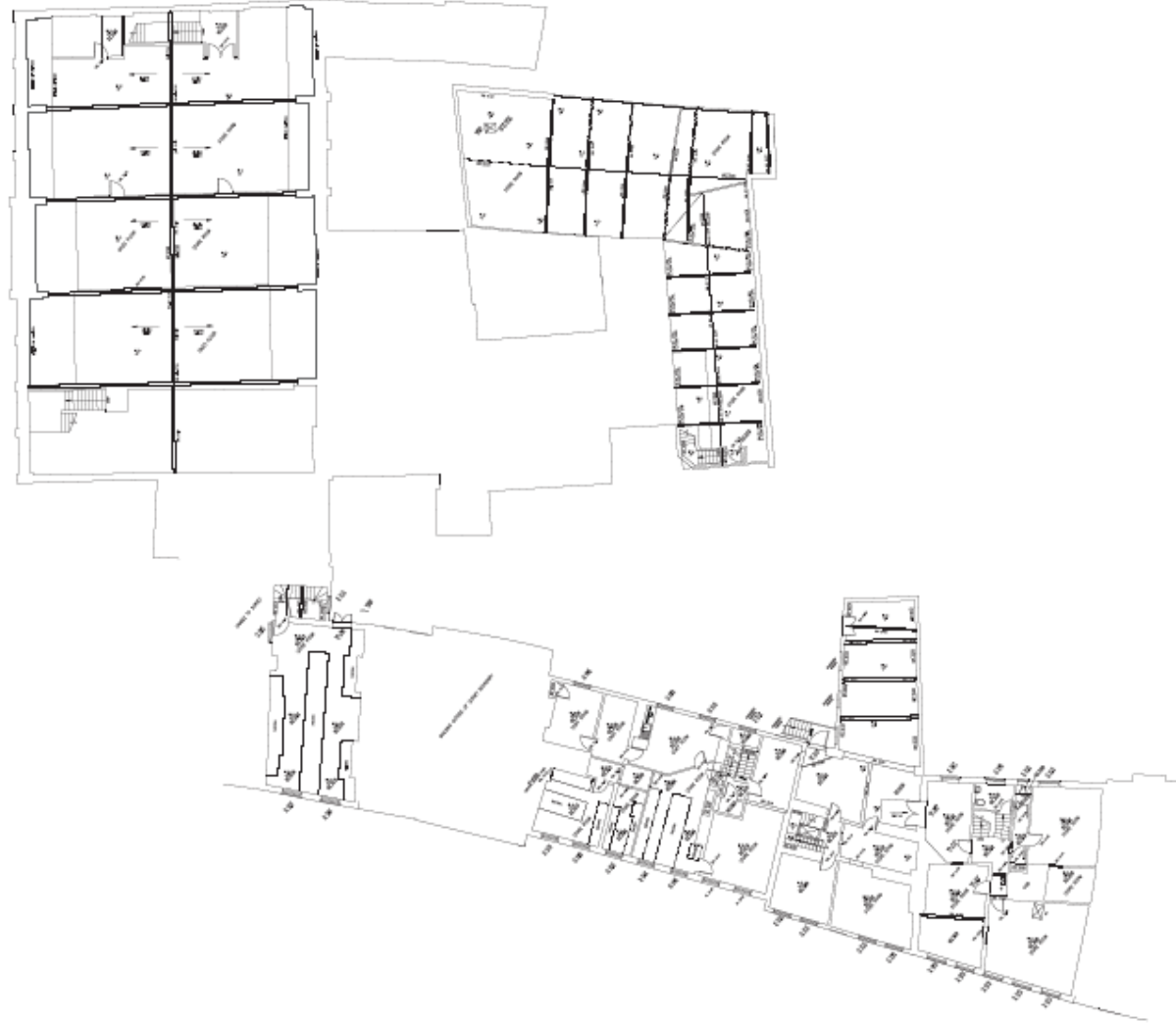
DATE:
2014-02-10

PROJECT:
MOZA COLLABORATIVE AND ATTACHED DMALL HALL, YORK

SCALE:
AS SHOWN



Existing Second Floor Plan



REVISIONS	
NO.	DATE
1	08/01/16
2	08/01/16
3	08/01/16
4	08/01/16
5	08/01/16
6	08/01/16
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50	08/01/16

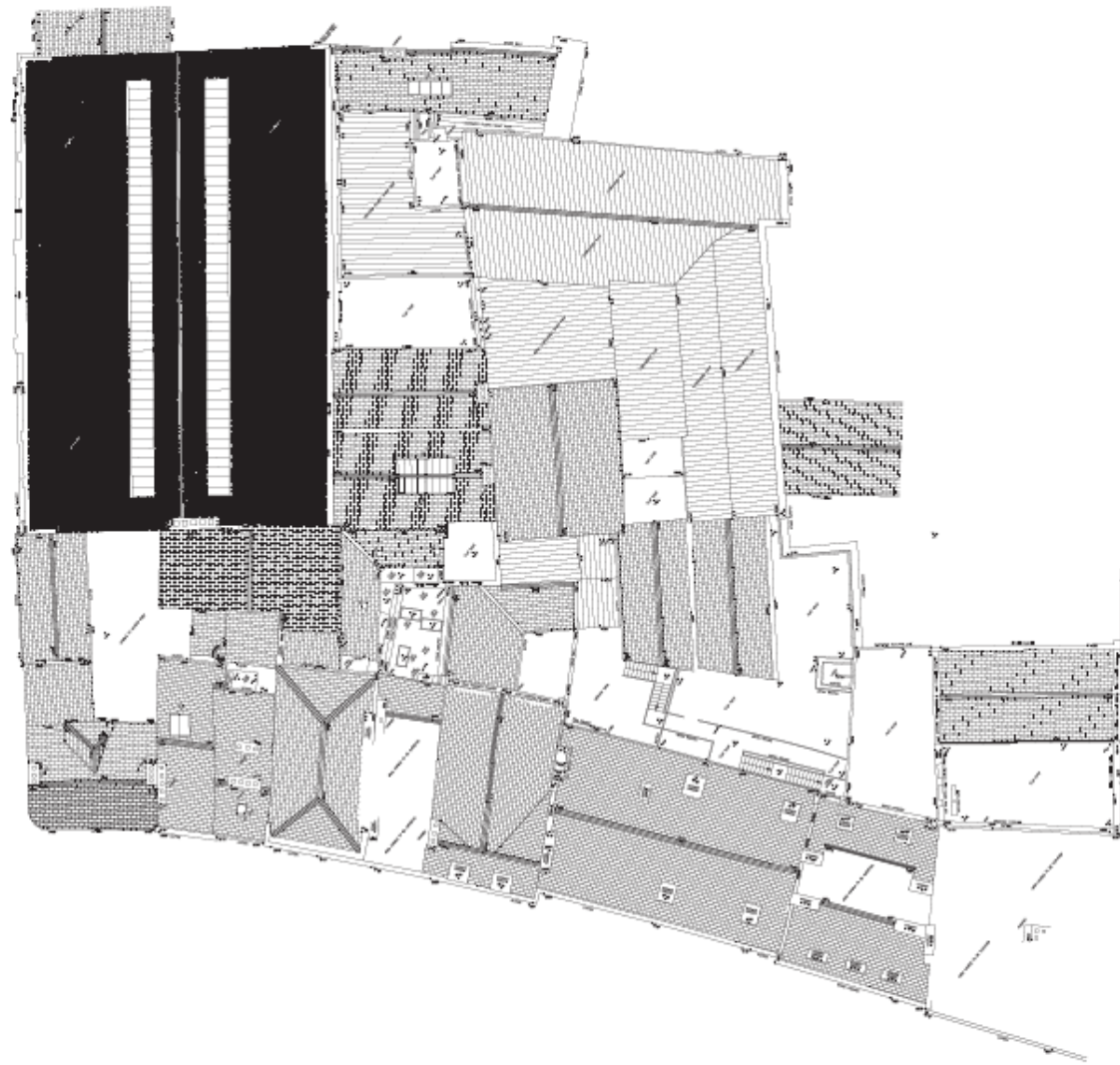
ARCHITECTURE
 1000 WEST 10TH AVENUE, SUITE 1000
 DENVER, CO 80202
 TEL: 303.733.1100
 WWW.DLADENVER.COM

PROJECT: 24-02 COLLEGIATE
 YORP
 SHEET: EXISTING FLOOR PLAN SECOND

DATE: 08/01/16
 DRAWN BY: AD
 CHECKED BY: SD
 PROJECT NO: 2016-0110214
 SCALE: A

FOR INFORMATION

Existing Roof Plan



ARCHITECTURE

24-26 COLLIER PLAZA
NEW YORK, NY 10001

PROJECT
24-26 COLLIER PLAZA

TYPE
EXISTING ROOF PLAN

DATE
08/20/18

SCALE
AS SHOWN

DATE
2018-02-10

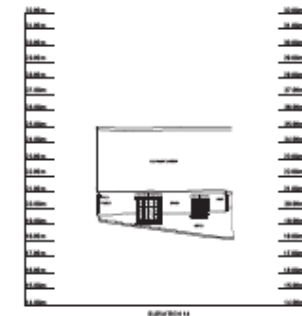
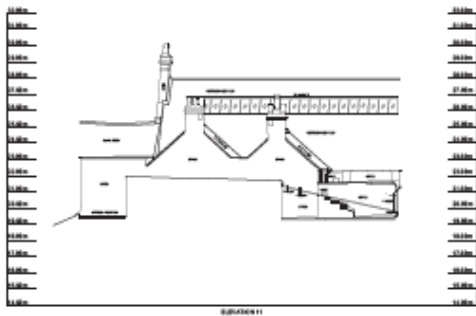
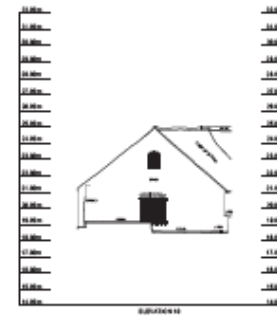
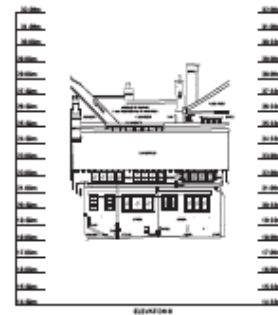
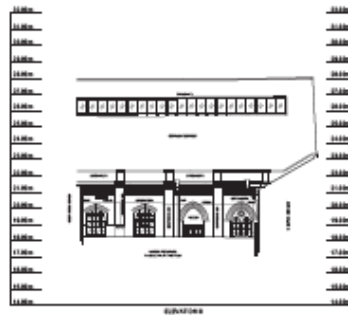
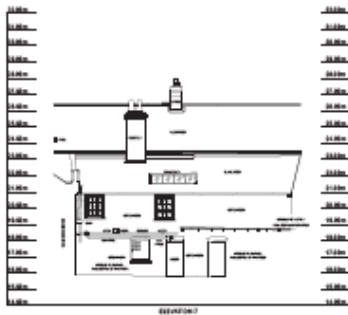
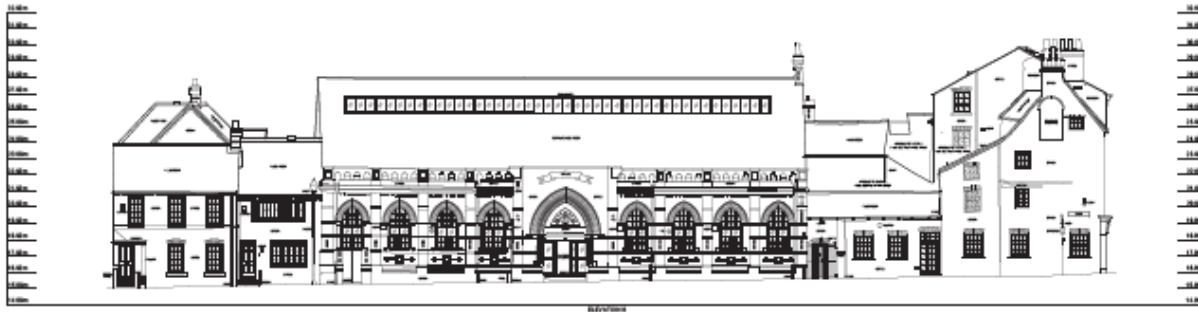
DATE
A

DATE
A

DATE
A



Existing Part Elevation incl St Andrewgate



DLA DESIGN
 1000 WEST 10TH AVENUE
 SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 WWW.DLADENVER.COM

ARCHITECTURE

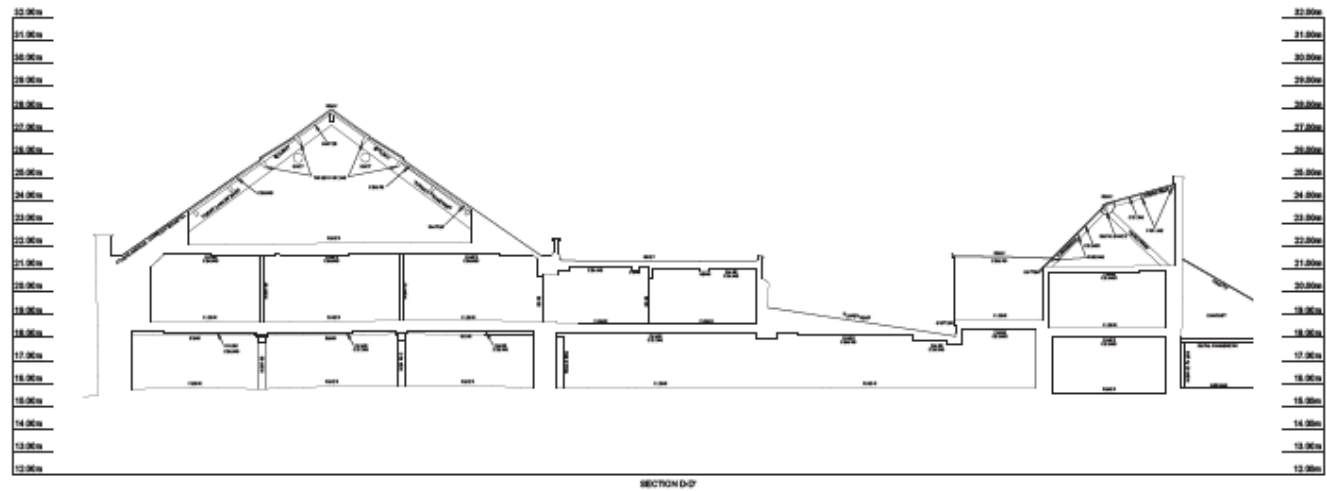
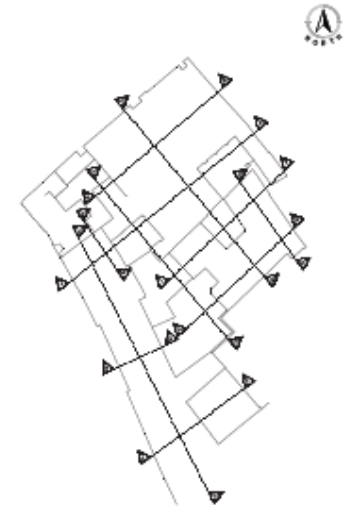
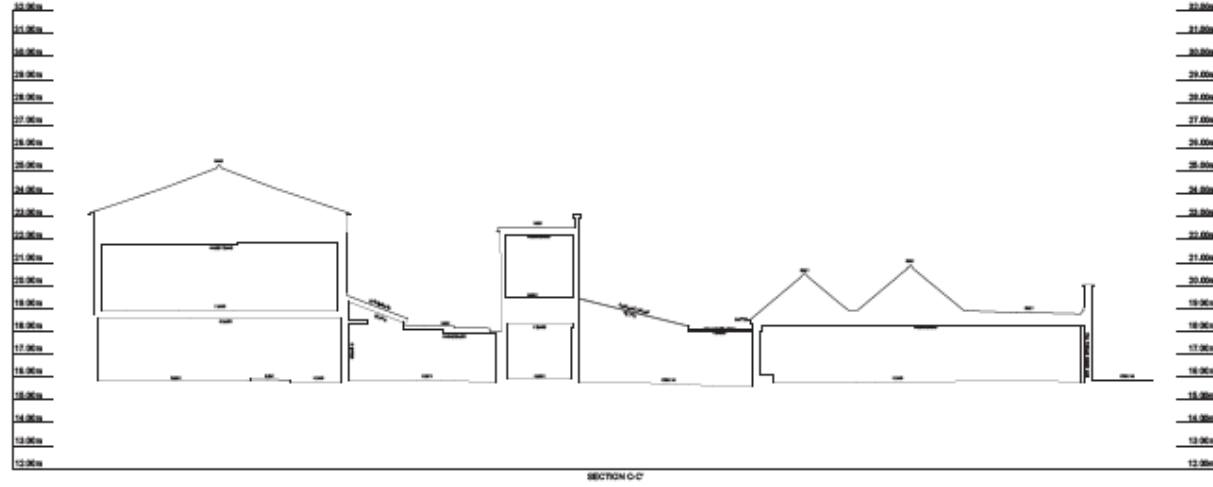
PROJECT: MODA COLLEGIATE AND ATTACHED EXHIBIT HALL, YORK

WORK: EXISTING ELEVATIONS (SHEET 2 OF 4)

DATE: 1-2023	BY: AD	DATE: 11/2018
SCALE: BY OTHERS	BY OTHERS	BY OTHERS
PROJECT NO: 2018-22110021	VERSION: 01	



Existing Section
incl section
through
Drill Hall



Notes

The drawing and the information contained herein is based on information and is the intellectual property of M.T. Surveys Ltd. Disclosure of this information to Third Parties, and associated fees, require explicit written approval of a Director.

GRID
OS NEWCASTLE, ORDN.
Using the OS OSN grid and applying
OSN2000 coordinates and the following site
data to determine absolute elevations.

DATUM
OS MATHS DATUM.
Using the OS OSN grid and applying
OSN2000 National Grid to determine grid
and coordinates.

M: www.mtsurveys.com
W: admin@mtsurveys.com
P: 01274 400262

MT Surveys Ltd
Unit 9
Parkview Court
Gillgate
RD16 2DZ

ARCHITECTURE

NO28A COLLIERGATE AND ATTACHED DRILL HALL, YORK

TITLE
EXISTING SECTIONS
(SHEET 2 OF 5)

SCALE
1:100 @ A1

DATE
11/12/19

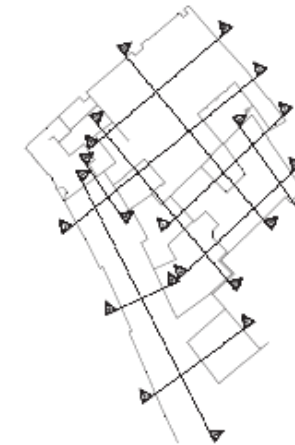
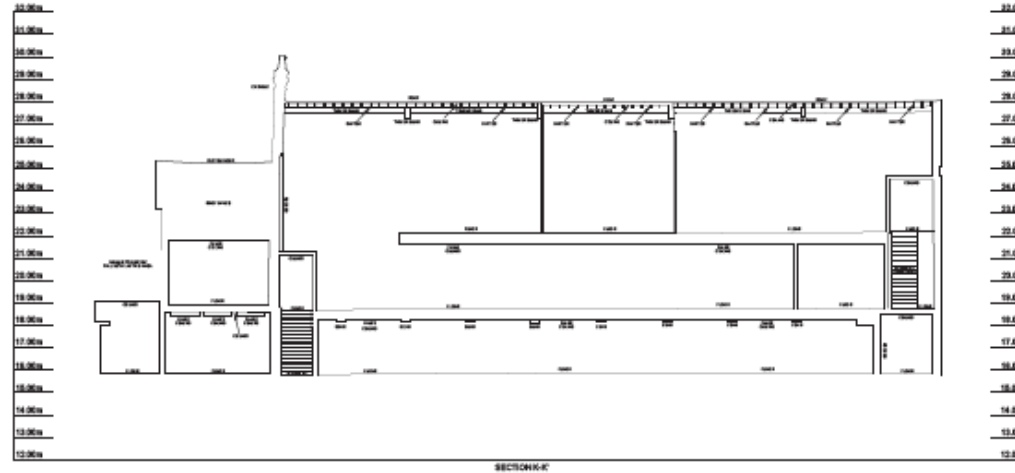
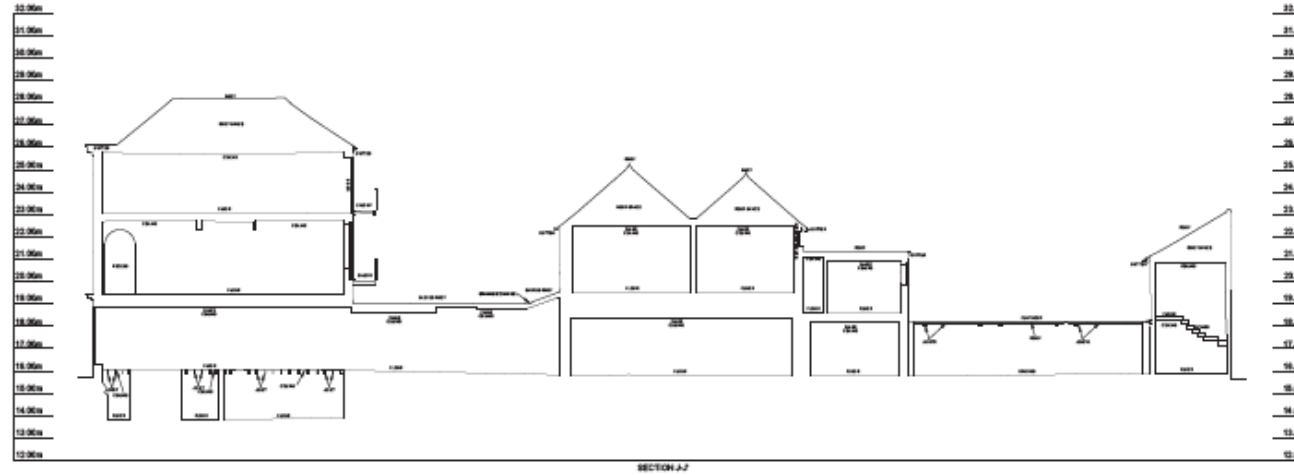
DRAWN BY OTHERS **REVIEWED BY** OTHERS

DRAWING NO.
2016-22-1/0625

FILE PATH
T:\0625\NO28A COLLIERGATE\Drawings\



Existing Long Section through Drill Hall



NOTES
 The drawing and the information contained therein shall form part of the contract and shall be subject to the terms and conditions of the contract. The drawing and the information contained therein shall be the property of the contractor and shall not be used for any other purpose without the written approval of the contractor.

GRID
 OS GRID
 Using the OS grid system and applying OS 2003 as a datum point for leveling the work shall be the contractor's responsibility.

DATUM
 OS LV90, 2003
 Using the OS grid system and applying OS 2003 as a datum point for leveling the work shall be the contractor's responsibility.

(U) www.mtsurveys.com
 (E) admin@mtsurveys.com
 (T) 01274 400552

MT Surveys Ltd
 Unit 8
 Parkview Court
 Chisley
 BD18 3DZ

ARCHITECTURE
 40-42, 50 Park Street | Leeds | LS1 2TH
 0113 487 2100 www.dla-design.co.uk

PROJECT
 NO28A COLLIERGATE AND ATTACHED DRILL HALL, YORK

TITLE
 EXISTING SECTIONS
 (SHEET 5 OF 5)

SCALE
 1:100

DATE
 11/12/19

DRAWN BY OTHERS **REVIEWED BY OTHERS**

DRAWING NO
 2016-221/0628

FILE PATH
 Y:\2016\221\0628\2210628.dwg

STATUS
 For Information



First Floor Demolitions



NO.	DATE	BY	CHKD
A	14/10/19	SS	SS
B	16/10/19	SS	SS
C	17/10/19	SS	SS



NO. 28A COLLIERGATE | LONDON | E1 2JF
01753 887330 | www.dla-design.co.uk

PROJECT: NO. 28A COLLIERGATE AND ATTACHED DRILL HALL, YORK

TITLE: FIRST FLOOR PLAN DEMOLITION AND ALTS

SCALE: 1:100 @ A1 DATE: 27/06/19

DRAWN: SS REVISION: SS

DRAWING NO: 2016-221/0602 REVISION: C

FILE PATH: T:\2016\221\0602\2016-221-0602.dwg

STATUS: For Planning



(Photo 2) at first floor level looking at 2nd floor mezzanine



(Photo 3) internal view of Drill Hall South gable

Proposed Ground Floor Plan



DLA DESIGN

NO.	DATE	BY	CHKD.
A	08/11/19	MB	SS
B	08/11/19	MB	SS
C	08/11/19	MB	SS
D	08/11/19	MB	SS
E	08/11/19	MB	SS
F	08/11/19	MB	SS
G	08/11/19	MB	SS

- Existing
- Proposed
- Proposed (to be demolished)
- Proposed (to be retained)
- Proposed (to be demolished)
- Proposed (to be retained)
- Proposed (to be demolished)
- Proposed (to be retained)

NORTH

ARCHITECTURE

NO28A & ATTACHED DRILL HALL, COLLIERGATE, YORK

PROJECT: NO28A & ATTACHED DRILL HALL, COLLIERGATE, YORK

TITLE: PROPOSED GROUND FLOOR PLAN

SCALE: 1:100 A1 DATE: 07/11/19

DRAWN: EE CHECKED: SS

DATE: 2019-221/0201 PROJECT: G

FILE PATH: T:\2019\221\0201\0201.dwg

STATUS: For Planning

Proposed Second Floor Plan



REVISIONS

A	06/01/19	160	SS
New structural steel columns and beams			
B	06/01/19	160	SS
New steel column and beam system to plan.			
C	06/01/19	160	SS
New layout for parking area.			
D	06/01/19	160	SS
Update to structural steel grid per architect			
E	06/01/19	160	SS
Update to structural steel grid per architect			
F	06/01/19	160	SS
Update to structural steel grid per architect			

- Site
- void Or EXISTING
- void Or PROPOSED
- void Or EXISTING
- void Or EXISTING
- void Or EXISTING
- void Or EXISTING

ARCHITECTURE

PROJECT
NO 28A COLLIERGATE AND ATTACHED DRILL HALL, YORK

TITLE
PROPOSED SECOND FLOOR PLAN

SCALE
1:100 @ A1

DATE
07/11/19

DRAWN
EE

ISSUED
SS

DATE
2016-22/1/0203

PROJECT
F

FILE NAME
T:\2016\2016-22\1\0203\2016-22-1-0203.dwg

STATUS
For Planning

Proposed Roof plan



DLA DESIGN

REVISED

A 000019 190 00
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W 000019 190 00
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X 000019 190 00
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Y 000019 190 00
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Z 000019 190 00
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ARCHITECTURE

28A Colliergate, York | LS1 2BE
01904 471111 | www.dla-design.co.uk

PROJECT
NO. 28A COLLIERGATE AND
ATTACHED DRILL HALL, YORK

TITLE
PROPOSED ROOF PLAN

SCALE
1:100

DATE
07/11/19

DESIGNER
EE

REVIEWER
SS

DRAWING NO.
2016-221/0005

REVISION
E

FILE PATH
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STATUS
For Planning

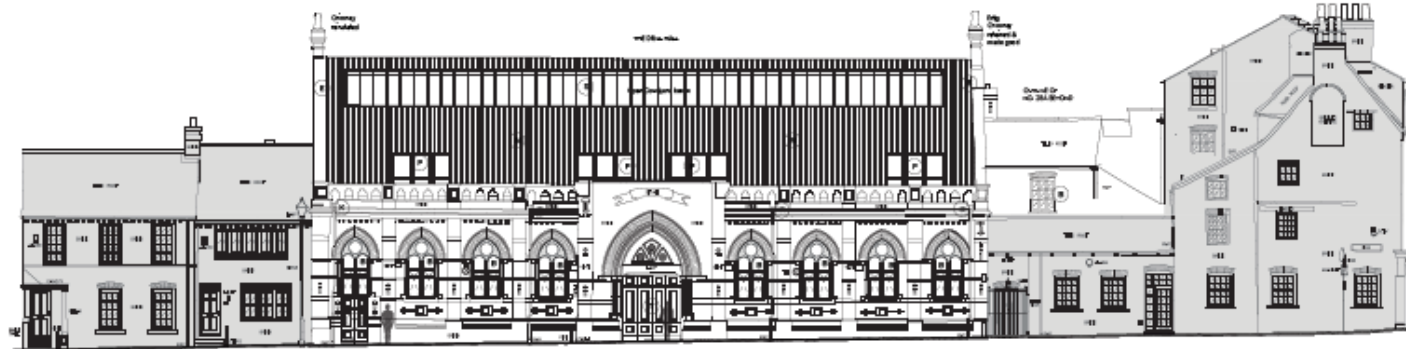
Elevations St Andrewgate and Colliergate

REVISIONS

NO.	DATE	BY	CHKD
1	06/07/19	SS	SS
2	07/11/19	SS	SS
3	07/11/19	SS	SS
4	07/11/19	SS	SS
5	07/11/19	SS	SS



COLLIERGATE ELEVATION (S)



ST ANDREWGATE ELEVATION (S)



- Materials List**
- Note: All material finishes are subject to approval from the Local Authority.
1. New external walling to be finished with red brickwork.
 2. New external walling to be finished with red brickwork.
 3. New external walling to be finished with red brickwork.
 4. New external walling to be finished with red brickwork.
 5. New external walling to be finished with red brickwork.
 6. New external walling to be finished with red brickwork.
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 14. New external walling to be finished with red brickwork.
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 18. New external walling to be finished with red brickwork.
 19. New external walling to be finished with red brickwork.
 20. New external walling to be finished with red brickwork.

21. New external walling to be finished with red brickwork.
22. New external walling to be finished with red brickwork.
23. New external walling to be finished with red brickwork.
24. New external walling to be finished with red brickwork.
25. New external walling to be finished with red brickwork.
26. New external walling to be finished with red brickwork.
27. New external walling to be finished with red brickwork.
28. New external walling to be finished with red brickwork.
29. New external walling to be finished with red brickwork.
30. New external walling to be finished with red brickwork.

