



## Notice of a public meeting of

### Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Boyce, Ayre, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd and Warters
- Date:** Thursday, 19 January 2017
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

Would Members please note that the mini-bus for the site visits for this meeting will depart from Memorial Gardens at **10:00am on Tuesday 17 January 2017**

#### 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 - 14)

To approve and sign the minutes of the meeting of the Planning Committee held on 14 December 2016.

### 3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 18 January 2017**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officers for the meeting, on the details at the foot of this agenda.

#### **Filming or Recording Meetings**

Please note this meeting will be filmed and webcast and that includes any registered public speakers, who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts>.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at [http://www.york.gov.uk/download/downloads/id/11406/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings\\_20160809.pdf](http://www.york.gov.uk/download/downloads/id/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809.pdf)

### 4. Plans List

This item invites Members to determine the following planning applications:

- a) **Stockton Hall Hospital, The Village, Stockton On The Forest, York, YO32 9UN (16/02096/FUL)** (Pages 15 - 26)

Formation of car parking area. [Strensall Ward] [Site Visit]

- b) **French House (Antiques) Ltd, North Warehouse, North Lane, Huntington, York (16/02587/FUL)** (Pages 27 - 36)

Single storey extension to showroom and antiques restoration building to form furniture storage area.

[Huntington/New Earswick Ward] [Site Visit]

- c) **Brick Farm, Benjy Lane, Wheldrake, York, YO19 6BH (16/02583/FUL)**  
(Pages 37 - 44)  
Siting of 3 no. grain silos to be converted for use as holiday accommodation. [Wheldrake Ward] [Site Visit]
- d) **The Guildhall, Coney Street, York, (16/01971/FULM)** (Pages 45 - 70)  
Alterations and refurbishment of Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of existing south range to provide cafe and ancillary accommodation, and erection of extension on north side of complex to form restaurant and office accommodation. [Guildhall Ward] [Site Visit]
- e) **The Guildhall, Coney Street, York (16/01972/LBC)** (Pages 71 - 86)  
Alterations and refurbishment of Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of existing south range to provide cafe and ancillary accommodation, and erection of extension on north side of complex to form restaurant and office accommodation. [Guildhall Ward] [Site Visit]
- f) **Imphal Barracks, Fulford Road, York, YO10 4HD (16/02404/FULM)**  
(Pages 87 - 100)  
Erection of 3-storey accommodation block (resubmission).  
[Fishergate Ward]
- g) **Aviva, Yorkshire House, 2 Rougier Street, York, YO1 6HZ (16/01976/FULM)** (Pages 101 - 140)  
Change of use from offices (use class B1) to 124no. bed hotel and 33no. serviced suites/apartments (use class C1) and six storey extension to rear/southwest. [Micklegate Ward] [Site Visit]
5. **Any other business which the Chair considers urgent under the Local Government Act 1972.**

Democracy Officers:

Name: Louise Cook/Catherine Clarke (job-share)

Contact Details:

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(When emailing please send to both email addresses)

For more information about any of the following please contact the Democratic Services Officers 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 własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

**PLANNING COMMITTEE****SITE VISITS****TUESDAY 17 JANUARY 2017**

<b>Time</b>	<b>Site</b>	<b>Item</b>
10:00	Minibus leaves Memorial Gardens	
10:15	French House (Antiques) Ltd, North Warehouse, North Lane, Huntington	4b
10:40	Stockton Hall Hospital, The Village Stockton on Forest	4a
11:15	Brick Farm, Benjy Lane, Whedrake	4c
12:00	The Guildhall, York	4d & 4e
12:45	Yorkshire House, 2 Rougier Street	4g



City of York Council

Committee Minutes

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Meeting	Planning Committee
Date	14 December 2016
Present	Councillors Boyce, Cullwick, Cuthbertson, D'Agorne, Doughty, Funnell, Galvin, Looker, Richardson, Shepherd, Wartors and Brooks (as a Substitute for Cllr Dew)
Apologies	Councillors Ayre and Dew

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**55. Site Visits**

Application	Reason	In Attendance
Rufforth Playing Fields, Wetherby Road, Rufforth	As the officer recommendation was for approval and objections had been received	Councillor Cullwick, Galvin and Reid
Monks Cross Shopping Park, Monks Cross Drive, Huntington	As the officer recommendation was for approval and an objection had been received	Councillor Cullwick, Galvin and Reid
Proposed Telecommunications Mast, Elvington Lane, Elvington	To allow Members to familiarise themselves with the site	Councillor Cullwick, Galvin and Reid

**56. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have in the business on the agenda. No interests were declared.