Notes

1. For detailed construction details refer to the attached drawings.
2. For detailed construction details refer to the attached drawings.
3. For detailed construction details refer to the attached drawings.
4. For detailed construction details refer to the attached drawings.
5. For detailed construction details refer to the attached drawings.
6. For detailed construction details refer to the attached drawings.
7. For detailed construction details refer to the attached drawings.
8. For detailed construction details refer to the attached drawings.
9. For detailed construction details refer to the attached drawings.
10. For detailed construction details refer to the attached drawings.

ARCHITECTURE

DLA DESIGN

PROJECT: NO28A COLLIERGATE AND ATTACHED DRILL HALL, YORK

TITLE: PROPOSED SECTIONAL ELEVATIONS (SHEET 1 OF 4)

SCALE: 1:100

DATE: 07/11/19

DESIGNER: WB

REVISION: SS

DATE: 2019-22/02/20

PROJECT: D

FILE NAME: 2019-22/02/20-2019-22/02/20-2019-22/02/20

STATUS: For Planning



Proposed Drill Hall section And (rear) elevation

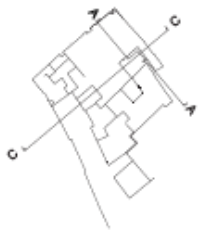


Materials Key

Note: All floor materials are subject to approval from the local authority.

- 1. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 2. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 3. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 4. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 5. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 6. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
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- 11. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
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- 13. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 14. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 15. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 16. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 17. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 18. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 19. Use external concrete masonry blocks to form external walls. External walls to be finished with render.
- 20. Use external concrete masonry blocks to form external walls. External walls to be finished with render.

NO.	DATE	BY	CHKD
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2	14/11/19	WB	SS
3	14/11/19	WB	SS
4	14/11/19	WB	SS
5	14/11/19	WB	SS
6	14/11/19	WB	SS
7	14/11/19	WB	SS
8	14/11/19	WB	SS
9	14/11/19	WB	SS
10	14/11/19	WB	SS



ARCHITECTURE

No. 10/12 Park Street | Leeds | LS1 2TH
0113 487 3333 | www.dla-design.co.uk

PROJECT: NO28A COLLIERGATE AND ATTACHED DRILL HALL, YORK

TITLE: PROPOSED SECTIONAL ELEVATIONS (SHEET 2 OF 4)

SCALE: 1:100 | DATE: 07/11/19

DRAWN: WB | REVIEWED: SS

DRAWING NO: 2016-221/0211 | REVISION: E

FILE PATH: \\S:\2016-221\0211\0211\Drawings\Arch\0211

STATUS: For Planning



Proposed Elevations Courtyard Building and Drill Hall Internal



SECTIONAL ELEVATION S-S



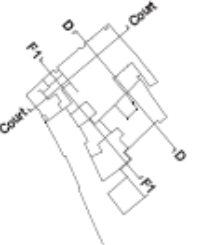
SECTIONAL ELEVATION T1-T1



SECTIONAL ELEVATION COURTYARD

- Materials Key**
- Make all listed materials available to approval from the local Authority
- 1 new external grey perforated brick & stone (2 storey brick with new stone) as per the above elevation drawings. Cladding to be installed where shown
 - 2 new timber windows (open) to be new standard window units with aluminium frames. Opening height to be indicated where shown
 - 3 new brickwork to a distance from the face as indicated on drawings (where shown)
 - 4 new brickwork to outer walling behind where shown
 - 5 new roofline where shown
 - 6 timber gable roofline as shown on drawings (where shown)
 - 7 timber gable roofline as shown on drawings (where shown)
 - 8 timber gable roofline as shown on drawings (where shown)
 - 9 timber gable roofline as shown on drawings (where shown)
 - 10 timber gable roofline as shown on drawings (where shown)
 - 11 timber gable roofline as shown on drawings (where shown)
 - 12 timber gable roofline as shown on drawings (where shown)
 - 13 timber gable roofline as shown on drawings (where shown)
 - 14 timber gable roofline as shown on drawings (where shown)
 - 15 timber gable roofline as shown on drawings (where shown)
 - 16 timber gable roofline as shown on drawings (where shown)
 - 17 timber gable roofline as shown on drawings (where shown)
 - 18 timber gable roofline as shown on drawings (where shown)
 - 19 timber gable roofline as shown on drawings (where shown)
 - 20 timber gable roofline as shown on drawings (where shown)
 - 21 timber gable roofline as shown on drawings (where shown)
 - 22 timber gable roofline as shown on drawings (where shown)
 - 23 timber gable roofline as shown on drawings (where shown)
 - 24 timber gable roofline as shown on drawings (where shown)
 - 25 timber gable roofline as shown on drawings (where shown)
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 - 50 timber gable roofline as shown on drawings (where shown)

DLA DESIGN			
REVISIONS			
A	2019/10	WB	SS
B	2019/10	WB	SS
C	2019/10	WB	SS



ARCHITECTURE

PROJECT NO: 20 A COLLIERGATE AND ATTACHED DRILL HALL, YORK

TITLE: PROPOSED SECTIONAL ELEVATIONS (SHEET 3 OF 4)

SCALE: 1:100

DATE: 20/10/19

DRAWN: WB

REVISION: SS

CHANGED: 2018-22/10/12

REVISION: C

FILE PATH: T:\19\1910\20 A Colliergate\Drawings\03

STATUS: For Planning

COMMITTEE REPORT

Date: 13 October 2021 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 19/02754/LBC
Application at: Barnitts 28A Colliergate York
For: Internal and external alterations in connection with conversion of Drill Hall and upper floors of 28a Colliergate to residential use.
By: Oakgate Group Ltd And Barnitts Ltd
Application Type: Listed Building Consent
Target Date: 22 May 2020
Recommendation: Approve after referral to Secretary of State

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to part of the Barnitts' retail premises on Colliergate and St Andrewgate; no. 28a (which accommodates the clock and sits independently from the rest of the Barnitts façade), the Drill Hall, which faces St Andrewgate and attached buildings behind. These parts of the store are now surplus to requirements. Barnitts now have excess floor-space at the city centre store, as bulkier goods are now stored at their James Street premises.

1.2 The Drill Hall and 28a are Grade II listed. No. 28a dates from the early C19 and was originally a house. The Drill Hall was introduced in 1872 and 28a became part of this facility. Barnitts acquired the Drill Hall buildings in the 1990s. The main Drill Hall building was added to the Grade II listing for 28a in 1997.

PROPOSALS

1.3 This application is for listed building consent for the works associated with conversion of the Drill Hall and 28a into 12 dwellings and a separate retail unit, and separating these premises from the remainder of the Barnitts retail space on Colliergate.

1.4 Key changes to the listed buildings are as follows –

Application Reference Number: 19/02754/LBC

Item No: 4b

Drill Hall

1.5 There are 8 dwellings proposed within the main hall, these are townhouses with ground floor access. Townhouse 1 would have access from the side door on St Andrewgate. The staircase behind would be retained. The other dwellings would be entered via the central arched entrance to the Drill Hall. The houses are arranged around a central courtyard. The existing roof covering will be replaced. The new structure has roof-lights, set behind the parapet, and perforated sections towards the ridge to allow natural light and ventilation into the proposed courtyard and subsequently the proposed houses.

1.6 To the rear of the main hall, the wing of the Drill Hall (which sits against the side boundary shared with St Andrew Place) would be converted into a 2-bed dwelling. This building was originally a store room and range. The conversion relocates the staircase within this building and all doors and windows are replaced.

1.7 House no.10 would be behind the main hall in a converted 2-storey building. This building dates from the C20 and has single storey buildings dating from later in the C20 to each side which would be removed; these structures are not of historic significance.

28a Colliergate

1.8 Within Colliergate this retail unit currently sits independently from the remainder of the Barnitts' premises and the proposals are to make this a separate retail unit with two dwellings on the upper floors. The dwellings would be accessed via the aforementioned Drill Hall off St Andrewgate. The conversion works include the removal of a C19 staircase, assumed contemporary with the Drill Hall.

1.9 There would be new windows to all of the dwellings, to meet environmental standards regarding energy efficiency and noise.

2.0 POLICY CONTEXT

2.1 NPPF Section 16: Conserving and enhancing the historic Environment explains the procedure to follow in assessment of applications affecting heritage assets.

2.2 Publication Draft Local Plan 2018 policy D5 relates to proposals affecting Listed Buildings.

3.0 CONSULTATIONS

Conservation Architect

3.1 The Conservation Architect objects to the application advising that the harm to the significance of the listed buildings is less than substantial; it has been reduced by the latest revisions, but is still categorised as high.

3.2 The proposals will still cause harm to the Drill Hall in the following ways:

- Loss of the spatial qualities / volume / character of the Drill Hall. Though the winter gardens will allow some visual permeability into a larger central area within the building, the subdivision of the hall into 8 private dwellings would result in the hall like qualities of the listed building being permanently lost. Note that the harm could be reduced through a less intense scheme.
- External alterations to the Drill Hall roof, with the inclusion of 12 large roof-lights which are openable (top window opens out to form a “roof”, and the lower window opens out to form a balustrade). Though these windows won’t be open all the time (so less harmful than the previous scheme with dormers and roof terraces), when open, they will be visible from Colliergate, St Andrewsgate, and in views from the Minster. They will appear incongruous in York’s roofscape, and will harm the character of the Conservation Area. Details of the “fins” over the void in the centre of the Drill Hall need to be finalised, but could potentially be covered by condition to ensure they give the appearance of a solid roof, especially in longer range views.

3.3 There would also be harm in 28a due to the loss of the staircase and loss of the historic connection between upper floors and street at 28a Colliergate

3.4 There are some benefits to the proposals which will help to better reveal the significance of the heritage assets. These are:

- Reinstatement of gable chimney to Drill Hall
- Spandrel panels across Drill Hall windows no longer needed across Drill Hall windows
- Removal of modern infill structures at the rear of the site
- Removal of external fire escapes
- Return of upper floors of 28a Colliergate to residential use

3.5 The following works also cause harm, although to a lower degree than the aforementioned –

- Multiple cases of replacing traditional glazed historic windows with modern double glazed windows, including on 28a facing King’s Square
- Townhouse 9 (ancillary wing of Drill Hall) – harm caused by loss of historic stair.

- Townhouse 10 (building behind Drill Hall) – suggested (contemporary) ground floor fenestration is not characteristic of this group of listed buildings and therefore harmful

Historic England

3.6 Historic England object to the application. If the authority is minded to grant consent in its current form, it must first notify the Secretary of State.

3.7 The amended scheme consists of minor changes to the plans, and minor improvements have been made in terms of reducing some of the harm to the listed building. Nevertheless, the fundamental issue of the amount of subdivision and therefore loss of spatial character of the Drill Hall remains at the heart of this scheme. HE have repeatedly drawn attention to how the subdivision (both horizontal and vertical) of the Drill Hall and the resulting loss of its spatial qualities would be harmful. Harm to the Conservation Area would be caused by the incongruous appearance of the alterations to the roofscape.

3.8 The instances of harm would amount to less than substantial harm being caused to the significance of the Grade II listed building, but at the upper end of this level. This calls for a very strong clear and convincing justification to be provided. It should be demonstrated that there is not a less harmful way of achieving residential conversion. In this respect, HE reiterate previous advice that the viability information submitted should be tested independently.

3.9 The historic Drill Hall makes a unique contribution to York's history. There is no objection in principle to the conversion to residential use. This use has the potential to secure the long term future of the listed building. However, a reduced amount of accommodation has the potential to preserve the listed building in a manner appropriate to its significance which would not be achieved by the current proposal.

3.10 With 28a Colliergate related to the proposed new access arrangement is the loss of the historic staircase that currently provides access from ground to first floor. Historic England has concerns over the loss of the stair, and have recommended it be retained if possible.

GEORGIAN GROUP

3.12 Object due to the loss of staircase and windows in 28a.

3.13 This is a multi-phased complex which includes an early nineteenth century grade II listed dwelling which was converted to an inn in the mid nineteenth century

and which has latterly been in retail use. The Group wishes to defer to the Victorian Society and Historic England over the proposed works to the attached Drill Hall range of 1872 which falls outside of their date remit.

3.14 The proposed conversion works include the largescale replacement of historic windows and the loss of the reportedly nineteenth century staircase within 28A Colliergate. Collectively these works have the potential to cause a considerable degree of harm to the historic fabric and significance of this grade II listed building. The justification provided for the loss of the staircase and windows is presently far from adequate.

4.0 REPRESENTATIONS

York Civic Trust

4.1 Support the scheme in principle and make the following comments -

- The development promotes the long-term vitality of the city centre by helping to sustain Barnitts' physical retail operations.
- The design maintains the historic elevations as described in the listing description. Proposed alterations to the street elevations are conducive to the street exteriors of each building's aesthetics and history.
- Maintaining a future commercial shell space on Colliergate is appreciated in that it maintains the retail aspect.
- The updated Drill Hall roof with exterior terraces is welcome and appears to be designed so as not to be visually perceived from pedestrian level.
- The Trust recommends that historic photographs of the original Drill Hall windows on St. Andrewgate be located if possible. The photographs or documentation are likely to be available in archives relating to the 1st West Yorkshire (York) Rifle Volunteer Battalion. The Romanesque reimagining of the window is acceptable, but it would be best to confirm visually what the original style and design of the St. Andrewgate windows were.
- As the Drill Hall represents the military heritage of York, now coming to an end, suggest the addition of an interpretation panel or plaque on the St Andrewgate elevation.

5.0 APPRAISAL

KEY ISSUE

Application Reference Number: 19/02754/LBC

Item No: 4b

- Impact on the historic and architectural importance of the listed building

POLICY CONTEXT

5.1 Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.2 Relevant to determination of this application is NPPF policy, as set out in Section 16, paragraphs 194 - 202 as follows -

5.3 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.4 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.

5.5 Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

5.6 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.

5.7 Publication Draft Local Plan policy D5 states "proposals affecting a Listed Building or its setting will be supported where they:

- i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. The more important the building, the greater the weight that will be given to its conservation; and
- ii. help secure a sustainable future for a building at risk;
- iii. are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.

Changes of use will be supported where it has been demonstrated that the original use of the building is no longer viable and where the proposed new use would not harm its significance.

Harm to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal". Policy D5 conforms with the NPPF.

ASSESSMENT

Significance of the listed building

5.8 Historic England's 'Introduction to Heritage Assets - Drill Halls (June 2015)' sets out the historic development of Drill Halls in the 19th century and into the 20th century. Drill Halls originated as a building type following the formation of the Rifle Volunteer Corps in 1859.

5.9 The Drill Hall dates from 1872, the earliest phase of Drill Hall development (1859-80). The building is of the Gothic Revival Style, which characterised this early period and includes decorative touches such as polychromatic brickwork and lancet windows. This clearly moves the special character of this building type away from a domestic appearance. The Drill Hall was added to the listing of 28a in 1997 to reflect the increased appreciation and understanding of the significance of this building type, recognising its special architectural and historic interest at a national level. The listing of the Drill Hall, even in the light of the remodelling of the interior (as retail), could be taken as an indication of the importance of the retained legibility of the internal space.

5.10 No.28a was originally a house, later an inn and stableyard. It became the Territorial Army office with Drill Hall in 1872. The original plan form of the house has been lost due to later uses. The staircase within 28a (proposed for demolition) is within the rear section of the building; this is a later addition, contemporary with the Drill Hall.

511 The buildings at rear of 28a, 28 and 27 are later C20 infills. They are a mix of single and two storey and of low significance. The single storey additions, where demolition is proposed, detract from the main buildings.

Impact on significance

DRILL HALL

5.12 The scheme involves the insertion of townhouses within the building envelope. The decorative central entrance on St Andrewgate is retained and would form the communal entrance. The side entrance and the staircase beyond, which was the principle entrance into the main hall, are retained also. The townhouses would be arranged around an internal open courtyard, required to provide natural light into the building.

Plan form

5.13 The building's spatial qualities are an integral component of its significance and its understanding as a former Drill Hall. To accommodate residential use sub-division of the building is necessary, which causes harm to the plan form, and consequently the historic importance of the building.

5.14 Historic plans for the Drill Hall show ancillary storage, meeting rooms and offices at ground floor level. The main hall was on the upper floor, with an elevated viewing balcony positioned against the side gable wall. The buildings original layout and volume has been harmed to some extent as a consequence of later uses, however its spatial qualities remain evident, in particular in the upper section. The plan form would be comprehensively lost in the proposed scheme.

5.15 A fundamental alteration to the historic plan form is essential in order to facilitate a viable residential use. A central courtyard is proposed for natural light gain, especially at ground floor level and generally due to the size/depth of the building. Single storey dwellings (which would retain the historic first floor and require less loss of the historic plan form) have been discounted on viability grounds because they would have limited natural light and outlook, being required to share the existing windows.

5.16 The following elements of the scheme are intended to allow the overall volume of the building, its character and its hall like form to still be appreciated -

- The amenity spaces at second floor level reveal the gable ends of the building and the roof structure thus allowing the buildings overall volume to be

understood. The townhouses subsequently read as an insertion into the space and within a former building which has been converted.

- The Drill Hall appears as a single storey building from the exterior. The floorplates would be spaced away from the main windows. This change better reveals the side-walls and windows and the sense of scale and character of the building, which will be experienced within the proposed houses. An arrangement that retained the ground and first floors from the Drill Hall layout, with apartments on each floor, is not feasible on amenity grounds as principle windows would be awkwardly positioned at either the upper or lower level of the ground and first floors respectably.

Windows

5.17 The applicants contend that the Drill Hall windows are not original; they are thought to be contemporary with the insertion of mezzanine floors. Whilst there is not definitive evidence on the date of the current windows they do appear characteristic of the building age and type. Replacement windows are proposed that would provide improved energy efficiency, outlook and noise attenuation. The replacements would reference the buildings assumed original window form, with a circular window at the top of the arch. One example of the window type remains at the rear of the building.

5.18 The proposed windows would read as a contemporary intervention associated with the new use of the building; the design has character and visual interest. They bring the aforementioned benefits to the functionality of the building.

Roof

5.19 It is proposed to replace the roof covering. The existing roof is post 1940's and the building previously had a central brick front gable and two groups of skylights to each side. The existing roof is of C20 origin and of low historic value; replacement is acceptable in principle.

5.20 Due to the depth of the building an internal courtyard is key to the scheme for natural light gain. The roof has historically utilized sky-lights for natural light gain. The revised scheme maintains the traditional pitched roof form. Perforated sections and roof-lights, the latter discreet due to being close to the eaves and parapet, will enable natural light and ventilation. It also omits the outside terraces from the external roof-slope. The roof-lights would fold outward to form balconies which are

not characteristic of the building; as such these have been objected to by the conservation architect.

The ancillary wing

5.21 The ancillary wing, which leads off the rear of the Drill Hall, would be converted into a single dwelling. This was a storage space and target range and is narrow in depth. The proposals include removal of the original staircase, so circulation is moved into the centre of the plan, allowing rooms to each side. All windows and doors would be replaced.

5.22 This building, in form, will still appear as an ancillary element of the main Drill Hall. Whilst the staircase loss is harmful, this is a low level of harm, which is essential to enabling efficient re-use of the building as a dwelling. Without the alteration an excessive amount of the space would be required for circulation.

COURTYARD BUILDING

5.23 The existing building is two-storey with dual-pitched roof; attached to the back of the Drill Hall. It dates from the early C20. It has single storey buildings dating from later in the C20 which would be removed; these are not of significance.

5.24 The building would be formed into a two storey dwelling. There would be contemporary detail at ground level with full height windows, timber cladding and doors with transom lights above following demolition of the single storey buildings. A passage to the side of the building would enable access via the Drill Hall to the upper floors of 28a. Top floor windows would be new also but of traditional design; timber sash with 6 panes over 6. This building is very evidently C20 and a later addition to the listed Drill Hall and 28a. Its modernization and re-use does not have an adverse effect on the significance of the main listed buildings.

28A COLLIERGATE

5.25 28a was originally a house, subsequently extended at the rear and linked into the Drill Hall building. The original means of circulation and floor plan has been lost, to accommodate the Drill Hall and later commercial use. The scheme would create a retail unit at ground level. Apartments on the upper floor would have access from the rear (via the Drill Hall). In principle these proposed uses are sympathetic to the building. The residential use helps restore original plan form in the frontage building on upper floors.

5.26 For the scheme to work spatially and to allow the ground floor retail floorplate, a C19 staircase up to first floor (presumed contemporary with the introduction of the

Drill Hall) would be lost. The upper floor front single glazed windows would be replaced (to achieve current standards in terms of adequate noise levels and energy efficiency). The existing windows have historic character, but have been subject to detrimental repair and alteration. Due to their condition in this case the proposed upgrade and installation of double glazing is acceptable rather than retention and installation of secondary glazing.

5.27 Removal of the existing stair represents a loss of historic fabric (though not original), which forms part of the building's history. The proposals also remove any direct link from the upper floors of this building, to Colliergate, which harms the significance of this property through the loss of the historic connection between the house and the street.

Whether public benefits clearly outweigh the identified harm

5.28 In considering the impacts of the scheme, paragraph 199 of the NPPF requires "great weight" to be given to conservation. "Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification". Advice from Historic England is that the scheme would only be justified if it is demonstrable a residential scheme with less harm would be unviable.

5.29 The identified harm as a consequence of the scheme would be as follows –

- The change of use of the Drill Hall, which requires a change to the buildings original plan form / internal layout.
- New windows
- In 28a the loss of the staircase

5.30 The identified harm, within 28a and the Drill Hall, is regarded to be "less than substantial" in NPPF terms (although at the upper end of such). NPPF paragraph 202 states "this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

5.31 In considering public benefits, it is acknowledged that now the Drill Hall is surplus to requirements, and a new use for the building is needed. It is also accepted that residential use is the viable option and that this will require a degree of sub-division; residential use would not allow the replication of a hall the full extent of the upper floor. In principle residential use on the upper floors of 28a is appropriate, being the buildings original and intended use. The loss of the staircase is the only practical means of accommodating the desired mix of commercial and residential uses.

5.32 The re-use of the Drill Hall, due to the size of the building, requires significant intervention to enable re-use. The building's external appearance is retained; the main elevations restored and the roof, which is modern, is upgraded in a sympathetic way.

5.33 The internal area requires sub-division to accommodate multiple houses and the historic plan form would be lost. The proposals in mitigation allow the buildings original volume to be legible to a degree. The full extent of the building, with views through to each gable end and the roof volume, would be provided within the central courtyard and the scale of the main walls and windows will be legible within the houses.

5.34 An alternative residential scheme, with less harm/loss to the original plan form, volumes and openness of the interior of the Drill Hall, and which was compatible with the building's windows, would not likely be viable; the dwellings would have limited, compromised outlook and there would be a significant effect on the number of dwellings that could be accommodated.

5.35 Replacement glazing to windows would be justified due to the condition of the existing and the environmental benefits replacements would bring as part of a residential scheme. The loss of the staircase in 28a is the only practical means of re-introducing residential use on the upper floor without compromising the ground floor commercial use layout.

5.36 Overall the changes within 28a and the Drill Hall are justified in bringing regeneration, therefore it is considered that there are public benefits that outweigh the identified harm. The works facilitate the proposed re-use of the buildings, and ensure that the residential areas are functional, sustainably constructed and provide good living conditions, whilst reasonably preserving the historic character of the buildings.

6.0 CONCLUSION

6.1 The proposed changes to facilitate residential re-use on the upper floor of 28a and within the Drill Hall cause less than substantial harm to the historic importance of the buildings. Due principally to sub-division within the Drill Hall, to facilitate a new viable use, and the loss of a staircase in 28a Colliergate.

6.2 As required by the Planning (Listed Buildings and Conservation Areas) Act 1990) and the NPPF, the Local Planning Authority must give considerable importance and weight to the desirability of avoiding harm.

6.3 The proposals for the Drill Hall have been amended significantly, so the buildings character is better revealed within the interior and the buildings' roof form now better reflects the building's traditional form. The public benefits of enabling a new long-term use for the buildings, retaining their character and improving their environmental performance outweigh the identified harm.

6.4 As Historic England have formally objected to the scheme, if Members resolve to approve the application it must be referred to the Secretary of State. This is to determine whether they wish to call-in the application for consideration under the Arrangements for handling Heritage Applications Direction 2015.

7.0 RECOMMENDATION: Approve after referral to Secretary of State

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

2 Approved Plans

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

Location Plan
2016-2210-0806 B

Proposed floor plans and roof
2016-221 - 0200, 0201**G**, 0202**F**, 0203**F**, 0205**E**

Sections and elevations
2016-221- 0210**D**, 0211**E**, 0212**C**, 0213**C**

Demolition and alterations schedule
2016-221- 0601**C**, 0602**C**, 0603**C**, 0605**B**, 0606**D**, 0607**C**, 0608**C**, 0609**C**, 0610**C**

Landscape Plan
0901revE

Typical Window Details
0711

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

3 Large scale details

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

Drill Hall

- Entrance gate with means of fixing shown in context
- New timber windows (to include typical sections at 1:5 showing mouldings/profiles of glazing bars)
- New roof, to include Skylights and aluminium roof windows and louvres shown in context and confirmation of manufacturers' details and colour for all items.
- Internal / courtyard elevation - typical details for doors and windows, winter gardens screens / balustrades, roof soffit.

28a Colliergate

- New windows
- Interface between new partitions and existing detailing
- Terraces/balconies and any acoustic screening

Buildings A and D / townhouses 9 and 10

- Typical details for doors, windows, dormers/roof-light and single storey addition to townhouse 9 shown in context.

Reason: In the interests of good design, visual amenity and heritage assets, in accordance with the NPPF, sections 12 and 16.

4 Materials - brickwork

Sample panel(s) of the new brickwork to be used on each building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to construction of the external walls of the relevant building. The panel(s) 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: In the interests of heritage assets, good design and visual amenity, in accordance with the NPPF sections 12 and 16.

5 Chimneys to Drill Hall

Application Reference Number: 19/02754/LBC

Item No: 4b

Prior to first occupation of townhouses 1-8, the Drill hall building's, chimneys shall be retained and re-instated in accordance with the approved plans.

Reason: In the interests of the designated heritage assets and to secure the public benefits that justify approval of the scheme, when considered against section 16 of the NPPF.

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323

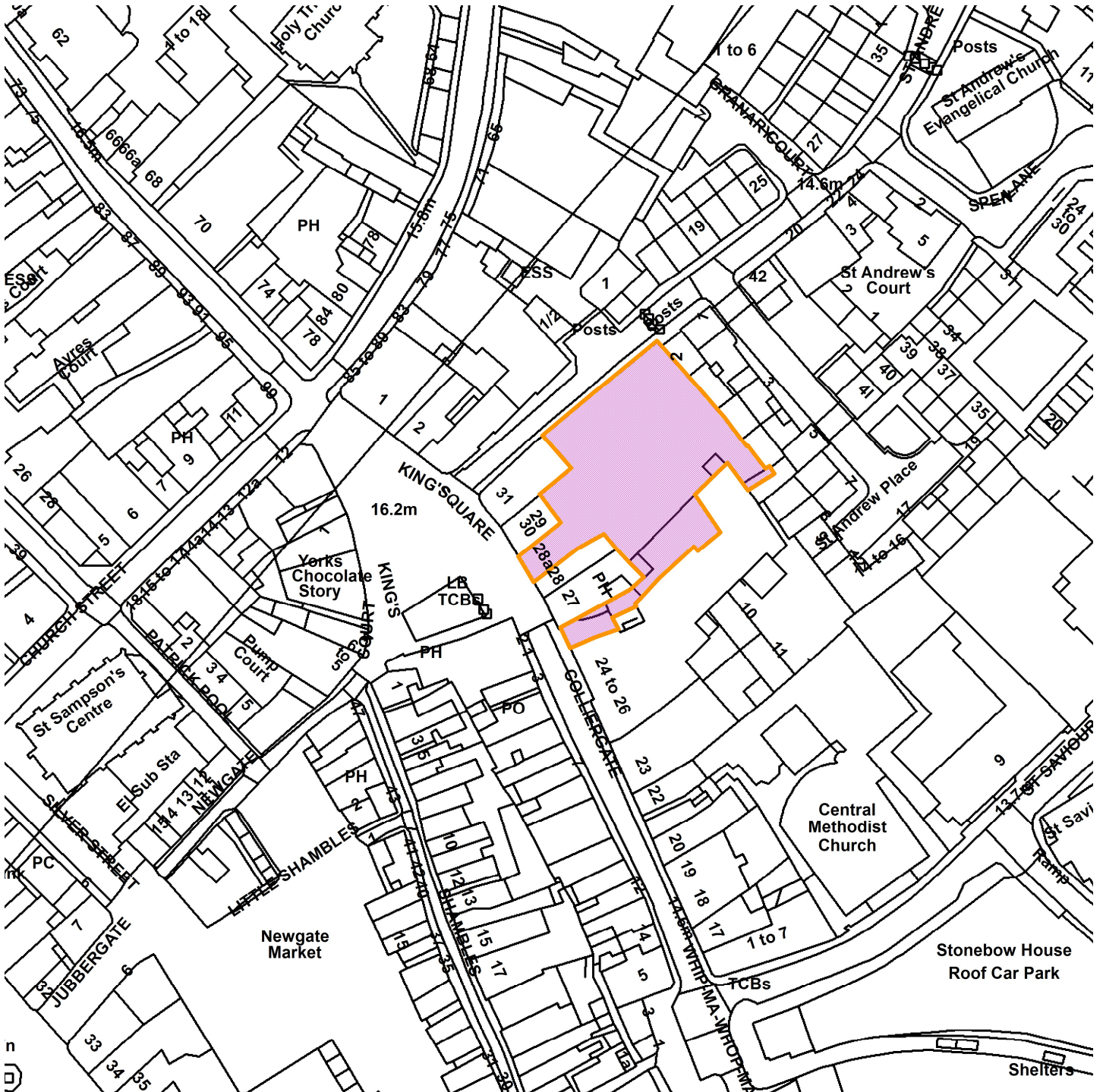
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28A Colliergate, York

19/02754/LBC



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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COMMITTEE REPORT

Date: 13 October 2021 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/01692/FUL
Application at: Mast Adjacent To Gas Holder Off Hawthorn Grove York
For: Relocated replacement 32m high telecommunications mast, associated equipment and enclosure
By: Heworth Green Development Ltd
Application Type: Full Application
Target Date: 14 October 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to the telecommunications equipment at the Heworth Green former gasworks site. The site has outline permission for residential development (19/00979/OUTM). The layout of buildings on site was an approved detail in the outline permission and necessitates relocation of the existing equipment. The approved footprint of one of the buildings in zone B overlaps the area where the mast is positioned currently. The masterplan for the site relocated the mast to the proposed area to avoid buildings and remove the mast from obscuring views of the Minster from East Parade.

1.2 The existing mast is located to the east of where the gasholder was previously located. It sits on a concrete base at a ground level of approx. 13 m AOD. The mast is 29.5 m high.

1.3 The application is to replace the existing mast and associated equipment on site, with a new, taller and relocated mast. The proposed mast will be some 60m north-east of the existing mast site, closer to housing at Heworth Mews. Its base will be at between 13.1 m and 13.2 m AOD. The mast would be 32 m high.

1.4 The two masts are of similar construction; steel framed lattice type masts. The structure design is necessary to accommodate the amount of equipment and its necessary height to provide adequate coverage.

1.5 The current proposal will continue to provide 2G, 3G & 4G coverage and add fifth generation coverage (5G).

1.6 Also included in the scheme is a cabin accommodating equipment, which would be around 2.8m high. The cabin and the mast would be enclosed within a 2.1 m high fence.

1.7 The top of the proposed mast would be at approximately 45 m AOD. This would be taller than the approved buildings at the former gasworks site. Within the outline approval the maximum building heights are 30.87 m AOD for block B and 28.47 m AOD and 27.87 m AOD for blocks A and C respectively (the latter being the blocks on the Heworth Green side of the site).

Call-in

1.8 The application is brought to planning committee at the request of Cllr Fitzpatrick. Grounds for the call-in are as follows –

- The strength of feeling of local residents due to the apparent lack of engagement from the developers regarding the application.
- The loss of amenity to local residents by creating an obstruction to their only outside view.
- A hazard in terms of children trying to play on the compound and its equipment as it is so close to a children's play area.
- Due consideration would not appear to have been given to alternative sites that would lessen the harm to resident's amenities.
- The increased height of the mast represents a reduction to the amenity of all neighbouring residents and also residents further into Heworth.

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

2.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these should be applied.

2.3 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

2.4 Key policies / sections of the NPPF are as follows -

10. Supporting high quality communications
12. Achieving well-designed places
16. Conserving and enhancing the historic environment

2.5 The Publication Draft City of York Local Plan 2018 ('2018 DLP') was submitted for examination on 25 May 2018. The policies can be afforded weight in accordance with paragraph 48 of the NPPF. Key relevant policies are

- C1 Communications Infrastructure
- D1 Placemaking

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainability

3.1 Sought for further analysis to illustrate impact on the setting and justification for the proposed design and increased height. Any further comments will be reported verbally.

EXTERNAL

Guildhall Planning Panel

3.2 Object. Agree with the other objections in that this new tower is too tall and in the wrong place.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 There have been 15 objections from nearby properties, at 19 Hawthorn Grove, 7-14 Heworth Mews, the old bakery, behind Mill Lane and other properties on Mill Lane. Comments were as follows -

- Damaging effect on city centre skyline.

- Unduly over-dominant over houses, especially those at Hawthorn Grove and Heworth Mews. Unduly close to Heworth Mews and their outside amenity space, including upper floor balconies.
- The mast will be unduly prominent due to its height and in particular in the winter months.
- Suggested alternative locations, example of Foss Islands Chimney provided, on the buildings to be developed at the former gasholder site, and elsewhere on site, further from residential properties and close to Eboracum Way.
- There was no consultation when the existing mast was introduced. There were proposals previously to relocate the mast to the application subject area. The proposals were refused by planning committee.
- Re-development and re-location should secure an enhancement; making the equipment more discreet. Disappointment the new mast would be more intrusive.

Councillor Webb

4.2 Objection on the following grounds:

- No clear answer why the equipment cannot be located on the approved buildings for the site.
- Lack of detail over the appearance of the mast.
- Negative effect on the conservation area due to the proposed mast being taller than the existing. Adverse effect on views of the Minster.
- Adverse impact on residents. Particularly around Hawthorn Grove and Heworth Mews. The mast will impinge on their views, reducing visual amenity

5.0 APPRAISAL

Key issues

The key issues are as follows –

- Principle of the proposed development

Application Reference Number: 21/01692/FUL

Item No: 4c

- Impact on Heritage Assets
- Impact on visual and residential amenity

Principle of the proposed development

Policy context

5.1 Section 10 of the NPPF “Supporting high quality communications,” states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections.

5.2 Publication Draft Local Plan 2018 (DLP) policy C1 relates to communications infrastructure. It states applications will be approved wherever possible, unless adverse impacts on the special character of York significantly outweigh the benefits; that proposals will be supported where development relates to an existing mast or site and where mast sharing is facilitated. The policy gives the following relevant examples where refusal of an application could be applied –

- The development is of inappropriate location, scale and design, to the extent there would be an unacceptable adverse impact on residential amenity of people and properties.
- There are significant or demonstrable adverse impacts that outweigh the benefits of the scheme, particularly in areas of sensitivity including conservation areas, listed buildings and their setting, areas containing or in proximity to a heritage asset and areas of high visual amenity including protecting key views.

The policy goes on to state that a planning condition will be used to secure removal of redundant masts and equipment where appropriate.

Appraisal

5.3 The former gasworks site currently accommodates a telecommunications mast and equipment for multiple operators. The replacement mast would continue to accommodate this equipment and include equipment for 5G. As such, applying the NPPF and Draft Local Plan policy C1, the proposals are acceptable in principle and should be supported and approved wherever possible. Draft Local Plan (DLP) policy C1 explains where applications may not be acceptable. This includes where there would be an unacceptable adverse effect on residential amenity or there are significant or demonstrable adverse effects on heritage assets.

Impact on Heritage Assets

5.4 NPPF paragraph 195 states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

5.5 DLP policy D1 Place-making refers to York's special qualities and the significance of the historic environment. Relevant to this application is the reference to building heights and views and the following design principles; to respect York's skyline by ensuring development does not challenge the visual dominance of the Minster or the city centre roofscape and to respect and enhance views of landmark buildings and important vistas. Section 1 of the DLP sets out the background and vision for the plan. In paragraph 1.52 regarding the historic environment it states that the city's landmark monuments, in particular the City Walls and Bars ... are of strategic importance to the significance of York and are key considerations for the enhancement and growth of the city.

5.6 The masterplan for the residential development of the site has planning permission. It was, in the arrangement and scale of buildings on site, informed by the prominent public views of the Minster from East Parade. A view corridor was identified and is annotated on the masterplan drawings. The scheme involved lower building heights within this viewing corridor to preserve the existing view. The relocation of the mast (as proposed in this application) moved the structure outside of this identified view corridor. This element of the scheme presented an enhancement in terms of the setting of the Minster. The mast needs to be relocated as it conflicts with the footprint of zone B, as approved in the outline permission.

5.7 This application site is not within a Conservation Area. The Heworth Green Conservation Area includes buildings to the north, along Heworth Green and on East Parade to the north-east. The Conservation Area description notes the varied nature of Heworth Green – the collective small village scale, identity and character typical of piecemeal development of Heworth Road, East Parade, Heworth and Heworth Green. Heworth Green also has the most architecturally significant and the largest of the suburban houses and villas in the conservation area.

5.8 The scheme would have no adverse impact on the setting of the Heworth Green Conservation Area, nor the Central Historic Core Conservation Area. As noted above, by relocating the mast on-site, it is taken out of the public vista of the Minster from East Parade. The character of Heworth Green is its varied architecture and its significant and large suburban houses and villas. Both the existing and proposed masts will be comparable in terms of the visual impact on the setting of Heworth Green. This is despite the proposed mast being some 25 m closer and 2.5 m taller, taking into consideration tree cover along Heworth Green and as the buildings

approved on site, within zones A and C fronting Heworth Green, will be up to 5 storey in height.

Impact on visual and residential amenity

5.9 The NPPF in paragraph 130 states development proposals should provide a high standard of amenity for existing or future users. In consideration of applications for telecommunications DLP policy C1 advises a scheme could be refused if development is of inappropriate location, scale and design, to the extent there would be an unacceptable adverse impact on residential amenity of people and properties.

5.10 The proposed relocated mast would be closest to the apartment block at Heworth Mews (7-14), some 25m away at its closest point. The existing tree cover on the Sustrans embankment is significant; there is no space for further tree planting without removal of existing trees. The apartment block at Heworth Mews is 3-storey with balconies outside living rooms on the elevation facing the former gasholder site.

5.11 The mast structure is a lattice type and narrows so its upper half is some 2 m in width / depth. The structure is of the same type and scale to the existing. The variation is in overall height, the proposed being 2.5m taller.

5.12 The tree cover remains visually dominant alongside the Sustrans route. No further tree removal is proposed to accommodate this scheme. The mast would be taller than the tree cover and, like the existing mast, its upper section would be seen from surrounding properties.

5.13 The apartments closest to the proposed mast have solid side walls which give enclosure to the balcony areas (with living room windows recessed further). These walls impede outlook from the apartments, towards the proposed mast location. The apartments at Heworth Mews are orientated so they would not look towards the proposed mast. The mast would not be in the direct line of sight from the apartments at Heworth Mews. The mast would be closer to Heworth Mews and could be viewed (although at an angle) from rear windows of buildings. It would be behind 19 Hawthorn Grove (over 50 m from the rear of the property), closer to 15, 17 and 19 Hawthorn Grove than the existing mast. Due to the design and height of the mast, it is unsightly and therefore there would be an adverse effect on the outlook from these dwellings. However there would be a comparable beneficial effect on other houses along Hawthorn Grove, which the mast would no longer be directly behind. There have been no objections from residents at 1-17 Hawthorn Grove.

5.14 The associated cabinets and enclosing fence would be under 3m high. They can be coloured to blend in with the tree cover and would not be visually prominent.

5.15 In giving weight to the adverse impact of the mast, the local policy test is set out in DLP policy C1. It states refusal is justified if there are significant or demonstrable adverse impacts that outweigh the benefits of the scheme.

5.16 The adverse effect is deemed not to be significant. The mast would not be materially different to the current structure in appearance and would continue to be evident, above tree cover, from surrounding houses. Whilst the mast is closer to housing at Heworth Mews, the closest properties are angled so they would look away from the mast location. There would not be a harmful adverse effect on outlook from living room windows and views from other areas would be of oblique views of the mast only.

5.17 A condition to require removal of the existing mast when it becomes redundant and the approved equipment at end of its lifetime is considered reasonable, given the visual impact.

6.0 CONCLUSION

6.1 The NPPF and Publication Draft Local Plan policy C1 state that telecommunications should be supported where possible. The NPPF states such infrastructure is essential for economic growth, and DLP policy C1 supports mast sharing and continued use of existing sites. The taller mast enables 5G to be accommodated. Further, it weighs in favour of the scheme that the relocation is to facilitate redevelopment of the site for new housing and the setting of the Minster, the views from the conservation area in East Parade would be enhanced. No harm to Heritage Assets has been identified.

6.2 The visual impact on the local area is comparable to the existing mast, which is evident above existing tree cover. The new mast would be some 2.6 m taller and of comparable lattice type design. The mast would be closer to housing at Heworth Mews and 19 Hawthorn Grove than the existing mast, but the relocation moves it further from other housing along Hawthorn Grove.

6.3 The mast would have an adverse impact on the amenity of surrounding residents in terms of outlook. This is, and would be, the case with the existing and alternative locations on-site. The equipment on the mast needs to be located at certain height. It would be no less obtrusive on the townscape or in the outlook from surrounding houses if it were located on the proposed buildings on-site; it would need to be some 15m taller than the tallest buildings. In any event the developers of

the site and the mast operators have discounted this option, for example due to issues around maintenance access and as there would be compromise on the design and function of the proposed dwellings.

6.4 The visual impact of the proposed mast is mitigated by the separation distance from housing and prominence of tree cover. Overall, the mast would not be significantly more intrusive than the current structure, to the extent that would justify a refusal on amenity grounds.

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:-

Site plan - 19140-VB-ZC-XX-M3-A-(03M)005

Site plan - 306408-06-100-MD007-7 rev 7

Proposed mast elevation - 306408-06-150-MD007-7 rev 7

Proposed location with ground levels - 0575-RFM-XX-XX-SK-L-1031

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

3 Tree Protection

No development shall commence until a method statement regarding protection measures for the existing trees has been submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not

remove' shall be attached to each section of fencing.

Reason: Required prior to commencement to ensure protection of existing trees which make a significant contribution to the amenity of the area and are required to screen the proposed development from surrounding buildings.

4 Removal of existing mast

Prior to commencement of development the Local Planning Authority shall be notified of the programme of works for installation of the development hereby permitted and the removal of the redundant mast and its associated equipment. The programme of works for the removal of redundant equipment shall be approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: Details are required prior to commencement in the interests of visual and residential amenity and the setting of heritage assets, in accordance with NPPF sections 12 and 16 and policies D1 and C1 of the Publication Draft Local Plan.

5 Screening to enclosure / compound fence

The development shall not be brought into use until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme illustrating soft landscaping to screen the exterior of the compound.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within the lifetime 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: In the interests of visual amenity and good design, in accordance with NPPF paragraphs 115 and 130.

6 Colour finish to associated equipment

The compound fence and access gates and the exterior of the equipment cabinets hereby permitted shall be colour coated so to blend in with the adjacent tree cover and shall be maintained as such at all times.

Reason: In the interests of visual amenity and good design, in accordance with NPPF paragraphs 115 and 130.

7 Removal of approved equipment (at the end of its lifetime)

The equipment hereby permitted shall be fully removed from site at the end of its lifetime.

Reason: In the interests of visual and residential amenity and the setting of heritage assets, in accordance with NPPF sections 12 and 16 and policies D1 and C1 of the Publication Draft Local Plan.

8.0 INFORMATIVES:

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: the use of planning conditions.

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323

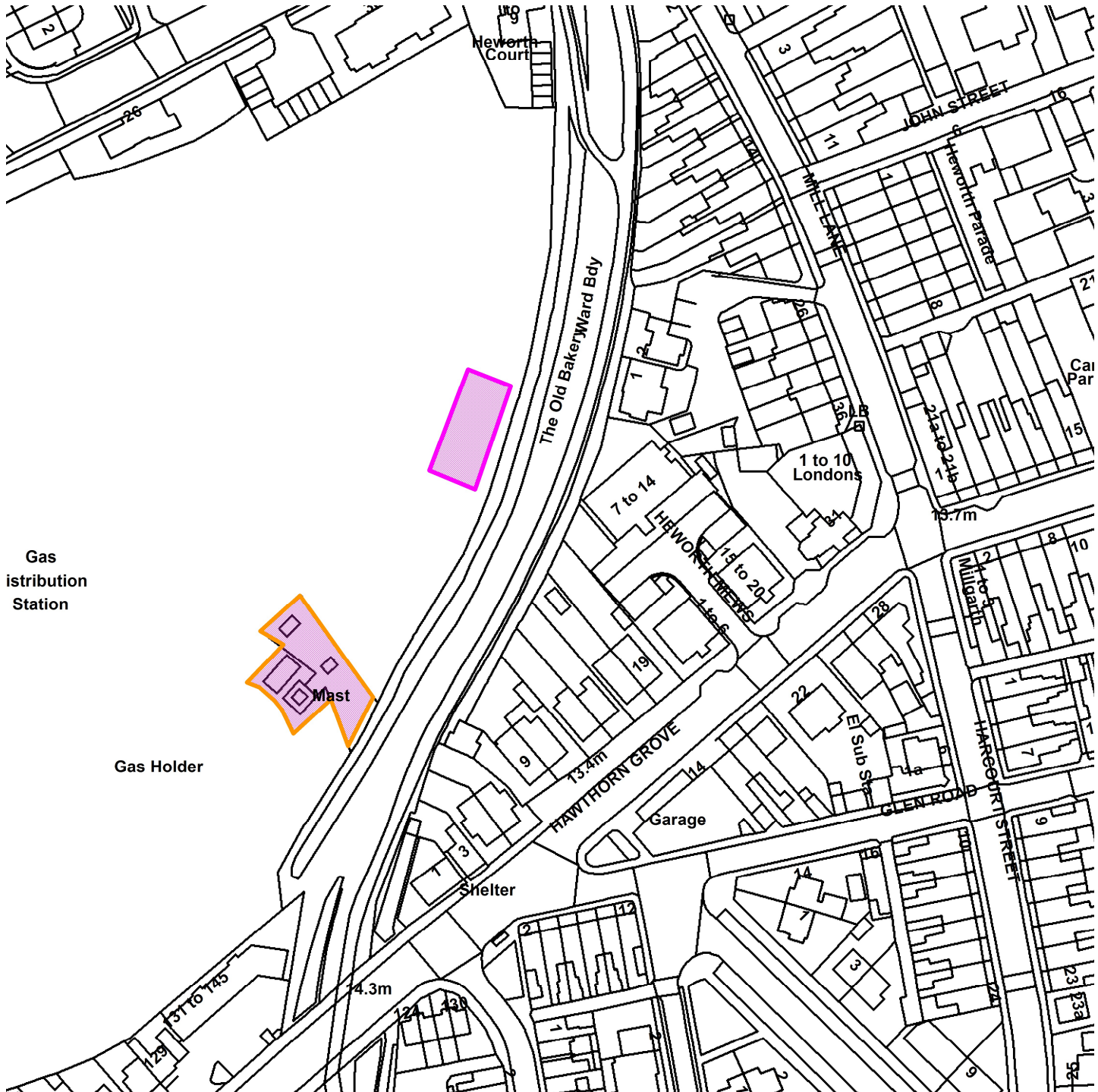
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Mast Adjacent To Gas Holder Off Hawthorn Grove

21/01692/FUL



GIS by ESRI (UK)



Scale : 1:1373

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	01 October 2021
SLA Number	

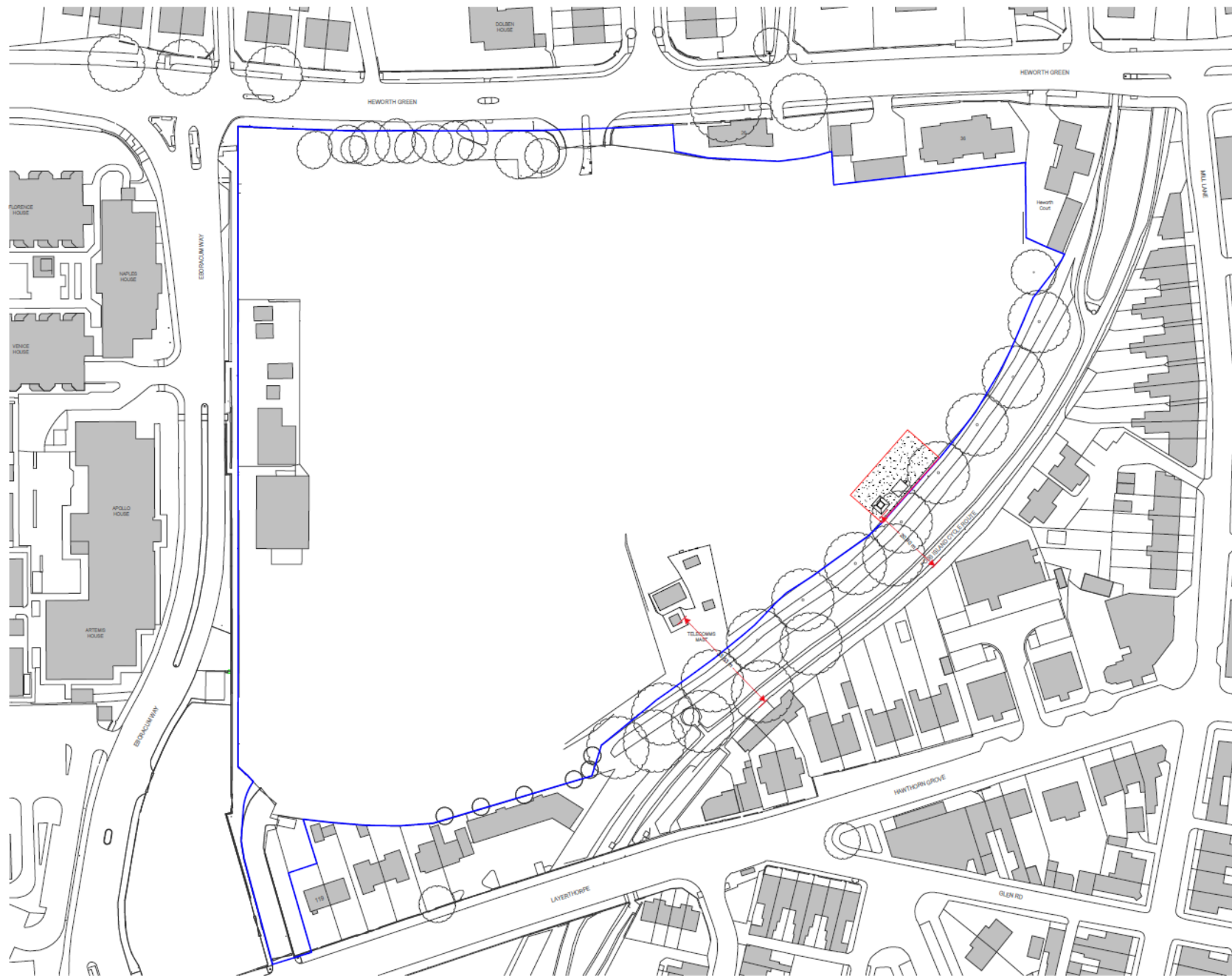
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Area Planning Sub-Committee

21/01692/FUL

Mast Adjacent To Gas Holder Off Hawthorn Grove



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LEGEND

---	Planning Application Boundary
---	Ownership Boundary

Revision Date Description

Vincent & Brown
 Studio 12, Millershorse Business Park
 5th Bell Lane, Belper Derbyshire, Derby NG22 2BB
 t: 01504 730341 e: studio@vincentandbrown.com

Project:
 Heworth Green, Zone C
 Heworth Green, York

Drawing:
Proposed Site Plan - Mast

Date:	07/21/21	Issue:	PLANNING	Drawn by:	LT/SC	Checked by:	SC
Scale:	1:500	Drawn on:	A1				

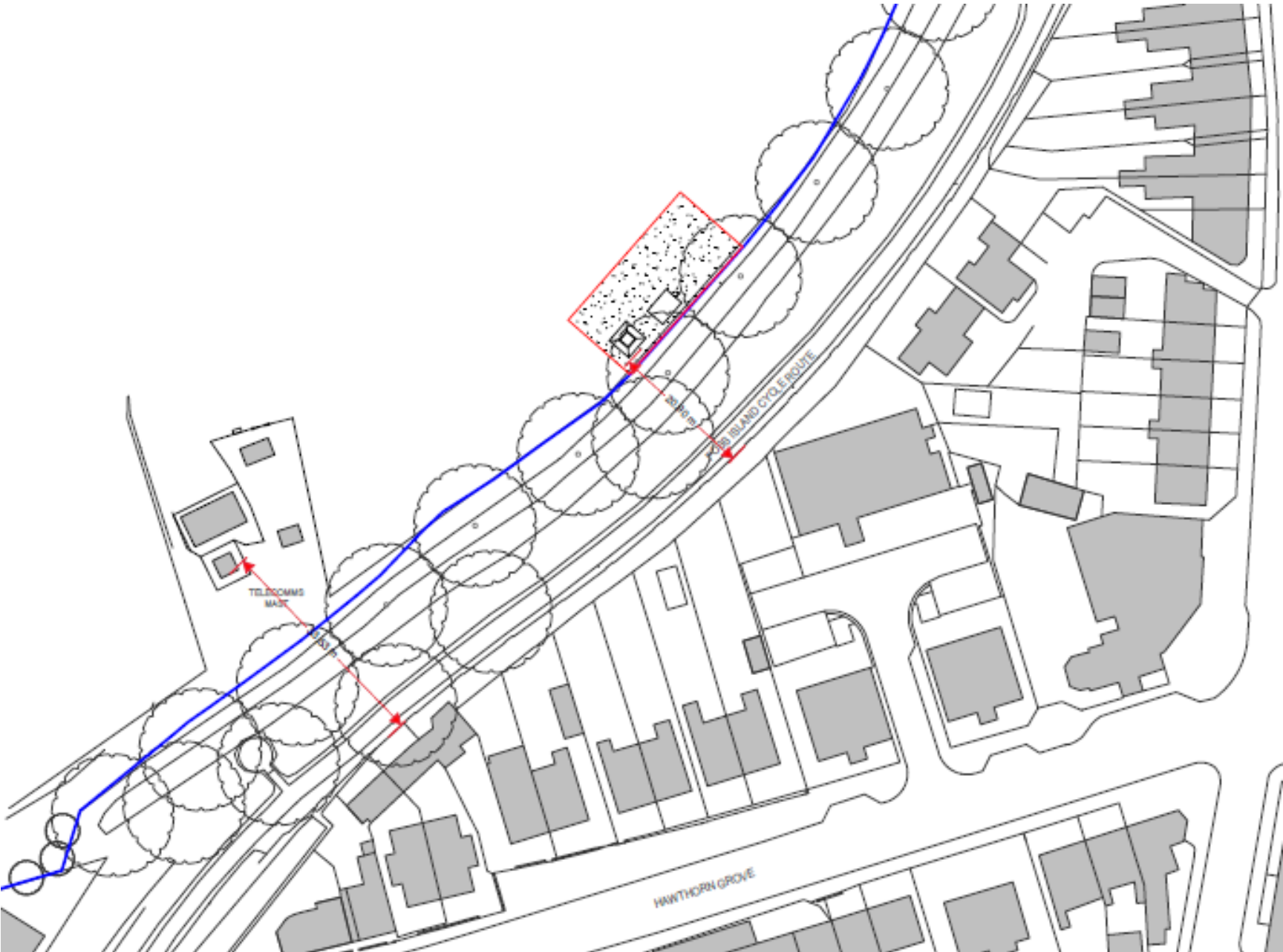
Scale: 10 20 30 40 50

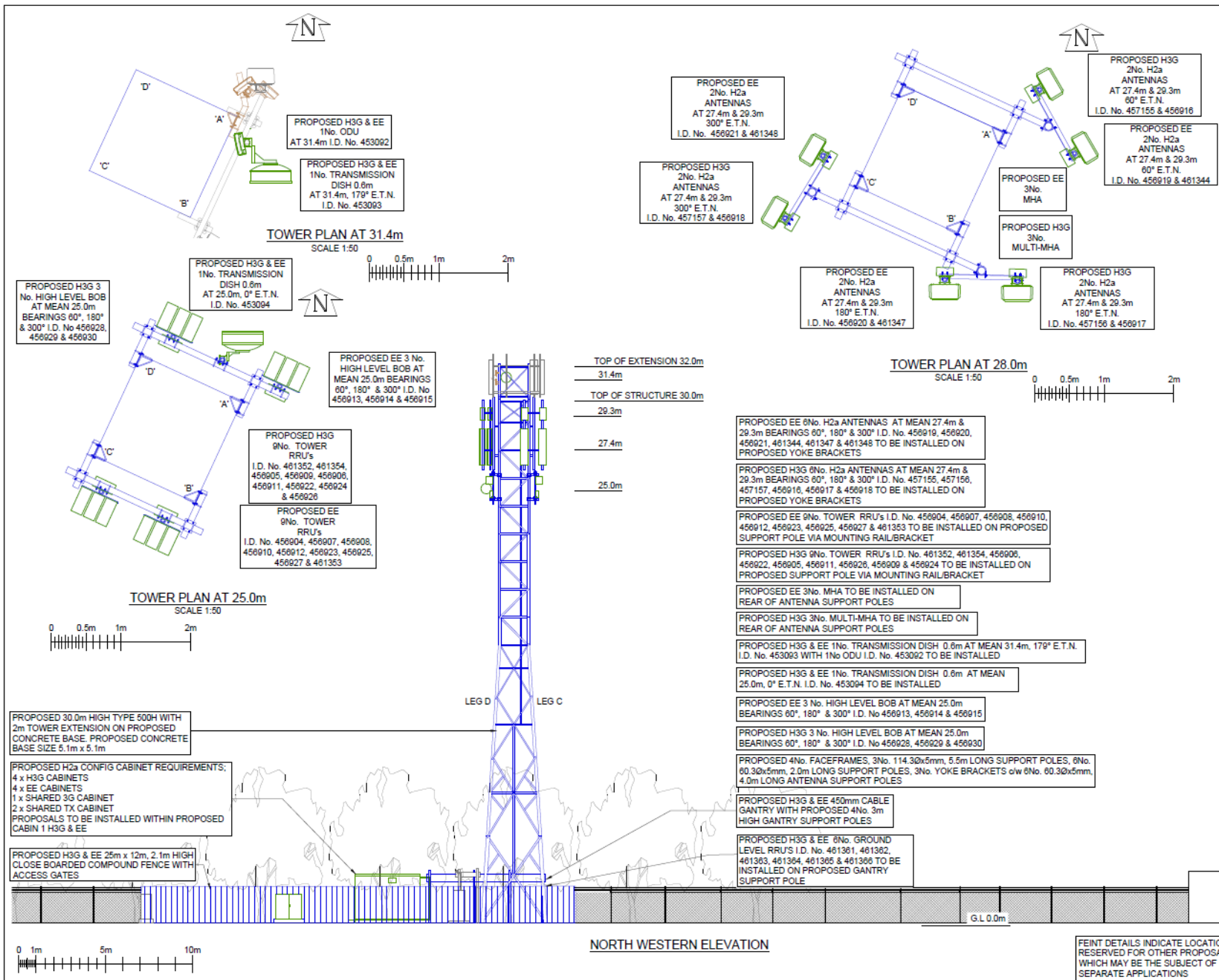
Job number:	19140-VB-	Project name:	ZM-00-	Issue:	DR-A-	Drawing number:	03M104
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Proposed Site Plan - Mast Compound Existing Site
 1 : 500



Existing and Proposed locations - Detail





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NOTES

PROJECT No. 214374
CELL No. YOR127

7	PROJ No. 214374	03/03/21	HFC	LBG
6	PROJ No. 214374	18/02/21	HFC	LBG
5	PROJ No. 214374	21/05/20	HFC	VH
4	PROJ No. 214374	04/05/20	HFC	VH
3	PROJ No. 217598	28/05/20	HFC	VH

ISS REVISION DATE DRN/APP

7	PROJ No. 214374	03/03/21	HFC	LBG
6	PROJ No. 214374	18/02/21	HFC	LBG
5	PROJ No. 214374	21/05/20	HFC	VH
4	PROJ No. 214374	04/05/20	HFC	VH
3	PROJ No. 217598	28/05/20	HFC	VH

ISS REVISION DATE DRN/APP

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driving future connectivity

Crawley Court, Winchester, Hampshire, SO21 2DA
Tel: 01962 823434 Fax: 01962 823378

SITE No. 306408
YORK HEWORTH GREEN 2
24 HEWORTH GREEN
YORK
NORTH YORKSHIRE
YO31 7SX

NGR SE 61205 52519
OS GRID 461205 452519

TITLE
SITE ELEVATION
PROPOSED
MBNL

SCALE 1:200

DRAWN	KG	10/05/19
APPROVED	LBG	03/03/21

DRG No. 306408-06-150-MD007 Sheet 1 of 1 Rev 7

Existing Mast



Tree cover adj.
proposed mast



Proposed location in Winter



Existing mast from
Heworth Mews



COMMITTEE REPORT

Date: 13 October 2021 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 20/01411/FULM
Application at: York Brewery Warehouse 9 The Crescent York YO24 1AW
For: Erection of offices (Use Class B1a/E) following demolition of existing building
By: Crescent Developments (York) Ltd
Application Type: Major Full Application
Target Date: 20 October 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for partial demolition of the existing buildings on site and redevelopment with 2960m² office space.