**57. Minutes**

Resolved: That the minutes of the meetings held on 27 October and 17 November 2016 be approved and then signed by the Chair as correct records.

**58. 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 Planning Committee.

**59. 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.

**60. Monks Cross Shopping Park Trust, Monks Cross Shopping Park, Monks Cross Drive, Huntington, York (16/01968/FULM)**

Members considered a major full application by the trustees of the Monks Cross Shopping Park for the erection of a stand alone retail unit and associated restaurant/refreshment units, reorganisation of internal vehicular routes and car parking, replacement of retail facades and associated landscape improvements.

Officers advised that, should Members be minded to approve the application, as it represented out of town centre retail development of more than 2500 square metres which, when combined with existing floor space, would exceed 5000 square metres, then the application must be referred to Secretary of State. Planning permission cannot be granted for a period of 21 days following the start of the referral to allow the Secretary of State to consider whether he wishes to call in the application. (The Town and Country Planning (Consultation) (England) Direction 2009). They advised Members that their recommendation was therefore to approve the application following referral to the Secretary of State.

Officers updated the committee on the following suggested amendments to conditions:



- Condition 2 – to be amended to include updated plans.
- Condition 3 and 4 to be combined and wording tightened up.
- Definition to be included at the start of the decision notice for “freestanding units” and “refreshments pods”.
- Conditions 5, 6, 9, 10, 11, 16 and 17 to be amended to tighten up trigger points and provide clarification on references to units.
- Condition 22 – to be amended to tighten up wording and recognise the fact that there is an existing Monks Cross Shopping Park Travel Plan in place, which can be amended.

With regard to landscaping, officers advised that the landscape officer had expressed concern about the level of replacement tree planting within the car parking area. This had been addressed with a revised plan to show a line of 5 trees to the western side of the parking as suggested by the officer. Concern had also been raised about the loss of part of a beech hedge and pear tree belt to the North of the access roundabout. Officers advised that, while the landscaping proposed to be removed had not been reinstated, there had been some additional planting to strengthen the retained landscaping shown on the revised plan.

Officers informed the committee that a further letter of objection from Pizza Hut has been received since the report was written. This reiterated their concerns about the proposed change to the height of the canopy above their unit and the impact it would have on the amenity of customers sitting outside the unit. Officers advised that these concerns were not material planning considerations but that Pizza Hut had confirmed that they were withdrawing their objection following positive discussion with the applicant.

Mr Eric Hall, Planning Manager for the applicant, addressed the committee in support of the application. He acknowledged that the shopping park was looking outdated and these proposals would allow for its refurbishment with replacement facades, a new entrance to the site, additional landscaping and improvements to car parking arrangements. As there was no

current furniture offer at the park, it was intended that the new retail unit be occupied by a furniture retailer. The small refreshment pods would provide 'grab and go' opportunities for people already at the park.

With regard to condition 10 (landscape scheme) Members noted that the proposed condition required trees or plants which died, were removed or became seriously damaged or diseased within a period of 10 year period to be replaced as recommended by the landscape officer. However they agreed that this condition should be strengthened so it referred to the 'lifetime of the development' instead of only 10 years.

Members expressed the view that this was a good use of the site which did not lead to any loss of parking spaces but would improve circulation around the site.

Resolved:

That the application be REFERRED to the Secretary of State and, provided that the application is not called in for his own determination, DELEGATED authority be given to the Assistant Director, Planning and Public Protection to APPROVE the application subject to the conditions listed in the report, the amended landscaping condition and other amended conditions detailed below.