1.2 The new building will have 5 floors including basement and a small mezzanine area in the roof space. The facade of the existing brewery building will be retained with a new building constructed behind it. The building will be predominantly red brick with pitched roofs along the width of the building resulting in gables to the front and rear. To the rear an elevated roof feature echoes the form of the historic malthouse kiln chimney. The building steps down from its maximum height of 4 above ground storeys plus mezzanine adjacent to 8 The Crescent to 3 above ground storeys adjacent to 10 The Crescent.

1.3 The application site sits within the Central Historic Core Conservation Area within the Blossom Street and Nunnery Lane (existing buildings) and the Railway (yard area) Character Areas. The Odeon Cinema to the front of the site is Grade II listed. Other listed buildings, The Railway Station and City Walls, are some distance from the site.

1.4 The site currently contains the vacant two storey former brewery buildings with malthouse kiln to the rear. These run along the south of the site leaving the rest of

the site as a yard area and are identified as neutral in the Conservation Area Appraisal. To the south the property abuts 8 The Crescent, a music venue and the end of a terrace of 4 storey properties originally built as dwellings. To the rear the site backs on to the former railway yards, now a surface car park, with a difference in levels of approximately 2m. To the north the site adjoins 10 The Crescent, a detached residential property formerly part of a row of terraced houses. The house has a yard to the side and rear which is enclosed by single storey workshops.

2.0 POLICY CONTEXT

2.1 Local Plan (Submission Draft 2018)

DP2 Sustainable development

DP3 Sustainable communities

DP4 Approach to development management

SS1 Delivering sustainable growth for York

D1 Placemaking

D2 Landscape and setting

D3 Cultural provision

D4 Conservation areas

D5 Listed buildings

D6 Archaeology

D7 The significance of non-designated heritage assets

CC1 Renewable and low carbon energy generation and storage

CC2 Sustainable design and construction of new development

ENV2 Managing environmental quality

ENV3 Land contamination

ENV5 Sustainable drainage

T1 Sustainable access

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

SP3 Safeguarding the historic character and setting of York

GP1 Design

GP4a Sustainability

GP6 Contaminated land

GP9 Landscaping

HE2 Development in historic locations

HE3 Conservation areas

HE4 Listed buildings

Application Reference Number: 20/01411/FULM

Item No: 4d

HE5 Demolition of listed buildings and buildings in conservation areas

HE10 Archaeology

T4 Cycle parking standards

E3b Existing and proposed employment sites

2.3 Evidence base

City of York Employment Land Review Update (2017)

3.0 CONSULTATIONS

INTERNAL

Design, Conservation And Sustainable Development (Archaeology)

3.1 The site is within the Central Area of Archaeological Importance and is known to contain Roman cemeteries as well as roadways and earlier field systems. Some archaeological evaluation has already taken place within the yard area. The proposals include a basement level development and will remove all of the archaeological deposits and features within its footprint. The previous evaluations have indicated that the archaeological deposits on site are not of high quality and not nationally significant. In this case the harm to these deposits/features can be justified through full archaeological excavation, publication and a scheme of public engagement.

3.2 The existing malthouse building is a non-designated heritage asset dating from the 1870s. Its historic form and arrangement remain extant, as well as a number of good quality fixtures which appear to date from an early 20th century refurbishment. It possess local architectural and historic significance. The building is proposed to be demolished. Should this be allowed the building will need to be recorded in accordance with an approved scheme.

3.3 Conditions regarding archaeological mitigation and building recording are recommended.

Economic Development

3.4 Comments made on the original scheme - The plans submitted will see a purpose built Grade A office space of around 3,380 sq. ft. to accommodate a potential 300 employees, and they are welcomed. Accessible, high quality office space in, or near, the centre of York is rare but desirable, and a development such

as this would encourage inward investment in the City, as well as providing opportunities for existing businesses to expand, new business start ups and jobs for local people.

3.5 An office with 300 staff would also provide a boost to the local economy and, in this instance, an increase in the use of sustainable transport as it is in close proximity to the Railway Station, and is on York's bus and park and ride networks. We also support the provision of ample capacity for cycle parking in keeping with the City's sustainable transport policies.

3.6 Anecdotal evidence from Make it York suggests that there is considerable movement taking place within the City's commercial office market with a number of businesses looking to downsize following the rise in remote working due to the pandemic. For this reason, coupled with the lack of high quality commercial office space available in the city centre, we believe that there is strong commercial demand for this development. We would also suggest that the developers consider the inclusion of co-working space and flexible accommodation for micro businesses and project teams to meet up and collaborate, especially in light of the current growth in remote working. One caveat is that The Crescent Community Venue next door should be preserved in line with national policy guidance to protect community spaces.

Flood Risk Management Team

3.7 Ground investigation and infiltration testing to discount the use of infiltration methods, and a CCTV drainage survey to prove existing connected impermeable area have not been carried out prior to determination. The granting of planning permission is not supported at this stage.

Design, Conservation and Sustainable Development (Conservation)

3.8 The current scheme is a substantial revision of the original submission which has been developed following discussions between officers and the applicant. Concern has been raised about the loss of the non-designated heritage asset which would result in less than substantial harm to the heritage values of this part of the conservation area.

3.9 The form and character of the existing building has informed the massing and articulation of the proposed replacement, evident in the alignment and relative scale of the principal block; the consequential east-west roof alignment producing a gabled frontage; the south-north diminishing scale of the building; and in the design of a pyramidal roof feature to the south-west corner of the site evoking the 'memory'

of the historic kiln roof. The stepped elevation, sloping roofs and diminishing scale have ameliorated the impact on other properties in the streetscene and the Everyman Cinema to the point where the character and setting of these assets would be respected.

3.10 The proposed building is distinctive and represents a contextual response which I consider would make a positive contribution to the character and appearance of the conservation area. However, the loss of the existing building itself constitutes a harm to the aesthetic, historical and communal significances of the conservation area. In balancing these factors I consider the scheme as a whole would have a neutral effect on the CA. The loss of the majority of the non-designated asset, albeit with some residual aesthetic, historical and communal significance preserved in the replacement building, should be weighed against the public benefits of the scheme.

3.11 Conditions are recommended.

Public Protection

3.12 A noise impact assessment has been submitted which considers the existing noise levels within the area, including noise from the Crescent WMC, and based on these existing noise levels considers the most appropriate glazing and ventilation specification in order to achieve recommended noise levels for offices. The recommended mitigation measures in terms of glazing and ventilation are appropriate and therefore provided these mitigation measures are installed we have no objections to this application.

3.13 Conditions requiring details of plant and machinery, submission of a CEMP and investigation and remediation of land contamination are suggested.

Highways Network Management

3.14 The principle of car free development in this location is agreed as this is in line with local and national policy. Local car parks have sufficient capacity for parking demand related to the development.

3.15 Cycle parking provision has been addressed to comply with policy and ensure provision is appropriate and usable. Lockers and showers are conveniently situated for cycle stores. Cycle parking for visitors is available at the front of the building.

3.16 A through route from the site to the NCP car park and station should be considered. This route should be step free to allow all users to take advantage. A travel plan has been submitted and conditions are required to ensure this is regularly updated once occupation starts.

3.17 Conditions and S106 contributions of £6,000 to implement changes to the TROs in the vicinity of the development to enable a disabled parking bay and £10,000 for City of York Council Travel Plan Support for a period of five years after first occupation are recommended.

EXTERNAL

Micklegate Planning Panel

3.18 The revised facade is an improvement on the original submission however the existing building has quality and character and the proposal still represents an over-development of the site. The deep plan design is poor in environmental terms as it will require air conditioning and high levels of artificial lighting. An office building may be appropriate on this site but should be environmentally sustainable. The fourth floor at the rear will tower over neighbouring buildings.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Five letters of representation have been received in relation to the original scheme. The issues raised are:

- The building should not be demolished as it has historic interest
- Excessive scale and mass of replacement building
- Detrimental impact on neighbouring house in terms of overbearing impact and loss of light
- The proposal is not in keeping with the rest of the terrace
- The full height development across the site is out of keeping with the character of the area
- Overshadowing impacts
- Impact on views from city walls
- Lack of parking
- Inadequate cycle parking
- Construction traffic and noise impact

- Overlooking to neighbouring properties
- Noise impact of air conditioning
- Inappropriate design details
- Potential for structural impacts on neighbouring properties
- No disabled parking
- Drainage system is already inadequate
- Detrimental impact on the conservation area
- Loss of ghost writing on WMC
- Impact on operation of neighbouring music venue

4.2 Six letters of representation have been received in relation to the revised scheme. The issues raised are:

- Overbearing and overlooking on neighbouring properties
- Overshadowing
- Proposal does not fit character and appearance of conservation area
- Potential for structural impacts on neighbouring properties
- Inadequate parking
- Inadequate sewerage infrastructure
- Excessive scale of building
- More of the historic building should be retained
- Some improvement in impact on neighbouring properties

Ward Councillor

4.3 Councillor Crawshaw has made general comments on the scheme. He notes that draft Local Plan policy D3 is relevant in respect to The Crescent Community Venue as is para.182 of the NPPF. Similar levels of noise insulation should be required as were conditioned at other applications on The Crescent although it is acknowledged that the use proposed is more compatible with the music venue than a residential scheme. The applicant should consider entering into a deed of easement with the adjoining music venue.

5.0 APPRAISAL

5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the development;

- Impact on heritage assets (conservation area, listed buildings, archaeology), design and townscape;
- Amenity issues;
- Transport and access;
- Flood risk and drainage;
- Sustainable design and construction.

POLICY CONTEXT

5.2 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.

National Planning Policy Framework

5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF"). It is a material consideration in the determination of this application. 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 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.

Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State 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 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).

5.5 Relevant draft policies are set out in section 2 of this report.

2005 Draft Development Control Local Plan

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

PRINCIPLE OF THE DEVELOPMENT

5.7 The site is not allocated within the draft Local Plan. The buildings are currently unoccupied but it was most recently used as a temporary community and leisure use. Prior to that it was used as storage for York Brewery in a B2/ B8 use.

5.8 The character of the area is mixed with some residential properties, some leisure use and also offices. The railway yards and car parks to the rear relate to a different character in the land use which is becoming more concentrated in this area as the area around The Crescent becomes more residential in character.

5.9 The proposal replaces an existing employment use, albeit a fairly small scale one, with another employment use with potential to provide higher employment levels and one that is more compatible with neighbouring uses. The proposed office use is therefore considered acceptable subject to other material planning considerations. The issue of impact of the proposed development on the neighbouring music venue, and vice versa, is addressed later in the report.

IMPACT ON HERITAGE ASSETS (CONSERVATION AREA, LISTED BUILDINGS, ARCHAEOLOGY); DESIGN AND TOWNSCAPE

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

5.11 The legislative requirements of Sections 66 and 72 of the 1990 Act are in addition to government policy contained in Section 16 of the NPPF. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.

5.12 The NPPF continues by advising that Local Planning Authorities should look for opportunities within conservation areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and 2018 Draft Plan Policy D4, reflect legislation and national planning guidance. In particular, Draft Policy D4 advises that harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

The significance of the heritage assets

5.13 The significance of the designated heritage asset, the Central Historic Core Conservation Area, is identified within the Conservation Area Appraisal (CAA). The site sits within 2 character areas, Blossom Street and Nunnery Lane, and the railway area. The application site is at the northern end of The Crescent, a row of nine terraced properties commenced in the 1850s/60s and initially designed by noted railway architect GT Andrews. The properties become plainer further away from Blossom Street and the function of the street becomes more mixed. No.9 is a

purpose-built two-storey malt house from the 1870s/80s and No.10 is a single cottage surviving from a terrace of three. The street terminates with a vehicle workshop in a collection of single storey buildings.

5.14 Opposite the site, the rear of the Grade II listed Odeon cinema is a large blank elevation but is executed with the same quality as the principle elevation with its distinctive Art Deco styling and steps down to the rear of the building reflecting the diminishing scale of the street. Meridian House to the north is a modern office building of limited architectural quality but its impact on the street and adjacent listed buildings is substantially mitigated by being set back from the road and large hidden by the Odeon.

5.15 The mixed character of the street is typical of nineteenth century development within and adjacent to the city centre in which residential and industrial uses co-existed in close proximity, particularly within the immediate context of the railway where warehousing and goods processing which relied on railway transport developed cheek-by-jowl with housing of varied status, often accommodating railway workers. Much of the mixed uses and scales of buildings and sites which characterised the historic city have been lost as industrial and warehouse uses have departed the city centre and sites been redeveloped often with large scale commercial and apartment buildings. The Crescent curves and falls from Blossom Street, the impressive effect of the terrace diminishing in scale and status as the street turns away to the northeast before petering out. Pavement-edge buildings to the street front concealed gardens to the larger townhouses and ancillary outbuildings around courtyards accessed by covered and open passageways. No.10 retains this arrangement, and the pattern is also evident in surviving courtyards and outbuildings to the rear of Nos 4, 5, 6 & 7 The Crescent. Where development within the rear curtilages has been permitted it has been of small scale (1-2 storeys) and low density.

5.16 The CAA identifies Nos 1-8 The Crescent as 'buildings of merit', the application site is neutral in the CAA. It is considered however that the malt house possesses sufficient heritage to merit consideration as a non-designated heritage asset. The existing building may date from the 1870s or '80s. Built as a malt house, its historic form and arrangement remain extant, as well as a number of good quality fixtures which appear to date from an early twentieth century refurbishment. The malt house consists of a large growing floor and the kiln building which survives to the western end of the building under its characteristic pyramidal roof.

5.17 The building possesses local architectural and historic interest. Architectural interest is evident in the design to the eastern gable, the principal elevation; a good quality office fit-out of the early twentieth century; the long linear form of the building terminating in a pyramid-roofed kiln, which is distinctively that of a malt house; and the survival of characteristic functional elements such as the taking in doors and hoist canopy. Historical interest is evident in its illustration of the malting process; close association with the railway; and association with historic city breweries including the Ebor Brewery. Its broader contribution to the character and appearance of the conservation area is evident in its location adjacent to the railway; its testimony to the industrial uses which permeated the city in the nineteenth century; and in the subservient relationship with the surrounding townscape, contributing to the distinctive morphology of the street. From the railway site, the pyramidal roof of the kiln is a distinctive element of a nineteenth century roofscape of functional buildings. The building has undergone a small number of unsympathetic alterations consisting of the construction of a lift head extension to the western end and some modification of historic window openings on the north elevation, but these do not diminish the interest of the building in terms of its distinctive form and contribution to townscape character. Due to the aesthetic design and historical associative heritage interests of the building it should be recognised as a non-designated heritage asset.

The impact on the heritage assets

5.18 The heritage impacts of the proposal can be divided between the effects of the loss of the existing building in terms of its own heritage significance and its contribution to the character and appearance of the conservation area; and the effect of the proposed replacement building on the character and appearance of the conservation area.

5.19 The demolition of the malt house would eradicate its heritage interest and its contribution to the character and appearance of the conservation area. The scale of the loss would be total in terms of the non-designated heritage asset. The significance of the asset is of a local nature, but within the city and the wider hinterland it seems to be an unusual survivor. Unlike the recently restored Clementhorpe Maltings, No.9 The Crescent seems not to have been recognised locally as a malt house. Whilst its loss of internal machinery would substantially reduce its academic interest, architecturally the design of the building is of greater

quality than Clementhorpe due to the formality of its Neo-Classical facade. It also occupies a more prominent position within the historic cityscape. In terms of para. 203 of the NPPF the local significance of the asset would consequently appear to be high.

5.21 Consideration was given to retention of the existing building, however the constraints on its use in regards to the site's location adjacent to the music venue; the small scale of the building; low floor to ceiling heights on the first floor; and lack of openings meant that any proposal to convert and extend the buildings would require such significant changes that it would still result in significant loss of heritage value.

5.22 The initially proposed scheme showed a building which extended the existing terraced buildings on The Crescent in a contemporary form but retained the pitched roof and regular fenestration of the period properties. The scale remained the same across the entire frontage and to the rear of the site. Extensive discussions with officers to address concerns about scale and massing, design and amenity impacts resulted in the revised scheme that is currently under consideration.

5.23 The current scheme responds more appropriately to the existing industrial character of the site and railway area to the rear. Instead of trying to mimic the period dwellings, it takes its cue from the nearby industrial buildings which provide a more appropriate building form for modern offices, with opportunities for variations in height and materials and larger footprints, than the neighbouring terrace.

5.24 The revised proposal retains and remodels the entrance front of the malt house building to provide a 'portico' entrance to the new building. The form and disposition of the existing building has informed the massing and articulation of the proposed replacement, evident in the alignment and relative scale of the principal block; the consequential east-west roof alignment producing a gabled frontage; the south-north diminishing scale of the building; and in the design of a pyramidal roof feature to the south-west corner of the site evoking the 'memory' of the historic kiln roof. Stepped and canted elevations to east and west, sloping roofs and diminishing scale have ameliorated the impact of the new building on Nos 1-8 and No 10 The Crescent, on the Everyman Cinema and on the distinctive morphology of the street to the point where the character and setting of these assets would be respected. The proposed building is distinctive and represents a contextual response which makes a positive contribution to the streetscene.

5.25 The materials palette has been developed to allow the proposed building to sit comfortably in its context. The new elevations will be predominantly red facing bricks with some areas of hit and miss brickwork. Dark grey aluminium window frames and curtain walling will reflect the more industrial character of the building and local roofing materials while the roof itself is standing seam zinc. The materials chosen are different to those of nearby residential properties reflecting the different character and use of the building and the site's position between different character areas.

5.26 It is recognised that the proposal introduces development over virtually the entire site apart from a strip of land adjacent to No10 The Crescent. In this instance, development over the entire site area is not considered inappropriate – existing development on site runs front to back instead of parallel to the street and larger footprint buildings are more common in The Railway character area. The character of the existing site is different to that of the residential terraces and it is clear that historically the entire site was in an industrial use. For these reasons it is considered acceptable in character and streetscene terms to develop across the site providing issues of amenity can be addressed.

5.27 Policy D1 of the draft Local Plan requires that development enhances York's special qualities and makes a positive design contribution to the city. Proposal should not be pale imitations of past architectural styles, should create active frontages and buildings that are fit for purpose and feel true to their intended purpose. The proposal reflects these requirements – it references the industrial buildings of the past but in a contemporary design with materials appropriate to the character of the area. The form of the building works well for its intended use with rooflights providing natural light through the building. The ground floor frontage is glazed to give a more active frontage than the current situation.

5.28 In terms of roofscape, a consideration identified as vital parts of the conservation areas' townscape within the CHCCAA, the scheme is considered to have a minimal impact as a result of its relatively low height and form. The industrial design of the building sits comfortably with the form of the railway sheds to the rear. The height of the building corresponds with other buildings in the vicinity and follows the generally diminishing height of structures from the terraces down to the garage at the end of The Crescent. The standing seam zinc roofing will blend tonally with

the slate roofs of the terraces while reflecting the differing nature of the building's use.

5.29 From the City Walls the development will have some limited visibility over a short length of the wall. This will be in the context of the existing built up character with development of varying scales including Meridian House which sits between the walls and the site. The new kiln chimney feature will be visible within the roofscape as part of the mixed pattern of roof forms and reflective of the changing character of the area. The proposed development will also fit with the overall character of the area in terms of building footprint with smaller buildings closer to the city wall and larger structures closer to the railway.

5.30 The conservation area is a designated heritage asset. The scale of the harm to the wider asset from the loss of the malt house would be less than substantial denuding the area of a valuable and distinctive example of surviving industrial heritage which relates to and reinforces the railway and Victorian characters of the respective contexts (character areas 22 & 23 of the central historic core conservation area). However, the replacement building is considered a positive addition to the Conservation Area as it references the industrial heritage of the area with an appropriate scale and form to its context.

5.31 Neighbours have raised concern about the loss of ghost writing on the side elevation of the music venue. The writing is very faint, and barely visible and is considered to have a low level of historic interest. In addition it is not part of the reason why the properties are buildings of merit within the CAA which is instead related to their architectural interest.

Conclusion of harm to heritage assets (public benefits)

5.32 Paragraph 199 of the NPPF requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 202 of the NPPF states that where development leads 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. In relation to impact on non-designated heritage assets, the NPPF requires that a balanced judgement is taken having regard to the scale of any harm or loss and the significance of the heritage asset.

5.33 In this instance, a range of public benefits have been identified following from the proposed development. Economic benefits are identified in the provision of office space which will create jobs in a sustainable city centre location. The site has been out of permanent use since 2016 when it was used for storage and the proposal will bring the site back into a use compatible with neighbouring uses and the general character of the area. Colleagues in Economic Development have noted that development of Grade A office space in, or near, the city centre is rare but desirable and development such as this would encourage inward investment in the city. There will be further small economic and job benefits during the construction phase.

5.34 Environmental benefits can also be attributed to the scheme. The site is in a sustainable city centre location with good public transport links and close proximity to the station. The proposed building will achieve BREEAM Excellent and will utilise air source heat pumps for heating, mechanical ventilation with heat recovery for ventilation and hot water. Provision of PV panels will be considered. These proposals are of considerable benefit when compared with the existing situation.

5.35 Additionally, section 11 of the NPPF encourages the effective use of land by making as much use as possible of previously developed land. The proposal is considered to make a more effective use of the land than the existing situation while recognising the sensitivity of the location.

5.36 Finally, the scheme as revised is considered to result in a building which is distinctive and represents a contextual response to its surrounding which makes a positive contribution to the character and appearance of the conservation area.

5.37 It is considered that these benefits are sufficient to outweigh the less than substantial harm to the conservation area as a loss of the malt house building in accordance with policy laid out in the NPPF. The loss of the non-designated heritage asset, the malt house, is on balance considered acceptable given the quality of the proposed replacement.

AMENITY ISSUES

5.38 Policy D1 of the Draft Local Plan requires that design considers residential amenity so that residents living nearby are not unduly affected by noise,

disturbance, overlooking or overshadowing which echoes text in the NPPF requiring development to ensure a high standard of amenity for existing and future users.

5.39 The new building sits to the north of The Crescent Venue. It is of a similar height at the front continuing this height across the depth of the site to the rear where it rises in a pyramidal feature echoing the historic malt kiln. The adjoining site is also developed right up to the rear boundary although behind the original 3.5 storey terraced dwelling the development is approximately 1.5 storeys in height with a flat roof. There will be no overshadowing of this existing property as a result of the new building given that it will be sited to the North of the existing. Neither will there be any significant loss of outlook from the flats on the upper floors of The Crescent Venue given the new developments siting to the side and the good existing outlook to the rear of the flats. There are no windows in the new development facing south and therefore no overlooking to the neighbouring property. The new development is large in scale and will sit on the boundary with The Crescent Venue. Part of this elevation is proposed as green living wall and part is brick and it will follow through at a similar height as the existing terraced properties along this northern boundary with the roof pitched away from the boundary. The site sits in a mixed urban area with some relatively large buildings and close relationships between those buildings. Given that there is no overlooking or overshadowing impacts nor loss of outlook as a result of the scheme and the urban context, it is considered that the impact of this elevation on the amenity of residents at The Crescent Venue is acceptable.

5.40 Paragraph 187 of the NPPF requires that planning decisions ensure new development can be integrated effectively with existing businesses and community facilities. These should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It is required that suitable mitigation is provided should new development have a significant adverse effect on the operation of an existing business.

5.41 Concern has been expressed about the impact of development of the site on the future operation of the adjoining music venue. A number of different development proposals were considered and discussed by the applicant with the owners of the music venue before it was decided that the most appropriate use was likely to be the office use now proposed. This has the advantage of being a predominantly day time use as opposed to the night time use in the music venue although it is recognised that the music venue intends to extend into more day time use by allowing bands to practise in the building. The applicant has submitted a

noise assessment which considers the existing noise levels within the area, including noise from the music venue, and based on these existing noise levels considers the most appropriate glazing and ventilation specification in order to achieve recommended noise levels for the offices. The proposed mitigation measures are appropriate and should be conditioned to mitigate against conflict with the existing business in accordance with NPPF paragraph 187.

5.42 To the north, the site sits adjacent to a two-storey dwelling, No10 The Crescent, set in a small yard surrounded by single storey outbuildings. The scheme has been significantly revised to address issues of amenity relating to this property. The height of the proposed building now drops across the site so that it is a maximum of 3 storeys in height in this area with the top floor within the roof space. A gap of 2m is retained between the new development and the boundary and the side elevation of the new building is approximately 8m from the side of the neighbouring dwelling. In terms of outlook, it is not considered that the amenity of the existing dwelling will be impacted. The new development is set back from the boundary and there are existing outbuildings creating further separation between the dwelling, its usable outside space and the new development. There are no windows in the main north elevation of the new development and therefore no overlooking issues. There are some windows set back in the building but these use hit and miss brickwork to obscure views.

5.43 There is more potential for overshadowing in relation to No10 The Crescent as it sits to the north of the new development. These impacts will be reduced by the scale of the development closest to the boundary, the set back from the boundary and the angled shape of the building to the rear of the site. Additionally, the dwelling is predominantly orientated with main windows facing the street or the rear of the property and no habitable room windows in the main side elevation and sits within an urban location. While it is acknowledged that there will be some overshadowing to the dwelling at times when the sun is lower in the sky, this is mitigated by the factors mentioned above.

TRANSPORT AND ACCESS

5.44 The proposal is for a car free development given the city centre location of the site and good public transport links in line with local and national policy.

Paragraph 105 of the NPPF notes that significant development should be focussed on locations which are sustainable through limiting the need to travel and offering a

genuine choice of transport modes. Paragraph 112 requires that development proposals should facilitate access to high quality transport and appropriate facilities that encourage public transport use.

5.45 The proposal includes 8 bike parking spaces at ground floor (including 6 electric bike charging points) and 46 at basement level (including 12 electric bike charging points). Lockers and shower rooms are also provided and access will be via an appropriate lift accessed from the reception area. Eight visitor parking spaces are proposed at the front of the building. Cycle parking is in line with CYC guidance.

5.46 Ramped access has not been provided through the site to the railway car park at the rear. While it is acknowledged that this would be a benefit, the different levels makes it difficult to achieve without agreement of the land owner to the rear. Provision has been made that, if in the future agreement could be made, then ramped access could be provided.

5.47 In accordance with paragraph 113 of the NPPF a travel plan has been submitted with the application. This highlights the sustainable location of the site and opportunities to use sustainable transport and promotes car sharing, car club use, and walking and cycling routes. Consideration will be made of provision of a Cycle to Work scheme to make full use of the good on-site cycle parking facilities. The travel plan will need to be conditioned and updated regularly once occupation commences and a contribution of £10,000 is required for City of York Council Travel Plan support for a period of 5 years after first occupation to monitor and support this.

5.48 There is no disabled parking within a reasonable distance of the site, nor is there capacity to provide disabled parking within the site. Therefore a financial contribution of £6,000 is sought to implement changes to the Traffic Regulation Orders in the vicinity of the proposed development to enable a disabled parking bay to be introduced in the resident parking bays on the west side of The Crescent.

5.49 Bin storage is within the ground floor and accessed off the side access to the north of the site.

FLOOD RISK AND DRAINAGE

5.50 The site is located in Flood Zone 1 where there is a low probability of flooding. As the site is less than 1Ha and within Flood Zone 1, no flood risk assessment is required.

5.51 Policy ENV5 of the draft Local Plan and sets out the requirements for sustainable drainage strategies for development in the city. For brownfield sites, the policy requires a reduction in existing surface water run off of 30%. The proposed drainage system seeks to attenuate the surface water flows to ensure a reduction of 30% in line with policy.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.52 Policy CC1 encourages the development of renewable and low carbon energy generation and storage. It requires new buildings to achieve a 28% reduction in carbon emissions through the provision of renewable and low carbon technologies in the locality of development or through energy efficiency measures, unless it can be demonstrated that this is not viable. Applicants must submit an energy statement setting out how this will be achieved, taking into consideration the impact of the scheme on other planning considerations and demonstrate any viability issues with meeting the target.

5.53 Policy CC2 sets out the sustainable design and construction requirements that all new development (by type) must adhere to and demonstrate in a Sustainability Statement. In summary, the policy requirements are:

For Non-residential development over 100sqm internal floor area - meet BREEAM 'excellent' standard (or equivalent).