#### Updated Condition 2 – Approved Plans

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

- Location plan
- Units overview URB MX 08 00 10 D00
- Proposed ground floor plan URB FU 08 00 01-D01
- Proposed roof plan URB FU 08 20 01-D01
- Proposed elevations URB FU 08 70 01-D02
- Proposed elevations URB FU 08 70 02-D02
- External works overview URB MX 08 00 04-D02
- A3 unit elevations URB RT 08 70 05 D01
- Pod 1 floor plan URB-PU 08 00 01-D00
- Pod 2 floor plan URB-PU 08 00 02-D00
- Pod 3 floor plan URB-PU 08 00 03-D00
- Pod 4 floor plan URB-PU 08 00 04-D00
- Pod 1 roof plan URB-PU 08 10 01-D00
- Pod 2 roof plan URB-PU 08 10 02-D00

- Pod 3 roof plan URB-PU 08 10 03-D00
- Pod 4 roof plan URB-PU 08 10 04-D00
- Pod 1 elevation and section URB-PU 08 70 01-D00
- Pod 2 elevation and section URB-PU 08 70 02-D00
- Pod 3 elevation and section URB-PU 08 70 03-D00
- Pod 4 elevation and section URB-PU 08 70 04-D00
- Proposed floor plan North and East Terrace URB-RT 08 00 01-D00
- Proposed terrace roof plan URB-RT 08 10 02-D00
- East terrace elevations URB-RT 08 70 01-D01
- Proposed North terrace elevations URB-RT 08 70 03-D01
- West terrace elevations URB-RT 08 70 04-D01
- A3 unit details URB-RT 08 90 02-D00
- Softworks plan 1061-100 REV A

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

#### Amended and Combined Conditions 3 and 4

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 1995 as amended and the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, (or any statutory instrument revoking and re-enacting that Order with or without modification), the freestanding unit shall not exceed 1,672 square metres net internal retail floorspace and shall be used only for the sale of bulky goods within the following categories and for no other purpose (including any other purpose in Class A1 to the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification):-

- (i) Electrical goods and other domestic appliances;
- (ii) Bathroom suites – furniture and accessories; kitchen units – furniture and accessories, floor and wall tiles;
- (iii) DIY products, materials, tools and machinery for the repair, maintenance or improvement of the home, the garden and motor vehicles;
- (iv) Motor and cycle goods; and

(v) Furniture, bedding, floor coverings, soft furnishings and textiles.

Reason: To protect the vitality and viability of York City Centre from significant adverse impact that is likely to be caused by an unrestricted A1 use in this location, in accordance with the provisions of the National Planning Policy Framework, and policies SP7a, SP7b and S2 of the City of York Draft Local Plan incorporating the 4<sup>th</sup> Set of Changes 2005, and Policies R1 and R4 of the emerging draft York Local Plan (Publication Draft 2014).

For clarification, it is also recommended that a definition is included at the start of the decision notice such that:

Definition: 'Freestanding unit' means the unit shown coloured green on plan URB MX 08 00 10 D00.

'Refreshment pods' means the units shown coloured blue, yellow, purple and brown on plan URB MX 08 00 10 D00.

Conditions are to be amended to reflect this, i.e.:

#### Amended Condition 5

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any statutory instrument revoking and re-enacting that Order with or without modification), there shall be no subdivision of the freestanding unit to create a unit with a net internal floorspace of less than 1,000 sqm, or insertion of mezzanine floors within the freestanding unit, in the absence of any planning permission relating directly to such subdivision or mezzanine floor.

Reason: In order to protect the vitality and viability of the city and district centres.

#### Amended Condition 6

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended, (or any statutory instrument revoking and re-enacting that Order with or without modification), the refreshment pods hereby approved shall be used for A1 (sandwich shop), A3 (restaurant and cafe), A4 (drinking establishment) and/or A5 (hot food take-away) and for no other purpose, including any other purpose in Class A1 (apart from sandwich shop) in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses in the interests of the vitality and viability of York city centre which, without this condition, may have been carried out without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

Amended Condition 9

No building works on the freestanding unit or refreshment pods shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

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

Amended Condition 10 ( to become condition 9 after the amalgamation of 3 and 4)

No building works on the freestanding unit or refreshment pods shall take place until a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate and mowing regimes where applicable shall be submitted and approved in writing by the Local Planning Authority . It will also include details of ground preparation. This scheme shall be implemented prior to first occupation of any of the units hereby authorised. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within the lifetime of the development.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species

within the entire site, since the landscape scheme is integral to the amenity of the development.

Amended Condition 11

Prior to commencement of the freestanding unit, an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during clearance/construction, locations for stored materials, locations and means of installing utilities, location of site compound. A copy of the document will be available for inspection on site at all times.

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

Amended Condition 16

Before the occupation of the freestanding unit, four (4) Electric Vehicle Recharging Point shall be provided in a position to be first agreed in writing by the Council. Within 3 months of the first occupation of the accommodation, the Owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years.