5.54 A sustainability statement is also required in line with Policy CC2 to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. Non-residential development must meet BREEAM 'excellent' standard. BREEAM is a recognised sustainability assessment method for master-planning projects, infrastructure and buildings. BREEAM requires assessment and certification of a scheme's environmental, social and economic sustainability performance, using standards developed by BRE. It recognises and reflects the value in higher performing assets across the built environment lifecycle, from new construction to in-use and refurbishment.

5.55 An Energy Statement has been submitted which concludes that a range of sustainability strategies will be pursued including air source heat pump, mechanical ventilation with heat recovery and insulation levels achieving improvements over Building Regulations Part L. BRREAM Excellent award is being targeted for the building. Conditions are recommended to secure the requirements of policies CC1 and CC2.

ECOLOGY

5.56 A bat survey has been submitted with the application. This indicates that there was no recorded bat activity within the building and low levels of activity outside at the time of the survey. Comments from the council's ecologist will be reported at sub-committee.

6.0 CONCLUSION

6.1 The presumption in favour of sustainable development contained within paragraph 11 of the NPPF requires that, where there are no relevant development plan policies, or the policies are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The policies referred to include those related to designated heritage assets which would include the Central Historic Core Conservation Area. It has been identified that the proposal will result in less than substantial harm to the Conservation Area through the loss of the existing building and as such the presumption in favour of sustainable development does not apply.

6.2 The proposal has been considered against the policies in Section 16 of the NPPF giving great weight to the asset's conservation. Weighed against the small level of less than substantial harm identified to the CHCCA are public benefits relating to the provision of high quality office space providing jobs within a sustainable location. The bringing back in to use of a currently vacant brownfield site should, in accordance with Section 11 of the NPPF, be given weight as well as the sustainability benefits of a newly constructed building meeting current policy requirements in terms of carbon emissions and sustainable design.

6.3 The existing building is considered a non-designated heritage asset. The NPPF requires that when considering application which affect non-designated heritage

assets, a balanced judgement is required having regard to the scale of any harm or loss and the significant of the heritage asset. Here, it is accepted that the quality of the replacement building, combined with the other benefits identified, are sufficient to outweigh the loss of the non-designated heritage asset.

6.4 Other issues related to amenity, cycle parking and accessibility and drainage have been assessed and can be covered via condition. Subject to comments from the Council's Ecologist, the proposal is recommended for approval subject to conditions and S106 contributions for changes to TROs and travel plan monitoring.

7.0 RECOMMENDATION:

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

- a. The completion of a Section 106 Agreement to secure the following planning obligations:
 - £6,000 towards alterations to TROs on The Crescent to implement a disabled parking bay and
 - £10,000 towards travel plan monitoring.

b. The conditions set out below

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

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

Conditions

1 TIME2 Development start within three years

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

Location plan

Demolition plan 17077-VB-XX-XX-DR-A-(03) 090 A

Proposed site plan 17077-VB-ZZ-XX-M3-A-(03)105 B

Proposed basement plan 17077-VB-ZZ-XX-M3-A-(03)109 A

Proposed ground floor plan 17077-VB-ZZ-XX-M3-A-(03)110 B

Proposed first floor plan 17077-VB-XX-01-DR-A-(03)111 A

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Proposed second floor plan 17077-VB-XX-02-DR-A-(03)112 A
Proposed third floor plan 17077-VB-XX-03-DR-A-(03)113 A
Proposed fourth floor plan 17077-VB-XX-04-DR-A-(03)114 A
Proposed roof plan 17077-VB-ZZ-RF-DR-A-(03)120 A
Proposed south elevation 17077-VB-ZZ-XX-DR-A-(03)133 A
Proposed east elevation 17077-VB-ZZ-XX-DR-A-(03)130
Proposed west elevation 17077-VB-ZZ-XX-DR-A-(03)131
Proposed north elevation 17077-VB-ZZ-XX-DR-A-(03)132
Dragonfly Noise Impact Assessment reference DC3244-R2v3 dated 22/6/21
Sustainable Design Alternatives Report

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

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

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

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

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

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

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

4 A programme of archaeological building recording, specifically a written description and photographic recording of the malthouse building to Historic England Level of Recording 2/3.

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

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

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

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

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

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

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

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication

off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

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

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

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses
public.protection@york.gov.uk and planning.enforcement@york.gov.uk.

Reason: To protect the amenity of the locality.

6 LC1 Land contamination - Site investigation

7 LC2 Land contamination - remediation scheme

8 LC3 Land contamination - remedial works

9 LC4 Land contamination - unexpected contam

10 Demolition works shall not be commenced before a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

12 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. 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.

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

Windows, doors, curtain glazing

Signage fascia to entrance portico

Sections through window reveals showing relationship between window frames and brickwork including hit and miss brickwork

Sections through parapets, eaves and verges showing construction of gutters, wall and roof junctions

o All areas of roof glazing including to main roof and roof of portico entrance

o Green wall construction

o Lightwells and relationship with kerb, hard landscaping and planting areas

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

14 Prior to the commencement of development a detailed specification for the stabilisation, alteration and consolidation of the retained east gable of the malt house shall be submitted and approved in writing by the Local Planning Authority. The approved specification shall be fully implemented on commencement of demolition.

Reason: To ensure the preservation of the retained sections of historic building.

15 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, specification of hard surfacing and the green wall. 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.

16 Prior to first occupation details of all machinery, plant and equipment to be

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

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

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

17 The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbs and pavements to match adjacent levels.

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

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

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

19 HWAY19 Car and cycle parking laid out

20 No part of the development shall be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines taking into account the Travel Plan Revision 2 (dated 20/07/2020) and the subsequent first annual survey submitted. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 6 months of occupation of the site a first year travel (baseline) survey shall

have been submitted to the LPA and approved in writing by LPA within 3 months of its receipt. Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure that traffic flows from the site can be safely accommodated and to promote the usage of sustainable means of transport.

21 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. A post-construction stage assessment shall be carried out and a post-construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation). Should the development fail to achieve a BREEAM standard of 'excellent' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Publication Draft Local Plan 2018.

22 Unless otherwise agreed in writing the development hereby approved shall achieve a 28% carbon emissions reduction when compared to the Target Energy Rating (TER) in current Building Regulations as identified in the Energy Statement. Prior to above ground construction, 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.

23 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

24 Prior to the commencement of construction works 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. It is necessary to require this information prior to commencement of ground works on site as the provision of drainage is fundamental to the delivery of the scheme.

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:

Discussed changes to the scheme to better reflect local context and protect neighbouring amenity.

2. WORKS IN THE HIGHWAY

A s278 Agreement will be required to undertake any works in the existing highway.

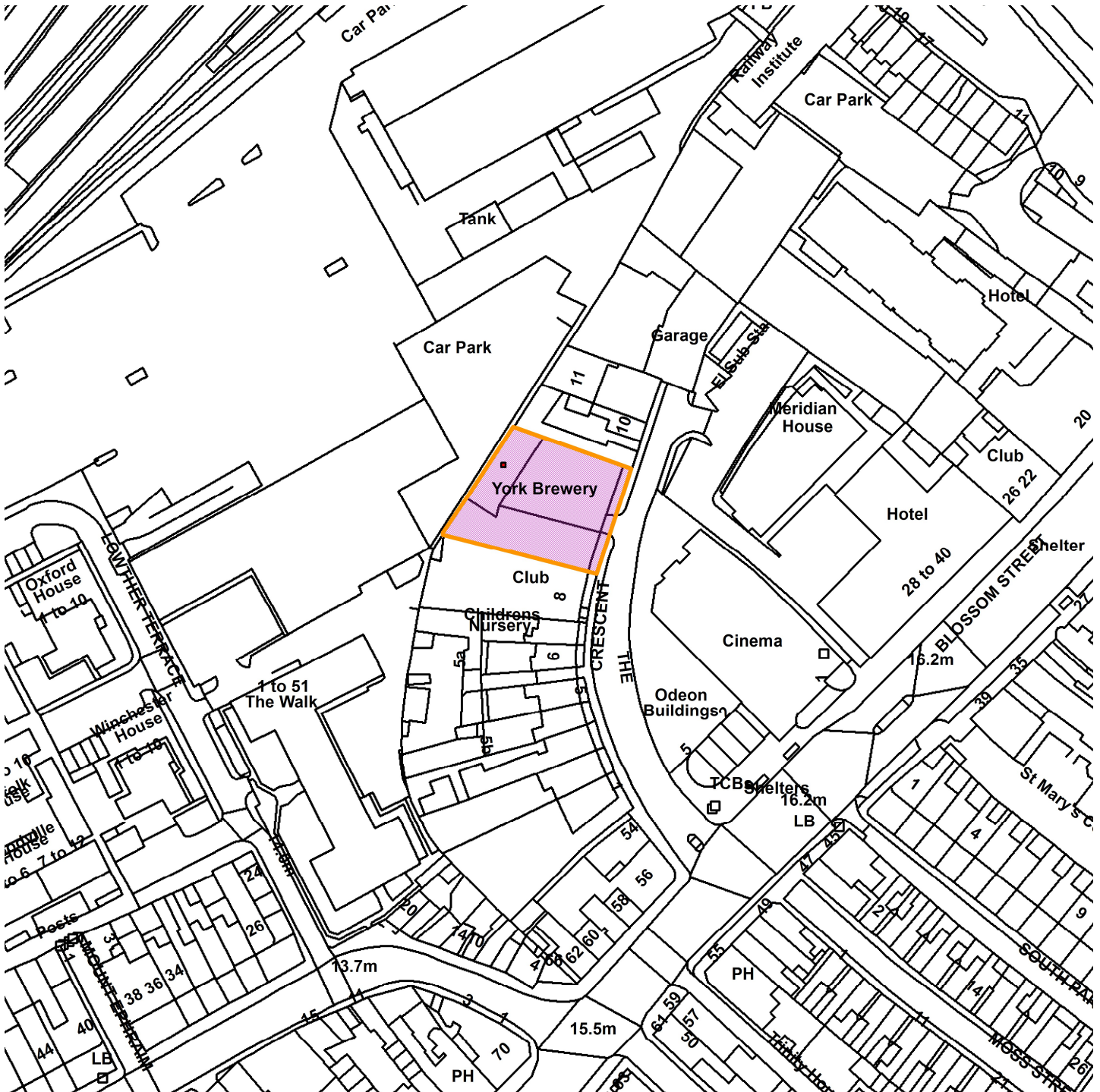
Contact details:

Case Officer: Alison Stockdale

Tel No: 01904 555730

York Brewery Warehouse, 9 The Crescent, YO24 1AW

20/01411/FULM



Scale : 1:1373

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	01 October 2021
SLA Number	

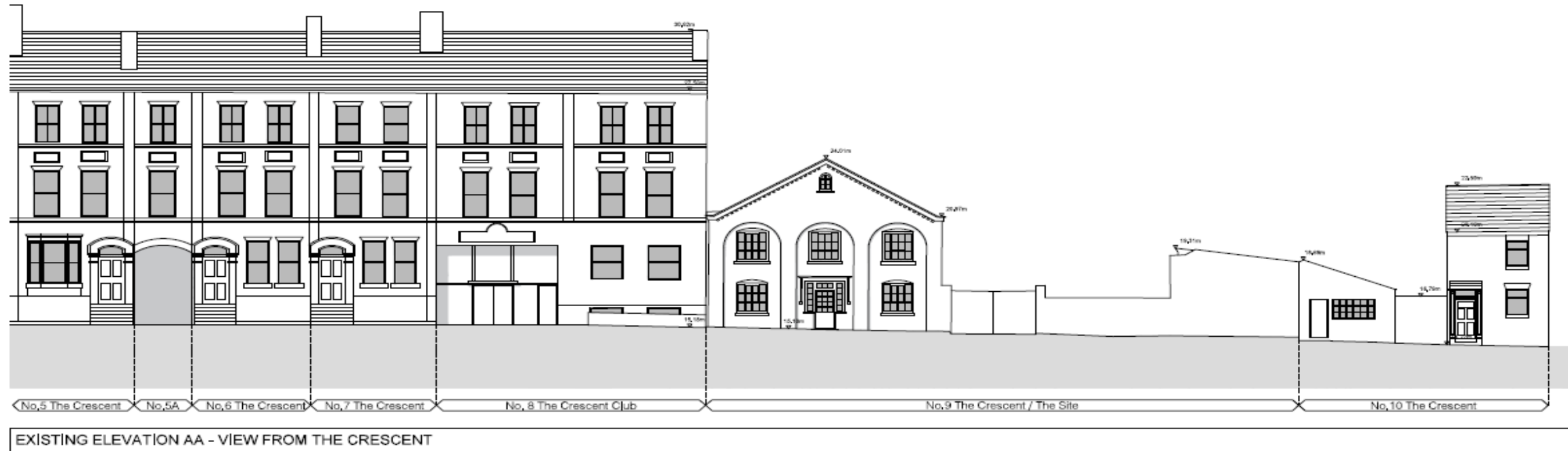
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Area Planning Sub-Committee

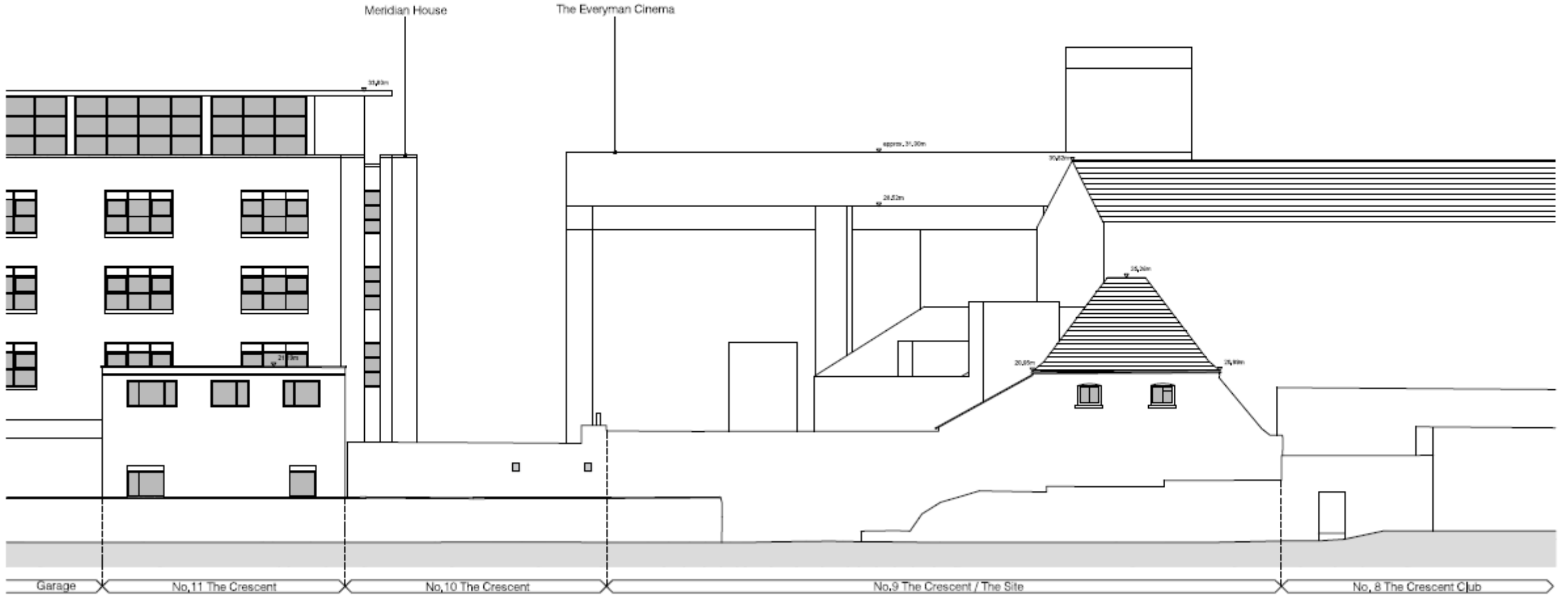
20/01411/FULM

Former York Brewery Warehouse, 9 The Crescent





EXISTING ELEVATION CC - SIDE ELEVATION



EXISTING ELEVATION BB - VIEW STATION CAR PARK

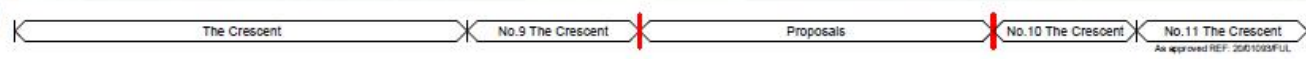
As proposed
Site plan



Front Elevation



AA East Elevation (Context)
1 : 200

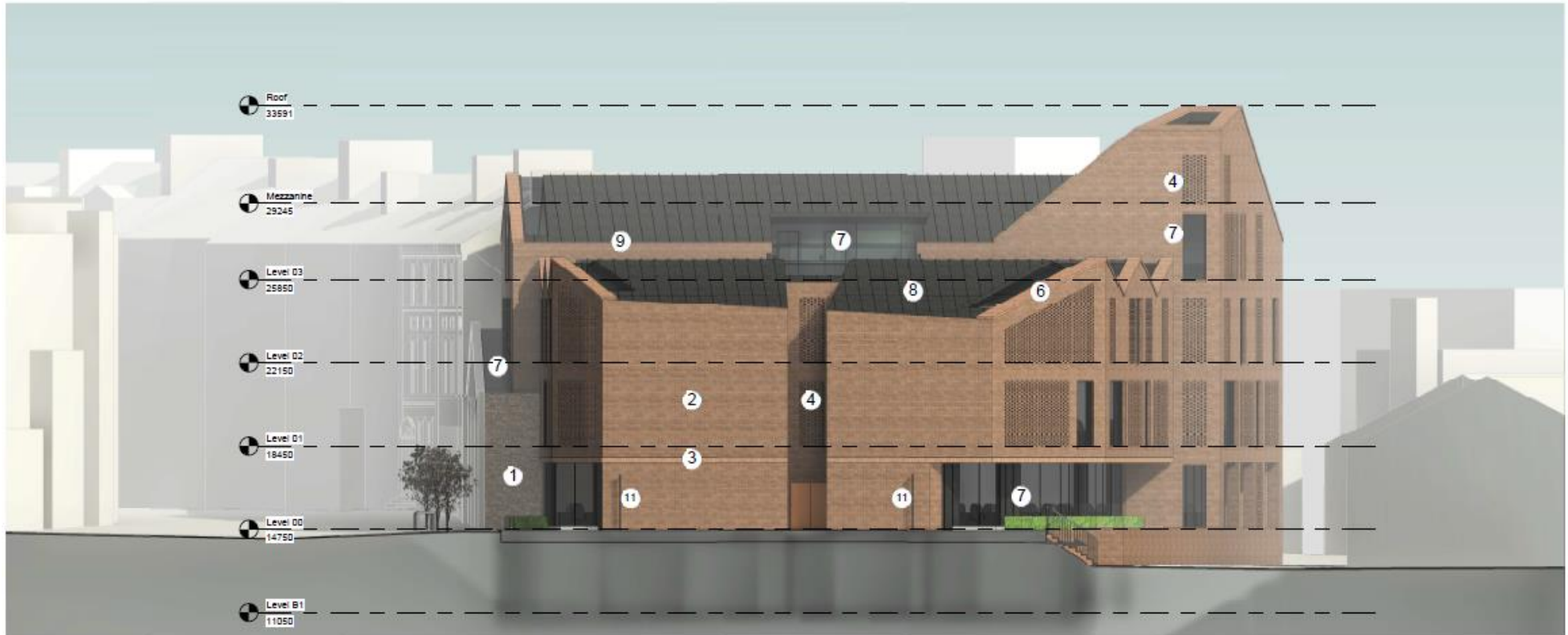
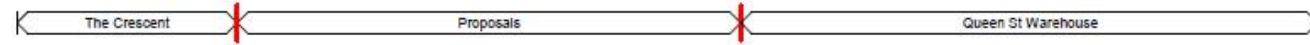


AA East Elevation (The Crescent)
1 : 100

Side elevation
Facing 10 The
Crescent



CC North Elevation (Context)
1 : 200

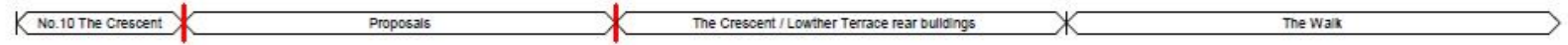


CC North Elevation
1 : 100

Rear – west
elevation



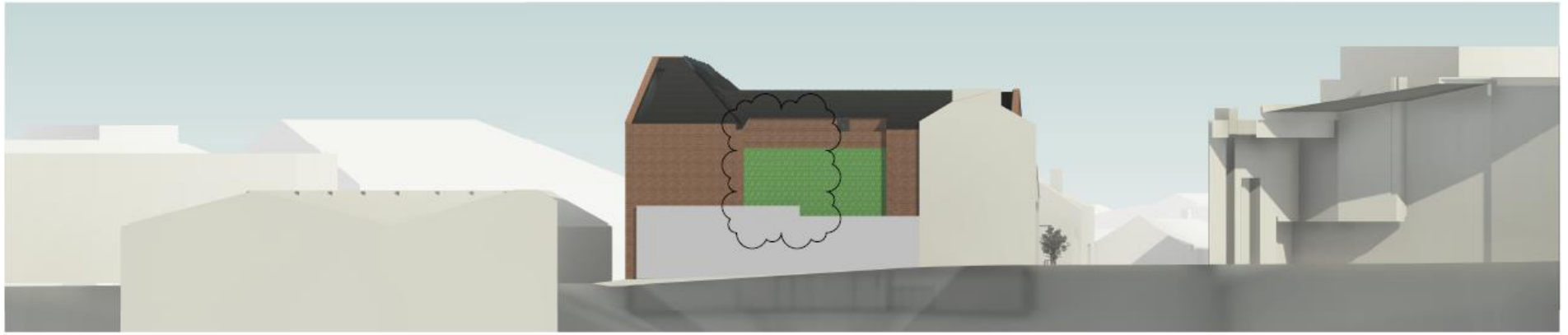
BB West Elevation (Context)
1 : 200



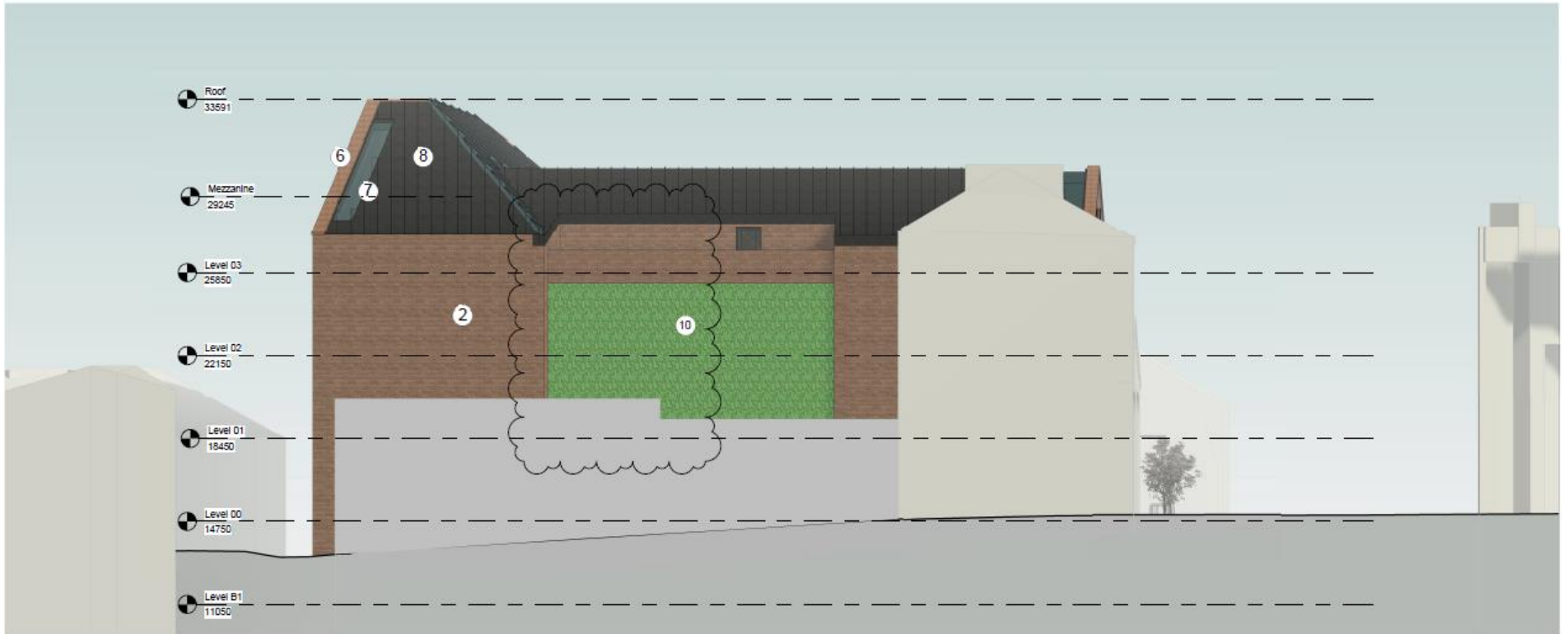
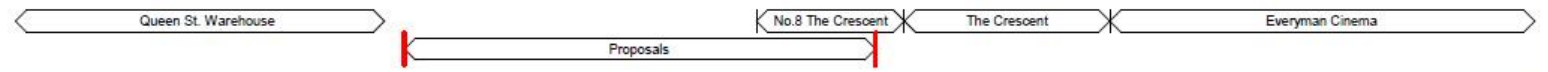
BB West Elevation (Car Park)
1 : 100