Reason: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Amended Condition 17

The freestanding unit hereby approved shall achieve at least a Building Research Establishment Environmental Assessment Method ('BREEAM') Very Good rating (or equivalent, as set out within the submitted BREEAM Pre-assessment report)) unless otherwise agreed in writing by the Local Planning Authority. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of practical completion

of the retail development. Should the development site fail to achieve a BREEAM standard of 'Very Good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a BREEAM standard of 'Very Good'. 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 sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

Amended Condition 22

No new floorspace hereby approved shall be occupied until an amendment to the approved Monks Cross Shopping Park Travel Plan, that is applicable to the freestanding unit and refreshment pods, has been submitted and approved in writing by the LPA. The freestanding unit and refreshment pods shall thereafter be occupied in accordance with the aims, measure and outcomes of said Travel Plan.

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

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

Reason: The applicant has demonstrated that the proposals are sequentially acceptable and that the proposals will not have a significantly adverse impact on the city centre or on planned investment. The proposals are considered acceptable in terms of their design and siting and will enhance the appearance of the Monks Cross Retail Park. The important tree cover around the boundary of the site is maintained and reinforced while landscaping to the front of the retail terraces is replaced and improved. Conditions are

suggested to restrict the expansion of future out of centre bulky goods retailing and the type of goods sold. Other conditions will control details relating to appearance, landscaping, drainage and sustainability issues.

**61. Proposed Telecommunications Mast, Elvington Lane, Elvington, York (16/02212/FUL)**

Members considered a full application by Shared Access and CTIL for the erection of a 22.5m monopole to support three telecommunications antennae for shared use by Vodafone and Telefonica, which together with the installation of two dishes and three ground based equipment cabinets will provide 3G and 4G mobile electronic communication services from the installation.

Mr Edward Senior of Pegasus Group, agent for the applicant, addressed the committee in support of the application. He made the following comments:

- Proposal provided improved telecommunications coverage to an area which was not presently well served.
- Alternative sites had been considered but no appropriate sites outside the green belt had been found.
- Opportunities for partnerships were rare and this proposal provided direct benefit to lower Derwent Sports and Social Club. Investment into the club would aid required improvements
- Pre- application consultation had been undertaken with primary school, parish council etc and approx 30 local residents had been written to – no objections had been received.
- Discrete location and design for mast had been chosen to minimise impact on greenbelt and surroundings
- It was a remote site with little residential development nearby

Members commended the decision to paint the mast green so it would blend in with its immediate location set against the trees. Members agreed that telecommunications masts were a necessity of modern living and noted that this area was not presently well served. They felt that much thought had gone into the mast's design and location in order to mitigate its impact on



the green belt and agreed that it would be screened to a large extent by the woodland.

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

Reason: The applicant has indicated that the siting of the proposal provides improved telecommunications coverage to an area that is presently not well served. In the circumstances of this case the need for the mast and the evidence of a lack of suitable alternative sites outside the Green Belt is considered to clearly outweigh the harm to the Green Belt by way of inappropriateness and any other harm, even when giving substantial weight to such harm. There are no other material planning considerations that would warrant refusal of the application.

**62. Rufforth Playing Fields, Wetherby Road, Rufforth, York (16/02303/FUL)**

Members considered a full application by Mr Edward David Preston for the change of use of land to a caravan and camping site.

Officers advised that following receipt of new information at the Members' Site Visit, they were now recommending that the application be deferred for consideration at a future meeting.

Resolved: That consideration of the application be deferred to a future meeting.

Reason: In order that clarification could be sought on various aspects of the application.

Cllr A Reid, Chair

[The meeting started at 4.30 pm and finished at 4.55 pm].

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**COMMITTEE REPORT**

**Date:** 19 January 2017      **Ward:** Strensall  
**Team:** Major and      **Parish:** Stockton-on-the-Forest  
Commercial Team      Parish Council

**Reference:** 16/02096/FUL  
**Application at:** Stockton Hall Hospital, The Village Stockton On The Forest  
York YO32 9UN  
**For:** Formation of car parking area  
**By:** Terence Warom  
**Application Type:** Full Application  
**Target Date:** 20 January 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 The proposal is for the formation of a small additional parking area for 20 vehicles behind an area of woodland adjacent to the existing parking area.