Side elevation
Facing
8 The Crescent

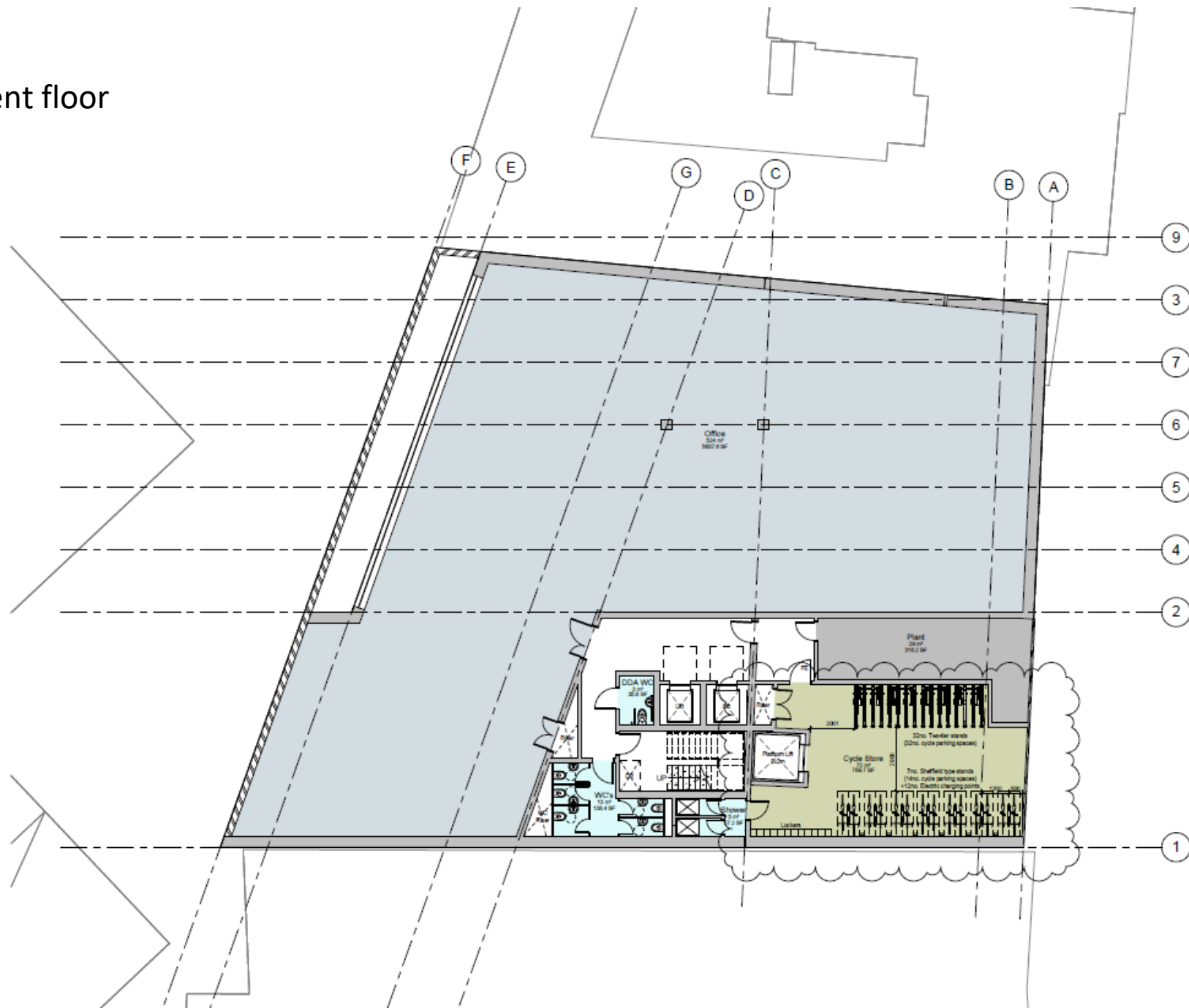


DD South Elevation (Context)
1 : 200

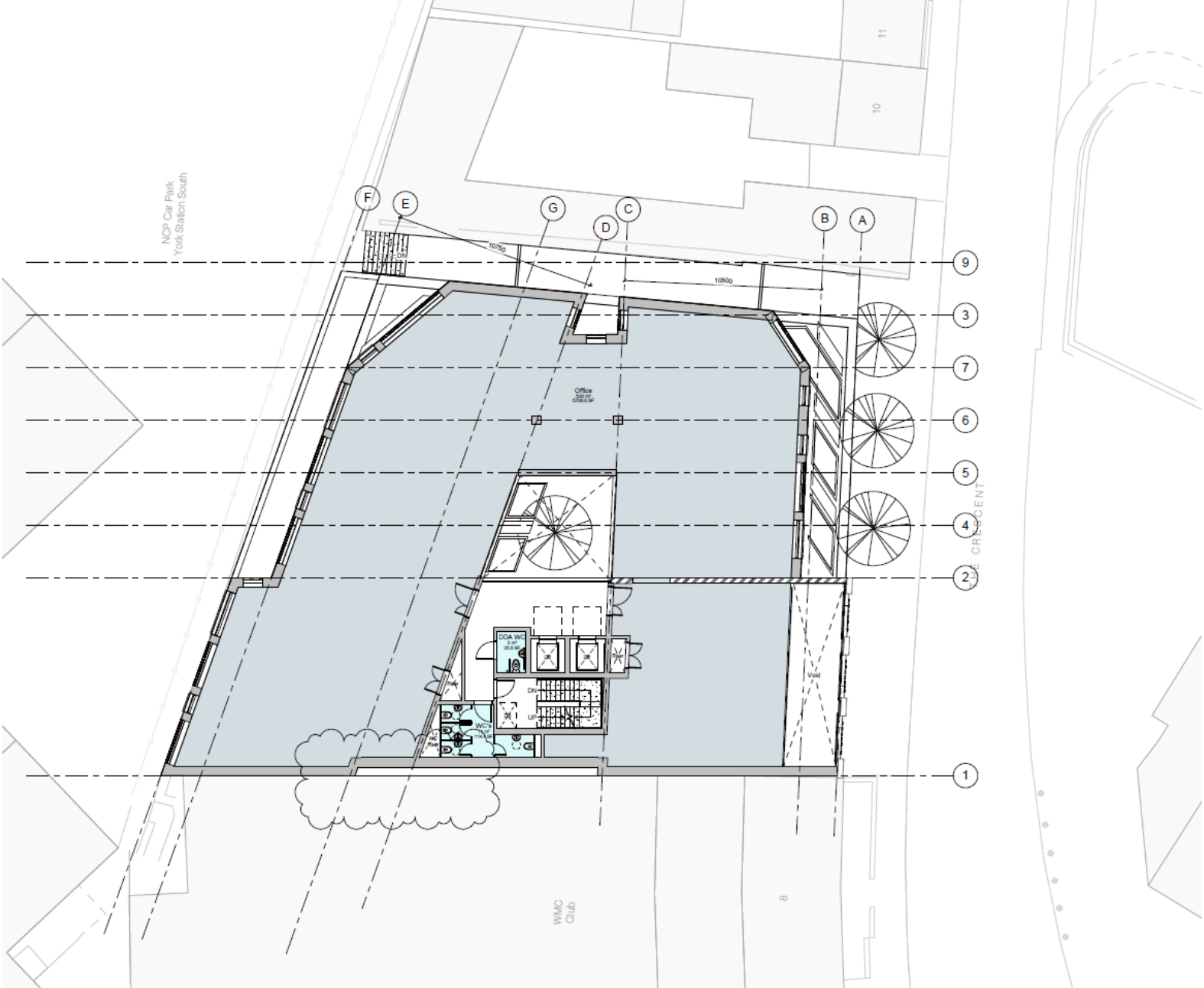


DD South Elevation
1 : 100

Proposed basement floor

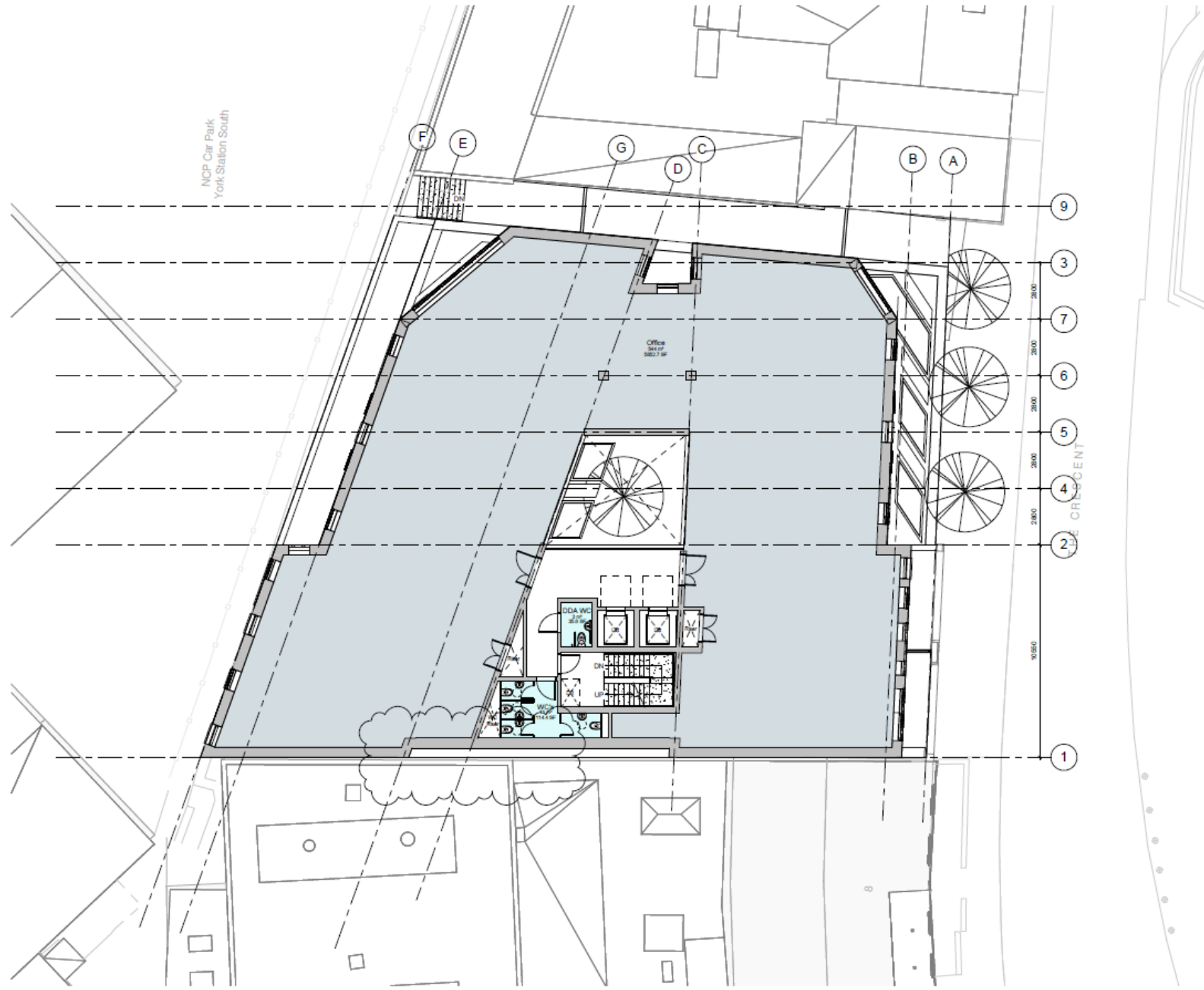


Proposed First floor



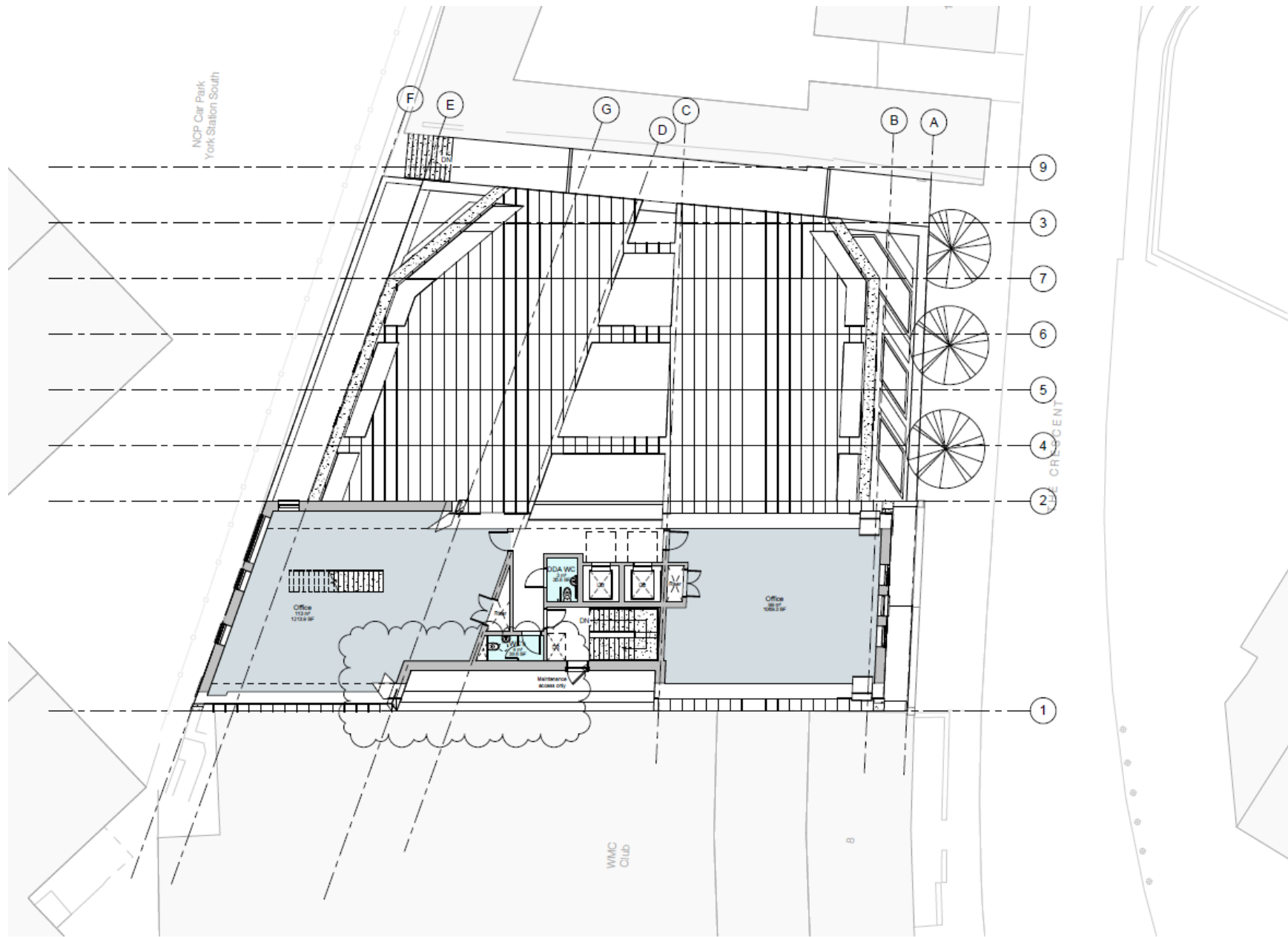
level 01

Proposed Second floor



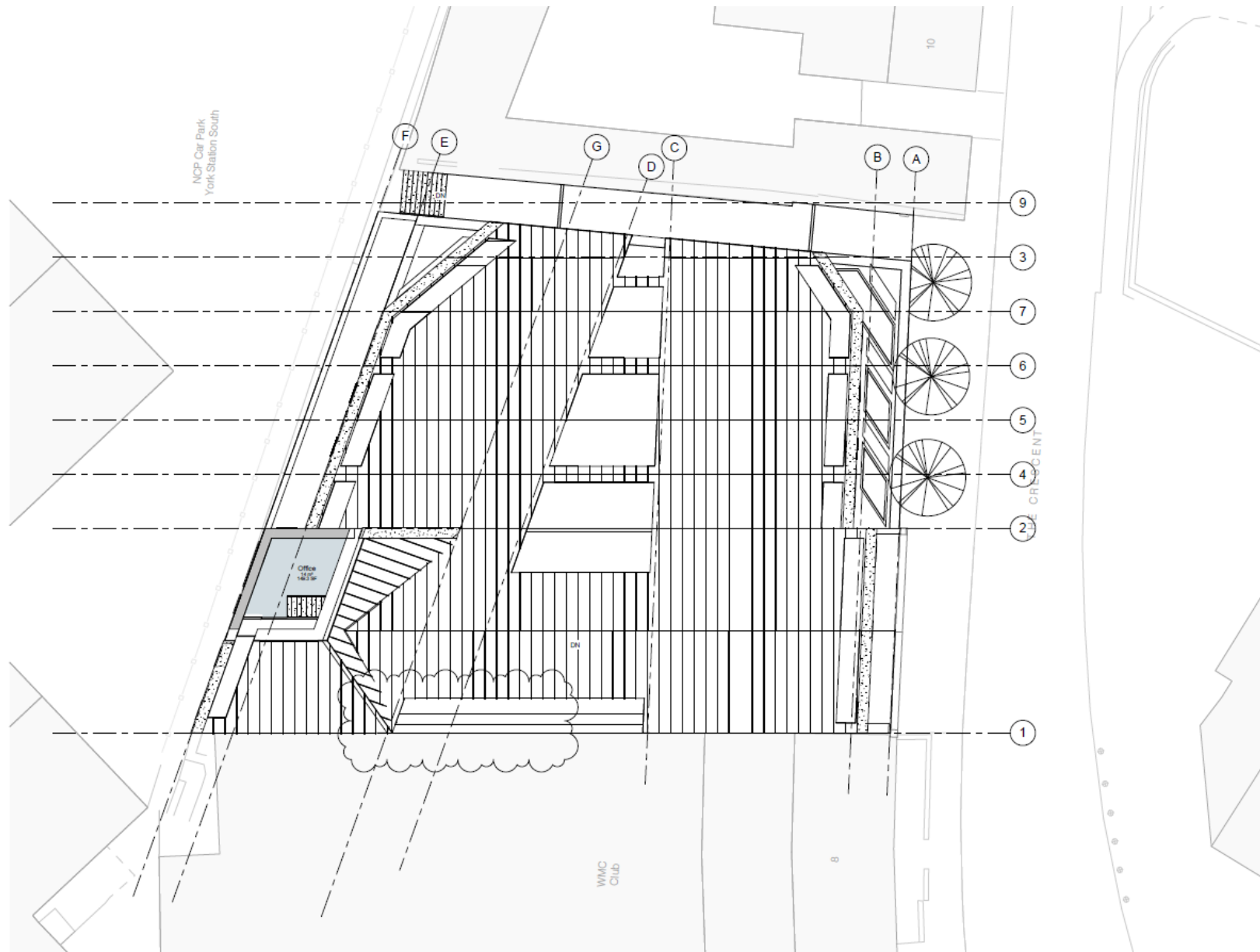
Level 02
1 : 100

Third floor plan



Level 03
1:100

Fourth floor plan



Level 04 Mezzanine
1:100







Site from rear





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COMMITTEE REPORT

Date: 13 October 2021 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/00537/FULM
Application at: Castle Howard Ox Townend Street York YO31 7QA
For: Conversion of public house to 16no. student studio apartments with two storey extension to the side/east elevation, first and second storey extension to the rear/north elevation, and single storey rear/north extension following the demolition of the single storey projections
By: Alastair Cliffe
Application Type: Major Full Application
Target Date: 21 October 2021
Recommendation: Approve subject to s106 Agreement

1.0 PROPOSAL

1.1 Planning permission is sought for the conversion of the public house to 16 no. studio apartments for student accommodation. In addition there would be a two storey extension to the side/east elevation and rear/north elevation and a single storey extension to the north following. A communal room is proposed on the ground floor, there would be external cycle and bin store and outside communal space.

1.2 The site is within the Area of Archaeological Importance. The site is within Flood Zone 1. To the north, east and south of the site is residential development. To the west is former petrol station/garage used as a tool hire shop.

1.3 Officers understand that the public house has been closed since 2017.

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

GP6 Contaminated Land

GP15a Development and Flood Risk

NE7 Habitat Protection and Creation

HE2 Development in Historic Locations

HE10 Archaeology

T4 Cycle Parking Standards
T13a Travel plans and Contributions
ED10 Student Housing
C3 Change of Use of Community Facilities
MW7 Temporary Storage for Recyclable Material

2.2 The Publication Draft York Local Plan (2018)

H7 Student Housing
HW1 Protecting Existing facilities
D1 Placemaking
D4 Conservation Areas
D6 Archaeology
D7 The Significance of Non-designated Heritage Assets
D11 Extensions and Alterations to Existing Buildings
GI2 Biodiversity and Access to Nature
CC1 Renewable and Low carbon Energy generation and Storage
CC2 Sustainable design and Construction of New Development
ENV1 Air Quality
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV5 Sustainable Drainage
WM1 Sustainable Waste Management
T1 Sustainable Access

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 Submitted cycle shelter drawings provide 3 Sheffield stands at 1200mm space resulting in the stands being too cramped requested revert to 2 no. Sheffield stands at 1200mm spacing. Request conditions: Removal of redundant crossings; Cycle parking details to be agreed; Car and cycle parking laid out; No gate, etc; Travel Plan. Condition/informative ensure development remains "car-free" in perpetuity; Seek S106 Contribution of £10,000 for City of York Council Travel Plan Support for a period of five years after first occupation.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (CONSERVATION OFFICER)

3.2 The amended scheme addresses concerns from a conservation and design perspective. If recommended for approval request following conditions: external materials for approval; a 1x1m brick panel to show brick, coursing, bond, mortar and pointing; scale constructional drawings for all external joinery including any alterations required to the retained historic sash window to ground floor west elevation (preferably to be retained as is with secondary glazing installed for acoustic and thermal enhancement); details of rooflights.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.3 No evidence of roosting bats or nesting birds was identified during the ecology survey, ecological enhancements have been recommended within associated report with the aim of providing biodiversity net gain post construction. The increased structural integrity of modern developments reduces the potential for birds and bats to utilise modern buildings for nesting and roosting therefore any new developments should integrate a variety of bird and/or bat boxes. If this application is approved request condition for a biodiversity enhancement plan

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.4 The Castle Howard Ox lies within the Central Area of Archaeological Importance. The building dates to the mid 19th century, with later additions. It is a non-designated heritage asset. A heritage statement has been submitted with the application as suggested at pre-application stage. The statement confirms that the main body of the building and the 1930s extensions are of some significance while the mid-late 20th century alterations are not. The statement does not describe the interior of the building. It is unknown whether the building contains any internal features worthy of recording.

3.5 The proposed works at the Castle Howard Ox includes extending the existing building. Despite the existing extensions this has the potential to reveal archaeological features and/or deposits. An archaeological watching brief should take place during groundworks to record the nature of any deposits which may survive on the site. The employed archaeologist should also include a brief photographic record of the exterior and any features of interest within the interior of the public house prior to conversion. Request condition for a programme of post determination archaeological mitigation

LEAD LOCAL FLOOD AUTHORITY

3.6 No increase of impermeable areas and there is no room/space to provide betterment the Flood Risk Management Team has no objections and therefore if planning permission is to be granted request details of the proposed means of foul and surface water disposal.

PUBLIC PROTECTION

3.7 The applicant has submitted a Lithos Preliminary Ground Investigation ref 3655/1 dated December 2019. In addition to this investigation, public protection team has records of previous industrial uses adjacent to the site that could have caused land contamination within this area e.g. garage/motor engineers etc request following condition: submission of investigation and risk assessment; submission of a remediation scheme; submission of verification report; reporting of unexpected contamination; submission of Construction Environmental Management Plan.

3.8 The development is close to commercial activities therefore the developer should demonstrate that internal and external noise levels within the dwellings can be achieved. Request condition for detailed scheme of noise insulation measures.

3.9 The development for student accommodation will be close to existing residential dwellings. Therefore in order to ensure that the occupants of the existing dwellings are not adversely affected by noise from the student accommodation request a condition requiring the applicant to submit a noise management plan for the operation of the development.

PUBLIC REALM

3.10 Seeking £2,416 which would be used to improve the amenity open space within the nearby Clarence Gardens, specifically towards the transformation of the disused bowling green into a more robust area of amenity grassland.

AFFORDABLE HOUSING

3.11 If the development is considered acceptable request that a condition is added that it could only be used for student accommodation and no other type of accommodation, otherwise an affordable housing obligation would be required.

WASTE SERVICES

3.12 The site is not acceptable for CYC refuse collections as there is not a suitable collection point for the refuse collection vehicle. The site does not have vehicle access or a turning point, is very close to a busy junction and the street immediately next to the proposed development has double yellow road markings.

EXTERNAL CONSULTATIONS

GUILDHALL PLANNING PANEL

3.13 Object, overdevelopment of the site. There is a lack of outside storage for bins and bikes and a shortage of outdoor communal space for the number of units proposed.

3.14 Support the reuse of the pub.

YORKSHIRE WATER

3.15 No comments received.

FIRE AND RESCUE PREVENTION OFFICER

3.16 No objections, will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

4.0 REPRESENTATIONS

NORTH YORKSHIRE POLICE

4.1 An analysis of police recorded incidents in the area of the proposed development highlights the presence of crime and antisocial behaviour which could impact upon the security of the scheme. The analysis covers a period from the 1 March 2020 to the 28 February 2021. In summary, there were 321 crimes and 314 antisocial behaviour incidents recorded during this twelve month period. Noted that the Covid 19 pandemic has resulted in a lower burglary count due to people staying and working at home. Higher levels of antisocial behaviour are due to breaches of Covid 19 guidance being recorded as antisocial behaviour. Any new development has the potential to increase these levels if the designing out of crime is not considered and implemented.

4.2 Consideration should be given to fitting the communal entrance door with an electronic door release mechanism connected to a videophone in each apartment. The door should also have a self-closing mechanism with a lock which engages automatically. External windows on the ground floor should be fitted with opening restrictors to prevent sneak-in burglaries when a window is left open.

4.3 The crime analysis showed that the theft of cycles is prevalent in the area. Consequently, it is recommended that the cycle store should be: Open to surveillance by having walls constructed from materials such as welded mesh, grilles or bars, polycarbonate or other secure glazing such as glass composites; Lit after dark using vandal resistant, dedicated energy efficient light fittings and energy efficient lamps; Access controlled with an electronic fob key that only gives access to the store by those that require it; The design of the stands within the store should enable the cycle to be secured at two separate parts of the cycle, for example a 'Sheffield Bar'

CONSERVATION AREAS ADVISORY PANEL (comments or original scheme)

4.4 Whilst the building is not in a conservation area nor a listed building it is within an historic streetscape and a locally significant / none designated heritage asset.

4.5 The Panel consider the information supporting the application was of poor quality, e.g. the 'as existing' plans contained no room titles. However there is no basic objection to the proposal and the size of the bedrooms was commented upon favourable. The appearance of the proposed building appears to be bland. The heritage of this former public house could be acknowledged by the replacement of the existing upvc windows with timber set correctly within reveals. Noted that there appears to be no level access to the property.

NEIGHBOUR NOTIFICATION AND PUBLICITY

4.6 Five representations of objection:

- Student accommodation not required
- The area requires something that would bring the community together, the Groves had 4 pubs now reduced to 1
- Lack of parking, each flat should have a parking space otherwise will result in further parking within the Groves, there are existing parking issues in the area.
- No space for loading and unloading
- The accommodation should be able to accommodate people with disabilities
- Question whether studio accommodation is required
- Overdevelopment
- request that the work requires by the application is undertaken by people/firms based within York
- Local community has not been consulted
- would like the building to be used as a community centre
- Insufficient outside space for the future occupants
- Lack of council tax so adding to burden of the council, question if the commercial rates could be paid
- Would result in noise disturbance

- Concerned there maybe water management issues

4.7 One letter of objection (to the revised scheme)

- The rooms are far too small, resulting in mental health issues. The shared space is not large enough to accommodate all the residents
- Lack of outdoor amenity space, poor living conditions
- No parking has been provided
- The accommodation should be able to accommodate people with disabilities
- The bin storage is located furthest from the road, should be located close to the road

5.0 APPRAISAL

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.

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).

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.3 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, the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.4 The revised National Planning Policy Framework (NPPF) and its planning policies are a material consideration in the determination of planning applications. The NPPF sets out the presumption in favour of sustainable development in paragraph 11.

LOSS OF COMMUNITY FACILITY

5.5 Paragraph 93 of the NPPF sets out, among other things, that planning decisions should guard against the unnecessary loss of valued facilities (including pubs), particularly where this would reduce the community's ability to meet its day to day needs. This stance is echoed by policy HW1 (Protecting Existing Facilities) of the emerging local plan. It states that development proposals that involve the loss of a community facility will not be supported unless: equivalent or greater facilities are provided on or off site; the facilities no longer serve a community function; or are no longer financially viable. Policy D3 (Cultural Provision) states, among other things, that development proposals will be supported where they do not cause the loss of cultural facilities.

5.6 No financial information has been submitted about the profitability of the pub. The narrative to Policy HW1 states that a loss of community facilities will only be permitted when they have been marketed for a minimum of a year without success, thereby demonstrating that they are unviable. The site had previously been acquired by Star Pubs & Bars in August 2017, the public house was closed on completion of the sale. The supporting information sets out that the public house was unviable and they decided to sell the site in November 2018. The supporting information sets out that the site was marketing online and a sale board was erected, pub companies, owner occupiers, developers and local builders were targeted. During this time the owners did not open/operate the venue. The supporting information sets out that the public house was closed for a two reasons: high turnover of tenants; and struggles to compete with the neighbouring Punch Bowl public house. The supporting information sets out that the impact of Covid 19 would further exacerbate the viability issues. The public house was advertised for £250,000 freehold. During the marketing over 80 enquires were received. Best and final bids were invited (April 2019) and a total of 12 bids were received. None of these bids were to run the site as a public house or restaurant. All were received from developers or investors. The sale was completed in May 2019. Since that time the public house has been closed. The marketing period lasted a total of 7 months. Requiring the applicant to advertise the pub differently or for a longer period is unlikely to give the council a better insight into the viability of the Castle Howard Ox. Furthermore, bearing in mind the close proximity of other public houses, offering a similar, but a wider range of services

than the application site can or could provide, officers do not consider that the loss of the pub would result in undue harm to the local community.

IMPACT ON THE LOCAL ECONOMY

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

5.8 No information has been submitted regarding the turnover when the public house was open. However as set out above there were struggles to compete with neighbouring public houses together with high turnover of tenants. The site is tightly constrained by the adjacent properties, highway frontages. The opportunities for expansion or diversification are very limited. The impact on the local economy of the loss of the pub is therefore likely to be small.

STUDENT ACCOMMODATION

5.9 Policy ED10 of the DCLP (2005) and Policy H7 (Student Housing) of the draft Local Plan 2018 sets out that proposal for new student accommodation should demonstrate: there is a proven need for student housing; and. it is in an appropriate location for education institutions and accessible by sustainable transport modes; and the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area. Policy is in general supportive of Purpose Built Student Accommodation (PBSA) as a means of freeing up housing suitable for wider general housing needs. Policy H7 requires the University of York and York St John University to address the need for any additional student housing which arises as a result of their future expansion, taking into account the capacity of independent providers; this is an acknowledgement that privately built PBSA is an important part of the student housing market.

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

5.11 The SHMA also analyses the needs of specific groups within the population, such as older people and students. The student population in York (22,269 at the time of the 2011 Census of which 19,002 were full time students) grew significantly by around 7,400 between 2001 and 2011, and is projected to continue to grow,

albeit at a slower rate. Higher Education Student Statistics (HESA) data referenced in the SHMA shows 23,095 student in the City by 2014, with most significant growth in numbers of full-time students. The SHMA acknowledges that the student rental market remains strong and that demand for purpose built student accommodation is high, particularly from international students. Latest HESA data (2018/19) shows 26,090 students enrolled at York St John University and the University of York.

5.12 The applicants provide a summary of approved PBSA since 2015. Officers consider the record of recently approved and completed schemes is reasonably consistent with that provided by the applicant, albeit that we note the omission of St Joseph's Convent, Lawrence Street (+526 units, completed 2016/17). The Planning Statement does not provide analysis of current levels of provision/vacancy. Officers are not aware of concerns around Purpose Built Student Housing vacancies, and would suggest that applicants operating in a competitive market are well placed to determine capacity in that market.

IMPACT ON HERITAGE ASSETS

5.13 The site is within Area of Archaeological Importance, and whilst just outside of the Central Historic Conservation Area (Character area 1: Bootham Park Hospital) it is considered to fall within the setting of the conservation Area. The site is considered to fall within the setting of Grade II listed former Groves Chapel, Union Terrace. The building is also considered to be undesignated heritage asset.

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

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

significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness.

5.16 The Draft Local Plan (2018) policies D4, D6, D7 and Development Control Local Plan (2005) policies HE2, HE3, and HE10 reflect legislation and national planning guidance that development proposals should preserve or enhance the special character and appearance and contribution to the significance and setting of the heritage assets and respect important views. Impact on undesignated heritage asset

5.17 The National Planning Policy Guidance sets out that non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. Local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications. Policy D7 of the Draft Local Plan (2018) set out the criteria for assessing potential non-designated heritage assets

5.18 Paragraph 203 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy D7 of the Draft Local Plan (2018) sets out that Development which would remove, harm or undermine the significance of such assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the heritage asset.

5.19 The Castle Howard Ox is a purpose-built public house of the first half of the nineteenth century, with later alterations and additions, built abutting Bootham stray on the corner of Townend Street and Clarence Street. There is evidence to suggest a build date in the 1830s/40s era which accords with the laying out of Penley Grove Street/Townend Street in that period. The heritage appraisal accompanying the application charts the development of buildings on the site and identifies the contribution the building makes to settings of the central historic core conservation area and the Groves Chapel which faces the site across Clarence Street. As identified by the appraisal the earliest built form is the southern block with its gable entrance to Townend Street.

5.20 The building retains a number of attractive architectural features. The south gable is of characteristic symmetrical nineteenth century arrangement, with arched head window to the apex, and the front door is flanked by shallow arched windows with brick quoined surrounds and projecting moulded brick drip over the lintel and similar sills, elements of which are replicated in the brick door surround. The latter features suggest a remodelling of the early decades of the twentieth century which accords with photographic evidence potentially dating from 1906. Windows are mainly replaced PVC frames, but whilst poor quality they replicate the layout of the earlier sashes to the upper floors and the three-light mullion and transom windows to the ground floor. To the west elevation is a three-light timber sash window set in an impressive corbelled and dentil-corniced surround within a decorative brick projection which probably dates to the latter decades of the nineteenth century; and a bracketed and dentilled timber gutter support which may be to the original design. Substantial chimney stacks and a coped verge also contribute to a characterful historic building.

5.21 The building survives from the small-scale 2-storey terraced form of the wider area which was developed as the city expanded in the 1840s. Although much demolition in the Groves took place in the '60s/'70s for redevelopment by the Local Authority, the historic "gateways" to the area were maintained so they still preserve the small scale 19th century character of the main streets (Clarence St, Haxby Road, Monkgate, Huntington Rd). The building has always had a dual aspect as indicated on the 1852 map, facing Clarence St over former Stray land (now the former garage forecourt)

5.22 The building has previously been identified as a non-designated heritage asset as a consequence of its architectural and historic interest. As a public house it also has communal value.

5.23 The proposed development would retain the original part of the building, the revised design of the proposed extension is simple and is not considered to result in harm to the designated heritage asset. The use of different materials whilst complimenting the existing building give a clear understanding that the extensions are latter additions. The proposed extension are considered to have a neutral impact on the heritage asset. The conditions requested by the Conservation Officer are considered to be reasonable and necessary to ensure a development that respects the host building and the surroundings.

Setting of Conservation Area and Listed Building

5.24 No identified harm to the conservation area as a consequence of the revised proposals has been identified. The scheme respects the townscape and

streetscape. The development would not materially impact the setting of any listed buildings.

Archaeology

5.25 The site is within the City Centre Area of Archaeological Importance. NPPF paragraph 194 states that “where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”. NPPF footnote 68 states non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

5.26 The Castle Howard Ox lies within the Central Area of Archaeological Importance. A heritage statement confirms that the main body of the building and the 1930s extensions are of some significance while the mid-late 20th century alterations are not. The statement does not describe the interior of the building. It is unknown whether the building contains any internal features worthy of recording. The proposed works have the potential to reveal archaeological features and/or deposits. The Archaeologist has requested the following condition: an archaeological watching brief should take place during groundworks to record the nature of any deposits which may survive on the site, it should include a brief photographic record of the exterior and any features of interest within the interior of the public house prior to conversion. This condition is considered to be necessary and accords with paragraph 205 of the NPPF.

VISUAL AMENITY AND CHARACTER

5.27 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. This advice is reflected in Draft Local Plan policies GP1 and GP9 of the 2005 Draft Local Plan and D1 and D2 of the 2018 Draft Local Plan and, therefore, these policies can be given weight.

5.28 The proposed flat roofed two storey extension is set back from the Townend Street elevation and uses different materials (brick) to the host building (render). The proposed extension would be viewed as a latter additional and they appears subservient to the host building. The proposed extensions are considered to be of neutral appearance and are not considered to result in harm to the visual amenity of

the host building or the character and appearance of the streetscene when travelling along Townend Street. Conditions for the materials, rooflights, and joinery are considered to be necessary.

RESIDENTIAL AMENITY

5.29 The NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy GP1 of the 2005 Development Control Draft Local Plan and policies D1 and ENV2 of the 2018 Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.30 The site is considered to be within a sustainable location close to York St Johns and close to public transport for other educational establishments the site is close to local amenities. The surrounding area contains a number of residential streets with restricted parking controlled by the Respark scheme.

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

5.32 The proposed two storey extension would have windows in the side/east and rear/north elevation. The proposed ground floor windows would be screened by the existing boundary wall. The first floor windows in the side/east elevation would face the front garden and side elevation of No. 3 Townend Street. No 3. Townend Street has private outside amenity space to the rear of the property and a car port between the side of the property and the application boundary, there are no windows at first floor level in the side elevation. The proposed two storey extension (6.5 metres in height) is set back from the shared boundary by 4 metres. For these reasons the proposed development is not considered to result in a loss of privacy or overlooking to the occupants of 3 Townend Street. The proposed extensions are not considered to result in a loss of light or overshadowing.

5.33 No. 1 Lowther Mews stands to the rear/north of the proposed development, it has a first floor window in the side elevation which appears to be a staircase/hallway window. The proposed rear/north elevation windows of the two storey extension would be 7.5 metres from the staircase window. As the staircase is not considered to be a primary room it is not considered that the proximity of the windows would result in a loss of privacy. Furthermore it is considered that the proposal will not result in a harmful loss of light or impact overshadowing.

5.34 The previous use would have had some impact on the local environment and residential amenity but reason of general activity during the day and evening. The agent has confirmed that the proposed development would be managed, and a condition could be imposed that requires a management plan to be submitted to and approved by the Local Planning Authority. The plan could address issues such as: refuse collection; change over days, security measures, maintenance, fire safety, student liaison and community involvement etc. The introduction of 16 student studio flats in this location is not considered to be a significant concentration that would be potentially harmful to local residential amenity.

5.35 The access gates of the proposed development have been set into the site which allows for refuse bins to be presented on the day of collection and not block the pavement. In addition is it considered necessary to ensure that the refuse storage area within the site is retained as such and complies with Policy WM1 (Sustainable Waste Management).

5.36 It is considered necessary to condition the occupancy of the building to only students engaged in full-time or part-time further or higher education in the city as the application does not propose affordable housing. Officers are awaiting comments from the Public Realm team regarding open space contributions, if required these would be sought via a Section 106 legal agreement, Officers will provide an update at the Committee meeting.

BIODIVERSITY

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

5.38 The NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. A Bat, Breeding Bird and Barn Owl Survey

has been submitted to support this application. The Ecology Officer is satisfied with the submitted ecology information and that there are no protected species in the building. It is considered that the recommendations of the report (e.g. bat and bird boxes) can be sought via condition.

SUSTAINABILITY

5.39 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' requires that all new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The supporting information sets out that a reduction of 32.3% can be achieved.

5.40 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 change of use to residential should achieve BREEM domestic refurbishment 'very good'. The Local Plan policy CC1 and CC2 are considered to have moderate weight given the evidence base that supports it. The submitted BREEAM report demonstrates sets out that the proposed extension and change of use of the existing building would achieve BREEAM 'Excellent' based on a BREEAM New Construction 2014 with a score 76.05% or BREEAM Refurbishment and Fit Out 2014 with a score of 72.93% (minimum score level for BREEAM 'Excellent' rating is 70%).

HIGHWAYS

5.41 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to 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.

5.42 The site is considered to be in a sustainable location. No vehicle parking is proposed as part of the development and the surrounding area is restricted to residential permit parking. Covered and secure cycle parking for 18 cycles is

provided within a store on the site. The proposals are considered to be acceptable in terms of principle of development and their impact on the surrounding highway network. It is considered necessary to condition the submission of a travel plan. The Highway Network Management team have requested that contribution of £10,000 towards the City of York Travel Plan support, however given the scale of the development proposed this is not considered to be reasonable in terms of the statutory tests in CIL Regulation 122 that requires that obligations must be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

DRAINAGE

5.43 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development and Flood Risk) and Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. There would be no increase in impermeable areas, it is considered that the details of the means of the surface water drainage can be sought via condition.

SAFE ENVIRONMENTS

5.44 Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and do all they reasonably can to prevent crime and disorder". Paragraphs 92 and 130 of the NPPF require developments should create safe places and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The requirements for secure cycle park, secure external doors and opening restrictors on first floor can be achieved by condition

OPEN SPACE CONTRIBUTION

Public Realm has confirmed that an open space contribution is required in this case. This can be secured through a Section 106 agreement. The contribution of £2,416 would be used to improve the amenity open space within the nearby Clarence Gardens, specifically towards the transformation of the disused bowling green into a more robust area of amenity grassland. This obligation is considered to comply with CIL Regulation 122.

6.0 CONCLUSION

6.1 The proposed development is considered to be within a sustainable location. In assessment of Heritage Assets, the scheme would preserve the character and appearance of the conservation area, and the setting of listed buildings within it, in addition the proposed would be of appropriate scale, form and materials and is not considered to result in harm or loss of an undesignated heritage asset. Impacts on archaeology are considered to be acceptable and can be mitigated by planning condition. The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

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

7.0 RECOMMENDATION:

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

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

Open Space

£2,416 to improve the amenity open space within the nearby Clarence Gardens, specifically towards the transformation of the disused bowling green into a more robust area of amenity grassland.

- b. The conditions set out below

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

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

Conditions

Application Reference Number: 21/00537/FULM

Item No: 4e

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 19023-S100 Revision A 'Site Location Plan' received 17 March 2021;

Drawing Number 19023-S103 'Proposed Demolition Site Plan' received 17 March 2021;

Drawing Number 19023-P200 Revision F 'Site Plan Proposed' received 09 September 2021;

Drawing Number 19023-P210 Revision H 'Ground Floor Plan Proposed' received 24 September 2021;

Drawing Number 19023-P211 Revision J 'First Floor Plan Proposed' received 01 June 2021;

Drawing Number 19023-P212 Revision G 'Second Floor Plan Proposed' received 01 June 2021;

Drawing Number 19023-P212 Revision C 'Roof Plan Proposed' received 01 June 2021;

Drawing Number 19023-P220 Revision D 'Elevations Proposed' received 02 June 2021;

Drawing Number 19023-P221 Revision B 'Street Scene Elevation Existing & Proposed' received 01 June 2021;

Drawing Number 19023-P222 Revision C 'Bike Store Proposed' received 09 September 2021;

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

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

A 1 metre by 1 metre sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, coursing, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

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

- Constructional drawings for all external joinery including any alterations required to the retained historic sash window to ground floor west elevation (preferably to be retained as is with secondary glazing installed for acoustic and thermal enhancement)

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

5 Notwithstanding the approved plans, product details of the roof lights to be installed on the front roof plane of the building shall be submitted to and approved in writing by the local planning authority prior to their installation. The works shall be in accordance with the approved details.

Reason: To preserve the special architectural or historic interest of the building and its setting.

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

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

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

7 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief and photographic record is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be

completed and agreed by the Local Planning Authority before it can be approved.

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

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

C) A copy of a report and images shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction. This condition is imposed in accordance with Section 16 of NPPF.

8 No development shall take place until details of the proposed means of surface water drainage, have been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

Reason: In the interest of satisfactory and sustainable drainage

9 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include the recommendations set-out in Chapter 10 (Recommended Ecological Enhancement) of the Bat, Breeding Bird and Barn Owl Survey Report, MAB Environmental & Ecology Ltd. (May 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. The development shall be constructed in accordance with these approved details.

INFORMATIVE: To discharge this condition the applicant will need to provide a

detailed drawing showing the proposed locations and product specifications of the proposed features/boxes.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 180 of the NPPF to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

10 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority. 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

11 Prior to development, 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) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives

and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

12 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and agreed in writing 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.

13 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be shall be submitted to and agreed in writing 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To protect the amenities of adjacent residents.

15 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.

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

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

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

17 The cycle parking storage and refuse bin storage shall be provided in accordance with the approved plans (drawing numbers 19023-P200 Revision F and 19023-P222 Revision C, both received 09 September 2021) prior to first occupation. The facilities shall be retained for such use at all times.

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

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

- Single occupancy only for the studio rooms as shown in the approved scheme.
- Management of the outside amenity space in the interests of avoiding noise

disturbance.

- Waste management including arrangements for placing bins for collection.
- Arrangements for management of student arrivals and departures at the beginning and end of term. To ensure that private car travel does not have an adverse effect on the highway network.
- Information and advice to occupants about noise and consideration to neighbours. student liaison and community involvement.
- Property maintenance
- security measures,
- Dealing with anti-social behaviour,

Reason: In the interests of amenity and highway safety.

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

Reason: In the interests of good design and visual amenity, in accordance with section 12 of the NPPF.

20 The development hereby approved shall not be occupied until a travel plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of approved Travel Plan.

Within 12 months of occupation of the extension building a first year travel survey shall have been submitted and approved in writing by the Local Planning Authority.

Results of yearly annual travel surveys carried out over period of 4 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in local and national transportation and planning policy, and to ensure adequate provision is made for pedestrians, cycles and other modes of transport to and from the site, together with provision of cycle parking on site for these users. To promote the usage of sustainable means of transport.

21 Prior to occupation the following security measures shall be employed at the site:

- fitting the communal entrance door with an electronic door release mechanism connected to a videophone in each apartment. The door should also have a self-

closing mechanism with a lock which engages automatically.

- External windows on the ground floor should be fitted with opening restrictors

Reason: In accordance with sections 8, 9 and 12 of the NPPF; to promote sustainable travel and to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

22 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 2013. Prior to commencement of construction, 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

23 The building shall be constructed to a BREEAM standard of 'Excellent'. 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 (unless otherwise agreed). Should the development fail to achieve an '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

24 VISQ4 Boundary details to be supplied

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

Reason: To prevent obstruction to other highway users.

8.0 INFORMATIVES:

Application Reference Number: 21/00537/FULM

Item No: 4e

Notes to Applicant

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

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

- Request additional information
- Request revised plans
- Use of conditions

2. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

3. The applicant is asked to note that the development/property (as proposed), is not considered eligible for inclusion within the Residents Parking Zone, and it will be removed from such under the Traffic Regulations 1984. Upon commencement of development on the site the applicant is requested to contact the Council's Network Management Section (tel 01904 551450), in order that the amendments to the Residents Parking Scheme can be implemented prior to the occupation of the development.

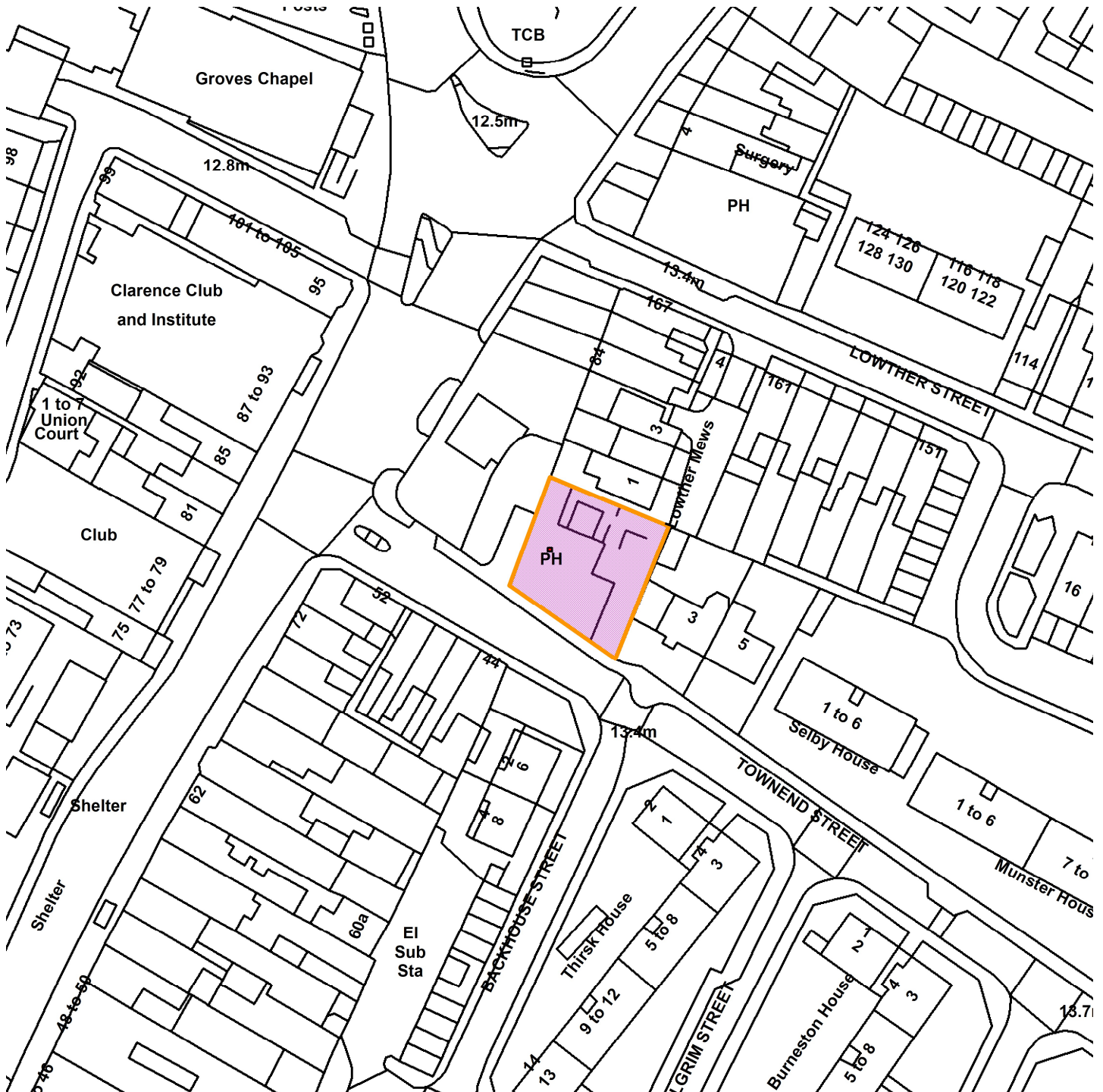
Contact details:

Case Officer: Victoria Bell
Tel No: 01904 551347

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Castle Howard Ox, Townend Street, YO31 7QA

21/00537/FULM



Scale : 1:824

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	01 October 2021
SLA Number	

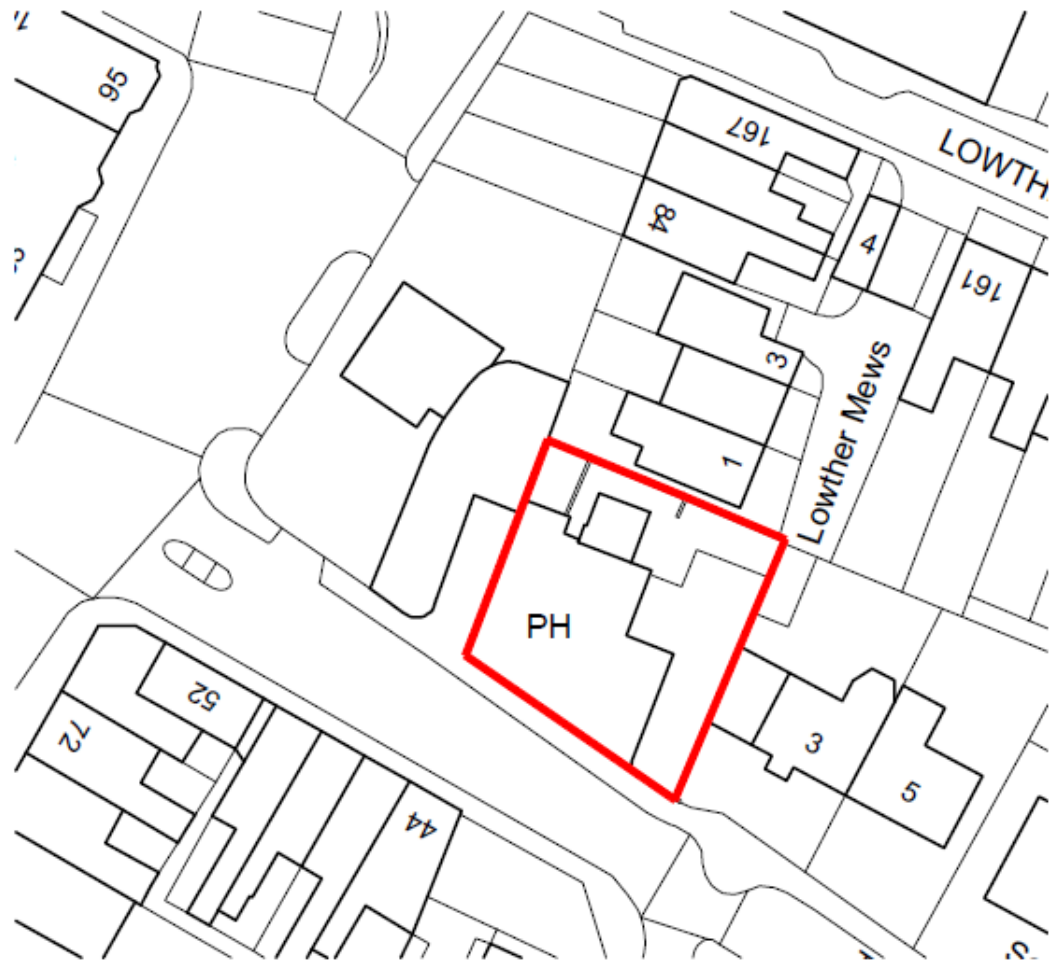
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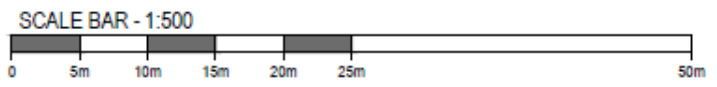
Area Planning Sub-Committee

21/00537/FULM

Castle Howard Ox, Townend Street



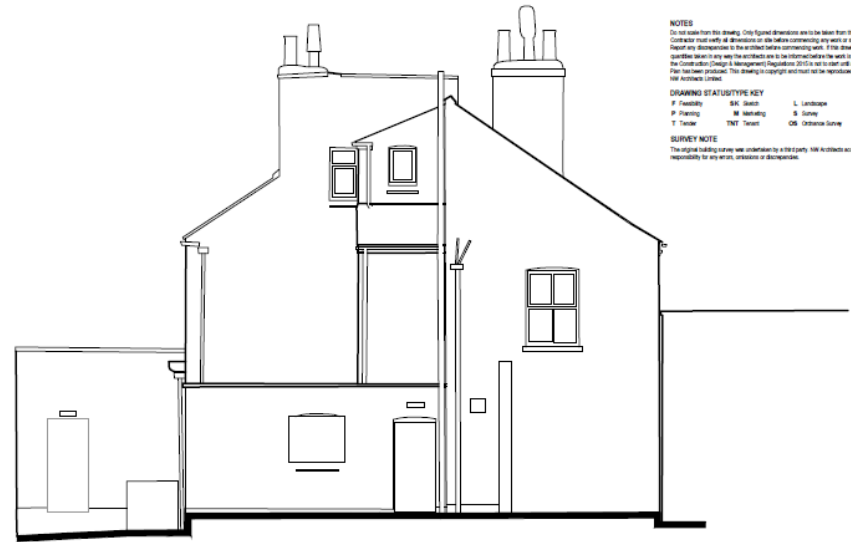
SITE PLAN



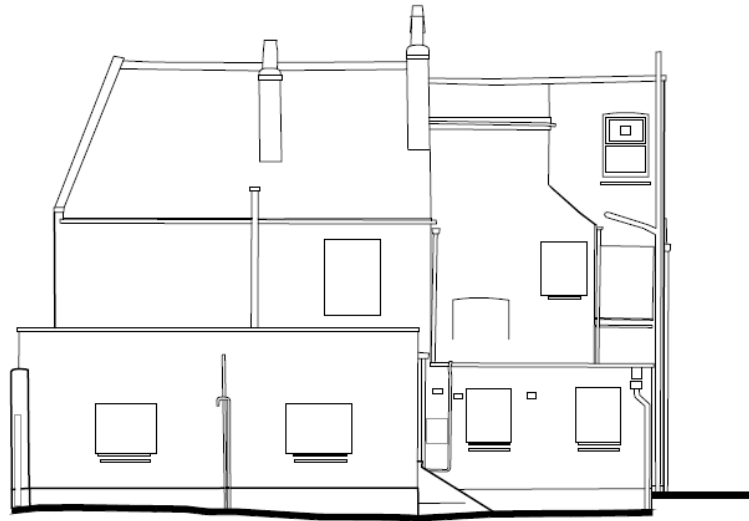
Existing Elevations



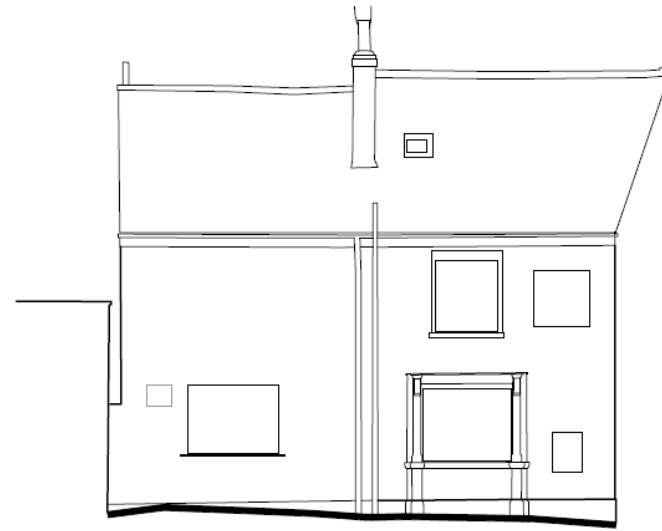
SOUTH ELEVATION EXISTING



NORTH ELEVATION EXISTING



EAST ELEVATION EXISTING



WEST ELEVATION EXISTING

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DRAWING STATUS/TYPE KEY
F Feasibility SK Sketch L Landscape C Construction
P Planning M Marketing S Survey AB Air Ball
T Tracker TWY Tower CB Chimney/Chimney

SURVEY NOTE
The original building survey was undertaken by a third party. NW Architects accepts no
responsibility for any errors, omissions or discrepancies.

REV	DESCRIPTION	ISSUED	DATE	DRAWN	DATE
REVISIONS					

NW-ARCHITECTS
27 York Place Leeds LS1 2EY
leeds@nw-architects.co.uk Tel: 0113 960 0910 Fax: 0113 960 0911
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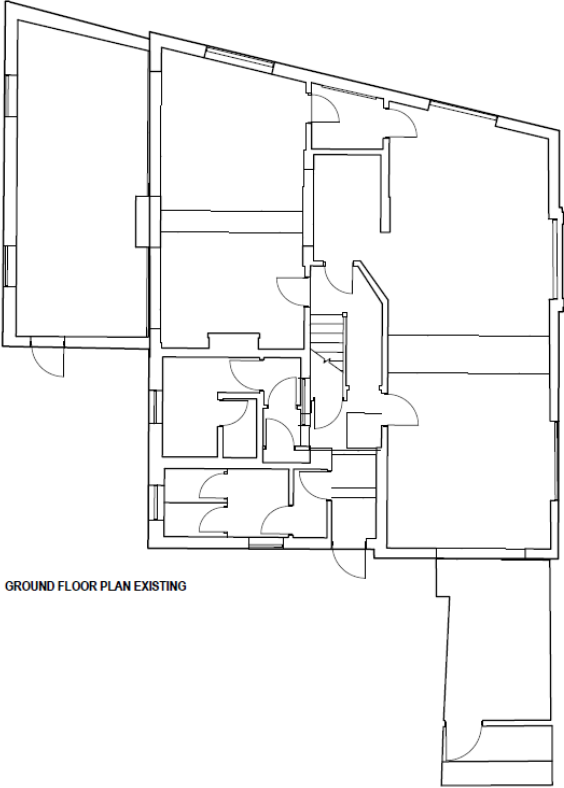
CLIENT
Alfa Homes Ltd

PROJECT
Townend Street
York

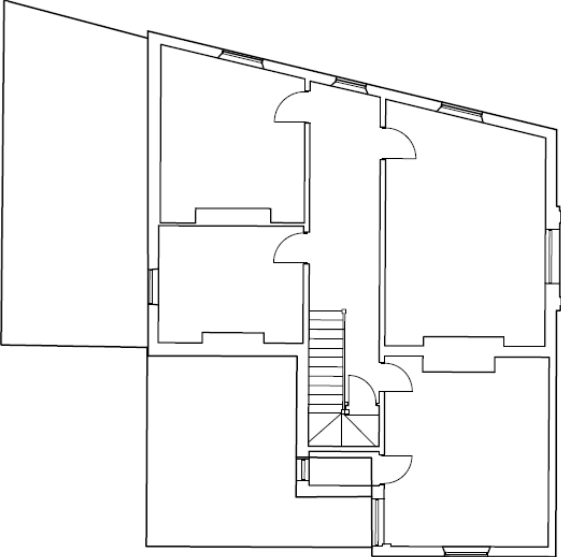
DRAWING TITLE
Elevations
Existing

Scale	1:100 @A3	Drawn By	HW	Check By	HW	Date Created	07-15-20
Drawn By	HW	Check By	HW	Date Created	07-15-20	Revision	-
Drawing No.	19023-S120	Revision	-				

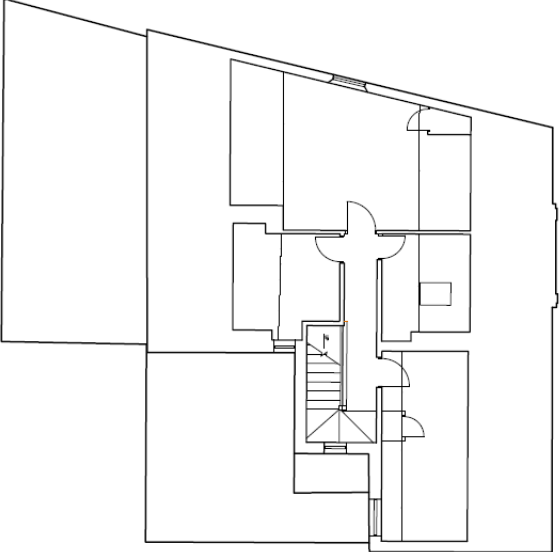
Existing floor plans



GROUND FLOOR PLAN EXISTING



FIRST FLOOR PLAN EXISTING



SECOND FLOOR PLAN EXISTING

As proposed site plan



Proposed elevations



WHITE TIMBER REPLACEMENT WINDOWS TO FOLLOW EXISTING PATTERNS

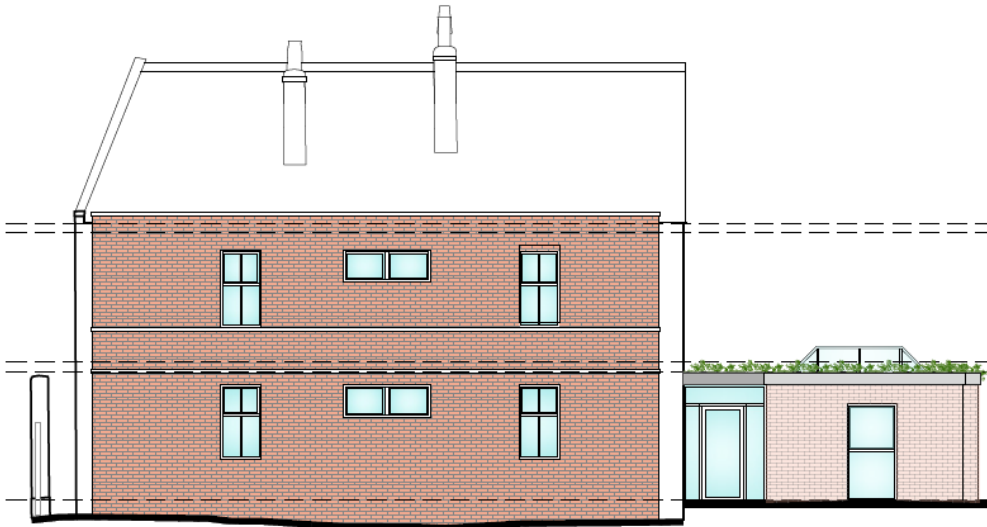
WHITE TIMBER REPLACEMENT WINDOWS TO FOLLOW EXISTING PATTERNS

SOUTH ELEVATION PROPOSED

NORTH ELEVATION PROPOSED

NOTES
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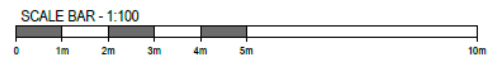
DRAWING STATUSTYPE KEY
 F Feasibility SK Sketch L Landscape C Construction
 P Planning ME Mastering G Scheme AH Architect
 T Title TMT Tweak OS Ordnance Survey



EAST ELEVATION PROPOSED



WEST ELEVATION PROPOSED



REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE
D	REWORKED	RS	07/06/21	HW	07/06/21
C	DESIGN REACHED	RS	06/05/21	HW	06/05/21
B	RENDERED TO GET CLIENT COMMENTS	RS	16/03/21	HW	16/03/21
A	CLIENT NAME AGREED	RS	07/10/20	HW	07/10/20

NW-ARCHITECTS
 27 York Place - Leeds - LS1 2EY
 info@nw-architects.co.uk Tel: 0113 880 0510 Fax: 0113 880 0511
www.nw-architects.co.uk

CLIENT
 Alfa Homes Ltd

PROJECT
 Townend Street
 York

DRAWING TITLE
 Elevations
 Proposed

Date	Drawn by	Check/Drawn
1:100 @A3	RS	28-05-20
	HW	07-10-19

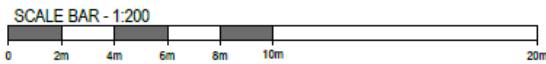
Drawing No: 19023-P220
 Revision: D



SOUTH STREET SCENE ELEVATION EXISTING



SOUTH STREET SCENE ELEVATION PROPOSED



REV	DESCRIPTION	DATE	CHECKED	DATE
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A	CLIENT NAME AMENDED	07-10-20	NW	07-10-20

REVISIONS



NW-ARCHITECTS

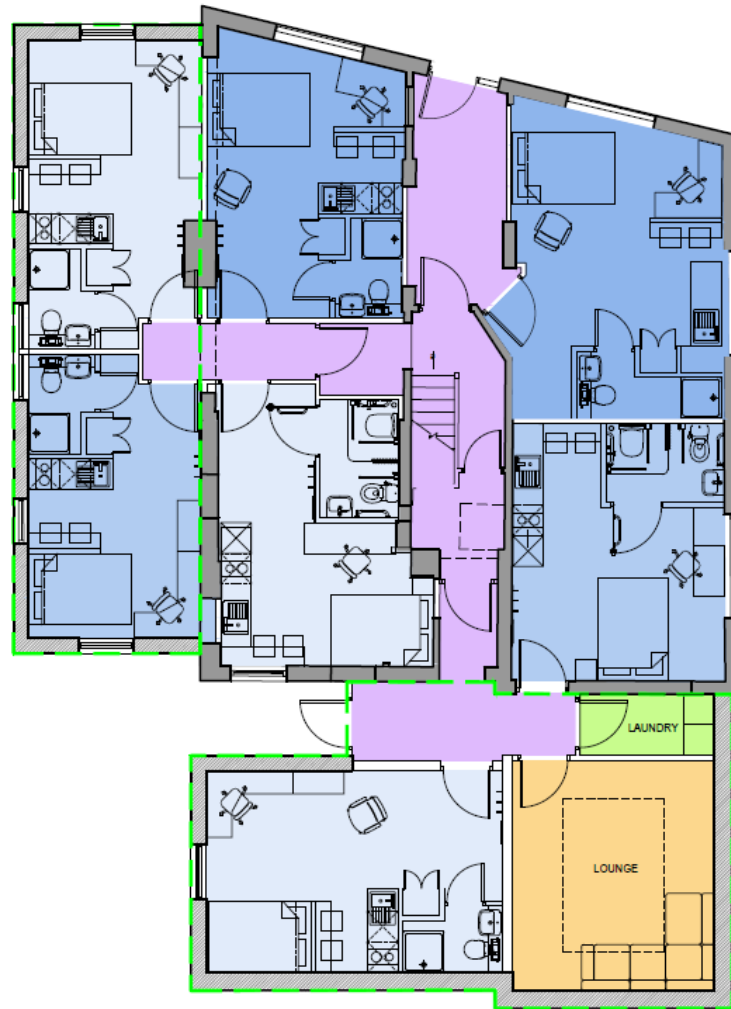
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 leeds@nw-architects.co.uk - Tel: 0113 880 0510 - Fax: 0113 880 0511
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CLIENT
 Alfa Homes Ltd

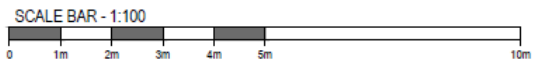
PROJECT
 Townend Street
 York




DRAWING TITLE
 Street Scene Elevation
 Existing & Proposed

Scale	Drawn By RIS	Issue/Date 20-05-20
1:200 @A3	Checked By NW	Issue/Date 07-10-20
DRAWING NO. 19023-P221	Revision B	



GROUND FLOOR PLAN PROPOSED



- KEY:
-  NEW WALLS
 -  EXISTING WALLS RETAINED
 -  AREA OF NEW BUILD

REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE
1	LAUNDRY ADDD	RS	20-05-20	NW	23-05-21
2	CORNER REMOVED	RS	19-05-21	NW	19-05-21
3	AMENDED TO MEET CLIENT COMMENTS	RS	19-05-21	NW	19-05-21
4	CLIENT WALLS REMOVED	RS	07-10-20	NW	07-10-20
5	WINDOWS ADDED	RS	01-10-20	NW	01-10-20
6	WALL UNIT AMENDED	RS	24-08-20	NW	24-08-20
7	TOP FLOOR AMENDED	RS	24-08-20	NW	24-08-20
8	STUDIOS ADDD	RS	09-05-20	NW	23-05-21

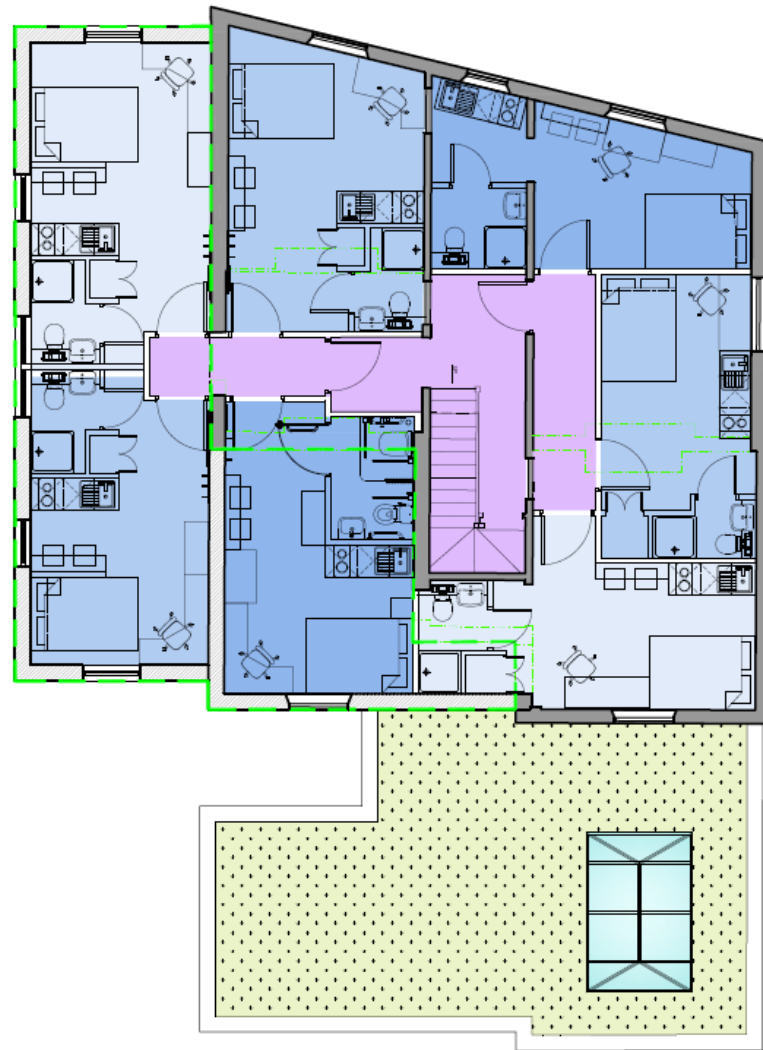
NW-ARCHITECTS
 27 York Place - Leeds - LS1 2EY
 nw@nw-architects.co.uk Tel: 0113 880 0510 Fax: 0113 880 0511
 www.nw-architects.co.uk

CLIENT
 Alfa Homes Ltd

PROJECT
 Townend Street
 York

DRAWING TITLE
 Ground Floor Plan
 Proposed

Scale	Drawn By	Check/Drawn
1:100 @A3	RS	28-05-20
	Check/Drawn	07-10-20
Drawing No	Revision	
19023-P210	H	



FIRST FLOOR PLAN PROPOSED

SCALE BAR - 1:100



KEY:



NEW WALLS



EXISTING WALLS RETAINED



AREA OF NEW BUILD

REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE
J	FINALISED FOR REGISTRATION	RS	21-09-21	NW	21-09-21
H	LAYOUT AMENDED	RS	21-09-21	NW	21-09-21
B	CORNER REMOVED	RS	18-05-21	NW	18-05-21
F	AMENDED TO SUIT CLIENT COMMENTS	RS	14-10-20	NW	14-10-20
C	CLIENT NAME AMENDED	RS	07-10-20	NW	07-10-20
D	WINDOWS ADDED	RS	01-10-20	NW	01-10-20
B	TOP FLOOR AMENDED	RS	24-09-20	NW	24-09-20
A	STUDIOS ADDED	RS	02-09-20	NW	02-09-20

REVISIONS



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27 York Place - Leeds - LS1 2ET
 leeds@nw-architects.co.uk - Tel: 0113 885 0510 - Fax: 0113 885 0511
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CLIENT

Alfa Homes Ltd

PROJECT

Townend Street
 York

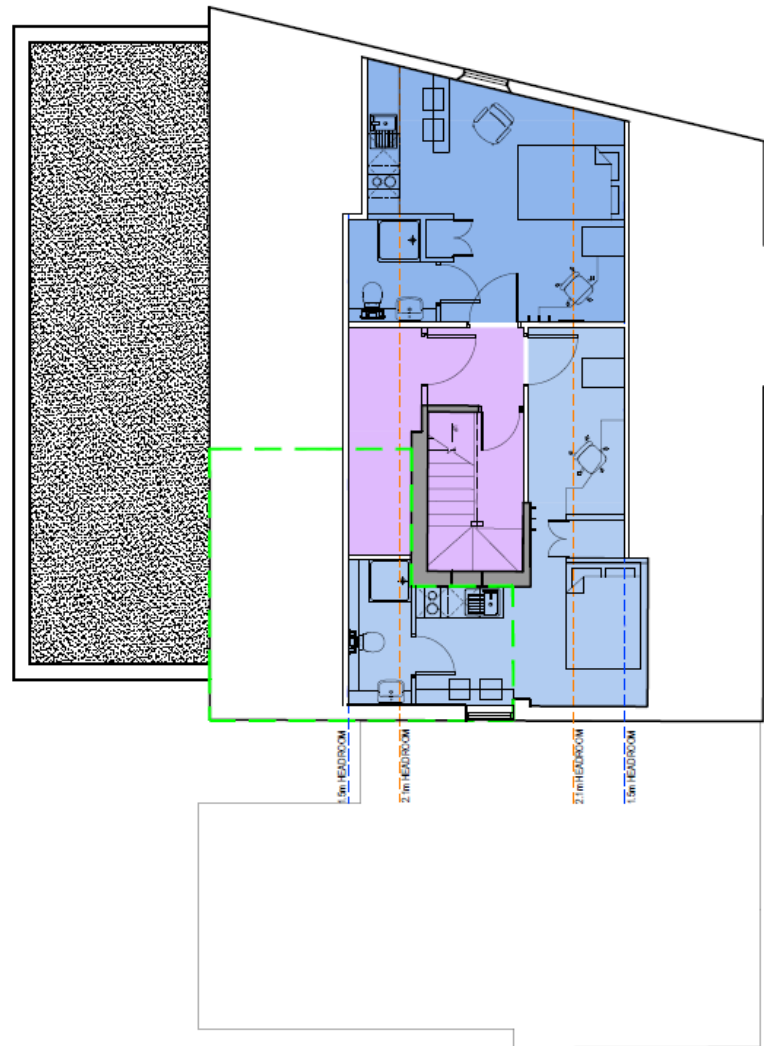
DRAWING TITLE




First Floor Plan
 Proposed

Scale	Drawn by	Checked by
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	Checked by	Drawn/Checked
	NW	07-10-19

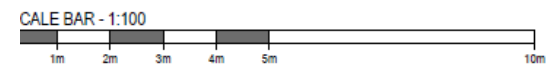
Drawing No.
 19023-P211

Revision
 J



- KEY:
-  NEW WALLS
 -  EXISTING WALLS RETAINED
 -  AREA OF NEW BUILD

SECOND FLOOR PLAN PROPOSED



REV	DESCRIPTION	DRAWN	DATE	CHECKED	DATE
G	SCHEMATIC APPROVED	RS	16/05/21	NW	19/05/21
F	APPROVED TO SUB CLIENT COMMENTS	RS	14/10/20	NW	14/10/20
E	CLIENT APPROVED	RS	07/10/20	NW	07/10/20
D	WINDOWS APPROVED	RS	01/10/20	NW	01/10/20
C	TOP FLOOR APPROVED	RS	10/09/20	NW	10/09/20
B	TOP FLOOR APPROVED	RS	04/09/20	NW	04/09/20
A	STUDIOS APPROVED	RS	03/09/20	NW	03/09/20

NW-ARCHITECTS
 27 York Place Leeds LS1 2EY
 Leeds@nw-architects.co.uk Tel: 0113 880 0510 Fax: 0113 880 0511
www.nw-architects.co.uk

CLIENT
 Alfa Homes Ltd

PROJECT
 Townend Street
 York

DRAWING TITLE
 Second Floor Plan
 Proposed

Issue	Drawn By	Check Date
1:100 @A3	RS	28-05-20
	NW	07-10-19

Drawing No: 19023-P212 Revision: G







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COMMITTEE REPORT

Date: 13 October 2021 **Ward:** Wheldrake
Team: East Area **Parish:** Deighton Parish Council

Reference: 21/00902/FUL
Application at: Deighton Lodge Limited Rush Farm (Game Farm) York Road
Deighton York
For: Variation of condition 4 of planning permission 16/00267/FUL to
increase the number of weddings that can be held in 2022 and
2023 from 15 per year to 19 per year.
By: Carla Mitchell
Application Type: Full Application
Target Date: 26 October 2021
Recommendation: Approve

1.0 PROPOSAL

1.1 The appeal site comprises a farmhouse which is used as guest accommodation and a barn which is used for wedding functions. The functions are licensed for 200 guests. There are other outbuildings and a walled garden to the east of the complex of buildings. It is in open countryside within the general extent of the Green Belt and is accessed via an unsurfaced track from the A19. The field to the west of the buildings is used for guest car parking. There are residential properties nearby at Deighton House, Nursery Cottage and Rush House to the south.

1.2 The number of wedding related events at the site is restricted by planning condition to 15. The planning permission for the use of the site restricts the hours of operation to 01.00 and non-resident guests must leave the site by 01:30.

1.3 The current application is to increase the number of events that can be held at the site from 15 to 19 per year in 2022 and 2023. In 2024 the number of events would return to 15. It should be noted that the application would also entail the walled garden being used in association with the events on 19 occasions a year during 2022 and 2023 instead of the current 15.

Sub-Committee Call-in

Application Reference Number: 21/00902/FUL

Item No: 4f

1.4 The application has been brought to Area Planning Sub-Committee at the request of Councillor Vassie. This is because the previous application in 2017(17/02380/FUL) relating to a permanent increase in the number of events per year to 25 was also determined at Area Planning Sub-Committee.

Relevant History

16/00267/FUL - Change of use of a guest house (use class C1) and agricultural barn to a mixed use guest house and wedding venue - Approved June 2016. Condition 4 of this Permission restricts the number of events a calendar year to 15.

16/01827/FUL - Removal of conditions 3 and 4 of permitted application 16/00267/FUL to allow use of surrounding fields for camping and associated outdoor activities and allow an unlimited number of events - Refused October 2016 due to the impact of noise and disturbance on nearby residents.

17/02380/FUL - Variation of conditions 3 and 4 of permitted application 16/00267/FUL (for the change of use from guesthouse to mixed use guesthouse and wedding venue) to increase number of weddings from 15 to 25 in total in any calendar year and to allow the side garden to be used for wedding ceremonies - Refused December 2017 due to the impact of noise and disturbance on nearby residents. The applicant appealed against the decision. The appeal was dismissed in June 2018.

17/02907/FUL - Variation of Condition 3 of permitted application 16/00267/FUL (change of use from guest house to mixed use guest house and wedding venue) to allow for the side garden to be used for wedding ceremonies - Approved January 2018. Condition 4 of this Permission restricts the use of the garden for wedding ceremonies to between 09:00 – 19:00 and Condition 6 states that no amplified music shall be played outside.

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:

SP2 Green Belt
GP1 Design

2.2 The Publication Draft York Local Plan (2018)

Application Reference Number: 21/00902/FUL

Item No: 4f

SS2 The Role of York's Green Belt
D1 Placemaking
GB1 Development in the Green Belt
ENV2 Managing Environmental Quality

3.0CONSULTATIONS

INTERNAL

PUBLIC PROTECTION

3.1 When officers have attended no noise nuisance or loss of amenity has been witnessed and on some occasions officers have requested to visit and the complainants did not wish a visit. Overall this would suggest that since the insulation works the premises is running without causing a nuisance or loss of amenity to neighbouring properties. By supporting this application we would be supporting business through exceptional times whilst maintaining the safeguard against intensification of use for Deighton Lodge by reverting to the original allowance as previously agreed through the planning process.

3.2 Due to the lack of evidence to demonstrate a nuisance or loss of amenity, the small increase in events, the financial justification due to Covid-19 and the fact that the applicants have only applied for a 2 year variation this application would be supported by Public Protection.

3.3 In order to ensure that the events are evenly balanced and any impact from the increased number is minimised over the two year period I would advise that the events are limited to 19 events in 2022 and 19 in 2023.

EXTERNAL

Deighton Parish Council

4.1 The Parish Council object. A decision has already been made on previous planning applications and this Council can see no overriding reason why this should now be amended. It would appear to be for purely financial reasons. 38 weddings over the course of two years could mean one or more functions every weekend during the summer months which we believe would be unacceptable and unfair to local residents. Soundproofing does not prevent users from leaving the barn doors open when the party is in full swing.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 Objections have been received from the occupiers of Rush House. The following issues have been raised:

- o Noise from events is clearly audible and impacts on the enjoyment of our property. The events almost every summer weekend in an otherwise peaceful area make it too noisy to sit outside our property in the evenings.
- o Approving more events goes against the very reason for applying the condition.
- o The current approval is for 15 events rather than 15 weddings and additional events such as stag and hen parties are held.
- o They have had weddings during lockdown and financial support and insurance is available to offset losses. The variation of the condition is profit driven.

5.0 APPRAISAL

5.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. The RSS defines the outer boundary of the Green Belt as being "about six miles" (10km) from York city centre. The site is approximately 6.4 km from the city centre.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.2 Central Government planning policy is contained in the National Planning Policy Framework (NPPF). It is a material consideration in the determination of this application. 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 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.

PUBLICATION DRAFT LOCAL PLAN

5.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Consultation on proposed modifications to the plan were also held in June/July 2019 and May-July 2021. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with the NPPF its 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.

DEVELOPMENT CONTROL LOCAL PLAN (2005)

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

APPRAISAL

5.5 The key issues are:

- The Site Planning History
- Noise Disturbance to Residential Occupiers
- Economic Impact of Covid-19 restrictions on the business and their suppliers.
- Impact of Covid-19 on ability to meet demand for wedding ceremonies

The Site Planning History

5.6 In December 2017 planning application reference 17/02380/FUL to increase the number of events from 15 to 25 per year permanently was refused by committee for the following reason:

“The proposed additional events would result in an intensification of the use of the site and increased noise and disturbance from guests outside of the venue building and from additional comings and goings of guests and delivery vehicles including late at night and during the summer months when nearby residents may expect to be able to keep their windows open. This would result in significant harm to the existing living conditions of neighbouring properties in this rural area contrary to policy GP1 of the Draft Development Control Local Plan 2005 which states that development proposals will be expected to ensure that residents living nearby are not unduly affected by noise or disturbance, National Planning Policy Framework paragraph 17 which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings and paragraph 123 which states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on quality of life as a result of new development.”

5.7 The applicant appealed to overturn the decision however the appeal was dismissed on 27 June 2018. The Inspector did not raise any concerns regarding the increase in the number of events on the openness of the Green Belt or highway safety. In her appeal decision she stated that noise surveys indicated that noise from the wedding venue and garden would not have an adverse impact on neighbours, however she was aware of complaints from residents. She considered that noise issues probably resulted from doors in the venue being propped open to achieve adequate ventilation and she considered as such that noise disturbance from the building could not be ruled out.

5.8 She also raised the issue of noise from potentially in excess of 100 guests leaving the venue after 1 a.m. Issues could relate to people gathering, car doors slamming etc. There are homes within ear-shot of the site and the access route between the venue and the A19 runs close to Deighton House and Nursery Cottage. It was considered that background noise levels would be very low early in the morning and in the context leaving guests could adversely affect living conditions. She accepted that noise being occasionally audible does not constitute a nuisance, however, she stated that, noise and disturbance does not have to be a statutory nuisance in order to adversely affect living conditions and quality of life.

5.9 She concluded that “I am satisfied that the existing condition limiting the number of events to 15 is required and justified. I therefore conclude that the condition in dispute is reasonable and necessary in the interests of protecting the living conditions of nearby occupiers. Its variation to allow the number of events to be increased to 30 (or to 25) would be contrary to Policy GP1 of the City of York Draft Development Control Local Plan which seeks to ensure that residents living nearby are not unduly affected by noise or disturbance.”

5.10 It is considered that the above statements are unambiguous in setting out the Inspector’s view and it is considered that the Inspector’s reasoning and the Local Planning Authority’s previous decision should be given significant weight when assessing the current application.

5.11 Current advice on how planning can manage potential noise impacts from development is contained in the National Planning Guidance on Noise (updated 2019). This states that noise can override other policy concerns. In assessing the impact it states that a number of factors come into play, including, the number of noise events, the time of day and background noise levels. Paragraph 130 of the NPPF states that planning decisions should ensure that developments will function well and add to the overall quality of an area.

Noise Disturbance to Residential Occupiers

5.12 The City Council’s Public Protection Team do not consider the increase in the number of events would create a statutory noise nuisance or have an unacceptable impact on residential amenity. However, the Planning Inspector in their 2018 decision considered that the restriction to 15 events was necessary in protecting the living conditions of nearby occupiers. This report does not seek to question the validity of the Inspector’s assessment of the appeal. It is considered that the additional 4 weddings a year will have the potential to cause disturbance to near neighbours on 4 additional nights of the year in 2022 and 2023.

Economic Impact of Covid-19 restrictions on the business and their suppliers.

5.13 The applicant has stated the reason to request permission for an extra 8 events over two years is to meet the high demand for weddings due to cancellations resulting from the pandemic and to help the business recover some of the losses resulting from the enforced cancellation of larger wedding ceremonies. The owner has stated that in 2020 only two wedding ceremonies were held and the number of guests at these events was limited to 30. Twelve events are currently proposed for 2021. The owner has stated that a venue is often booked at least 18 months before

a wedding is planned. The owner states that losses over the pandemic amount to in excess of £120,000. The owner has received a grant of £25,000 to partly off-set the losses. Compensation for the enforced cancellation of events is not covered by the owner's insurance.

5.14 Planning law does not define the scope of material considerations and consequently they have to be derived from a number of sources. Paragraph 2 of the NPPF states that the NPPF must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

5.15 Chapter 6 of the NPPF relates to building a strong, competitive economy. Paragraph 81 of the NPPF states that "Planning policies should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future".

5.16 Clearly the pandemic has put very significant economic pressure on the wedding business. The Local Planning Authority has restricted the number of weddings to be held at the location each year to 15. A significant reduction in events in a year can have a very significant impact on the viability of a business – particularly one that has only recently been established. The condition restricts the ability of the business to recover from the pandemic by increasing the number of weddings in future years. To help off-set the significant losses in 2020 (and potentially in 2021) an increase in events is sought for two years. The increase in the number of events per year (4) is relatively modest and the number of additional events is less than the number that were lost in 2020. Whilst it is recognised that there will be an impact, or potential impact on neighbours living conditions, the overall impact in terms of scale and extent by the temporary increase in events is likely to be relatively modest and would be temporary.

5.17 It is considered that allowing the increase would allow the business to adapt and would be in line with guidance in paragraph 81 of the NPPF. Furthermore as the number of events at the site from 2020 – 2023 would still not exceed those that would have occurred had there not been a pandemic and the cancellation of events was due to events outside the control of the business it is considered that approving the application would not be considered unreasonable.

5.18 In addition, to benefitting the wedding venue an increase in wedding numbers would also support local businesses to recover more promptly, including for example, florists, musicians, photographers, hairdressers, taxi firms, caterers and so forth.

Impact of Covid-19 on ability to meet demand for wedding ceremonies

5.19 The applicant has submitted information from the UK Weddings Taskforce to highlight the issues faced by the wedding industry. The Taskforce is a body that represents the range of businesses involved in the wedding industry. They calculate that over 260,000 weddings in the UK were cancelled in 2020 alone. It would be expected that most people would wish to have a wedding function on a Saturday and that the limited number of attractive venues where they can be held would limit the ability for the wedding 'backlog' to be addressed.

6.0 CONCLUSION

6.1 It is important that there is consistency in decision making. The proposal to increase the number of events at the site to 25 in 2017 was refused at Area Planning Sub-Committee and the decision upheld at appeal. The current application is to increase the number of events that can be held at the venue from 15 to 19 for two years only. The justification for this solely relates to the financial impact of restrictions related to the pandemic and the desire to try and accommodate some of the weddings that have been cancelled since 2020. The NPPF whilst emphasising the need to ensure that people have good living environments also requires decisions to create conditions in which businesses can invest and adapt (Paragraph 81) and places where social, cultural and recreational facilities are provided to meet community needs (paragraph (93)).

6.2 The increase in the number of events from 15 to 19 will increase the number of nights on which noise could impact on neighbours. It is considered, however, that this impact should be balanced against the economic and social benefits that will result from allowing the business to temporarily vary the planning condition. It is noted that the addition of 8 wedding ceremonies over 2 years does not exceed the number of events that have been cancelled to comply with covid-19 regulations.

7.0 RECOMMENDATION: Approve

1 Notwithstanding the provisions of Part 4, Temporary Use of Land, Class B, BA and BB of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order), the associated land shall not be used for any temporary use, other than the parking of vehicles associated with the events taking place on site, which would otherwise be classed as permitted development. This excludes the side garden subject to planning permission 17/02907/FUL which can be used for wedding ceremonies.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future uses 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.

2 The site shall be used for no more than 19 events in total in 2022 and 19 events in total in 2023 and for every year thereafter the site shall be used for no more than 15 events in any calendar year.

Reason: In order to protect the amenities of nearby residential properties

3 Notwithstanding the information contained within the application the playing of music associated with the use hereby approved shall cease at 01:00 and the site shall be vacated by staff and guests not residing in the guest house by 01:30

Reason: In order to protect the amenities of the nearby residential properties.

4 The enclosed outdoor garden area adjacent to the barn shall only be used for wedding ceremonies between 09:00 and 19:00 and shall be used for no more than 19 events in total in 2022 and 19 events in total in 2023 and for every year thereafter the site shall be used for no more than 15 events in any calendar year.

Reason: To protect the amenity of local residents

5 Unamplified music played outside the barn in association with wedding ceremonies shall only be played in the enclosed garden to the east of the barn between 09:00 and 19:00 for a maximum time of 2 hours on any day.

Reason: To protect the amenity of local residents

6 No amplified music shall be played outside the barn.

Reason: To protect the amenity of local residents

7 Details of all machinery, plant and equipment to be installed which would be audible either outside of the site boundary or within the residential apartments when in use shall be submitted to the local planning authority for approval.

The details shall include the location, maximum sound levels (L_{Amax}(f)), average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or

suitably qualified person and it shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented prior occupation of the development and maintained accordingly thereafter.

Reason: In the interests of the amenity of future occupants and those of surrounding premises.

Note: Any external plant not shown on the approved plans may require separate planning permission.

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:

Number of additional events limited to 4 per year for 2022 and 2023 rather than 8 over a two year period.

Contact details:

Case Officer: Neil Massey

Tel No: 01904 551352

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Deighton Lodge Limited, York Road, Deighton Not Set

21/00902/FUL



Scale : 1:2329

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	04 October 2021
SLA Number	

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