1.2 The site contains the Grade II listed Stockton Hall and stables which currently operates as a hospital and is within the Stockton on the Forest Conservation Area. The hall itself is set back from but faces the highway with a large parking area to the rear. Beyond this are the purpose built hospital wards. To the North of the parking area is a small wooded area which is covered by a TPO. The site is to the North of this wooded area in a small grassy area. There are residential dwellings to the East of the site and a paddock area to the North.

1.3 The application is brought to Main Planning Committee as the proposal constitutes inappropriate development within the general extent of the Green Belt.

**2.0 POLICY CONTEXT**

2.1 See Section 4

**3.0 CONSULTATIONS**

INTERNAL

Planning and Environmental Management (Countryside and Ecology)

3.1 There are no ecological reasons to refuse this application. Conditions are recommended to enhance the quality of development and mitigate any potential adverse impacts.

Planning and Environmental Management (Conservation)

3.2 Proposals appear to preserve the immediate and wider setting of the hall, and they appear to preserve the character of long distance views within the conservation area. However the wooded landscape character of the west side of the village conservation area is part of its special character and the trees should also be assessed for their intrinsic contribution to the area and the wildlife they support. Conditions are recommended.

Planning and Environmental Management (Landscape)

3.3 The landscape officer has accepted the tree loss proposed as this is predominantly on arboricultural grounds. The impact of the proposed hardstanding on the retained trees is however of more concern. Three of the trees will be adversely impacted by the proposal and officers are seeking revisions to address this. It is considered that amendments to the boundary adjacent to the wooded area are possible and would address much of the concern although additional measures requiring specialist construction techniques may also be necessary. The landscape officer has recommended a condition requiring an arboricultural method statement be attached to any planning permission once revised details have been received.

Highway Network Management

3.4 The applicant wishes to increase by 20 spaces the car parking from 114 spaces to 134. The applicant has provided justification relating to staff numbers working at the site, the provision being approximately 75%. The provision is reasonable for the type of institution and location. Many staff will be unable to access the site by public transport due to shift patterns. The company state that they already have in place a cycle scheme and encourage car sharing. No objection to the proposal; conditions recommended.

EXTERNAL

Foss Internal Drainage Board

3.5 No objection in principle and conditions recommended.

**4.0 APPRAISAL**

4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Parking requirement; Impact on trees; Impact on listed buildings

## POLICY CONTEXT

### Development Plan

4.2 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 for York 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.

### Local Plan

4.3 The City of York Draft 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.

### Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

### The National Planning Policy Framework (NPPF)

4.5 The NPPF was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the

Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

## GREEN BELT

4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.8 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.9 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 does allow certain types of development however this proposal does not fall within any of those categories. As such the proposal must represent inappropriate development and therefore should only be approved where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to very special circumstances.

## PRINCIPLE OF THE DEVELOPMENT

## ASSESSMENT OF HARM TO GREEN BELT

4.10 The NPPF states that inappropriate development is by definition harmful to the Green Belt. There is also some limited harm to openness as a result of the removal of a small number of unprotected trees and the creation of hardstanding for parking and access in an area which was previously grassed. The impact of the hardstanding will be limited by the use of a form of grass paving which will allow some greening of the area.

4.11 The area is also well screened by the existing woodland and properties to the East. It is unlikely that much of the proposal will be visible outside of the proposed parking area. It is however accepted that the tree loss will have some impact on openness although the majority of trees proposed for removal are to be removed on arboricultural grounds.

## OTHER CONSIDERATIONS

### PARKING REQUIREMENT

4.12 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. The applicant has therefore provided the following statement detailing these very special circumstances:

*'Stockton Hall employs 331 whole time equivalents and 50 bank staff  
On site during the working day there are on average 170 - 180 staff  
During the week (Monday to Friday) the hospital holds a number of patient related meetings which involve external agencies such as Justices of the Peace, Solicitors, External Social Workers, Independent Hospital Managers, Case Managers (NHS Staff) and Carers which are:*

- Mental Health Tribunals - on average 3 a week with approximately 5 external people attending*
- CPA Meetings - on average 5 week with 4 external people attending each meeting*
- Independent Hospital Manager's Meeting - 1 held weekly with 3 external people attending*

*The hospital site is also the regional training centre for other smaller units within our area so for 3 weeks every month an additional 20 staff maybe on site carrying out their Statutory and Mandatory Training.*

*Public transport does not offer the flexibility for the shift patterns worked within the hospital and staff travelling from outside of York cannot get directly to Stockton-on-the-Forest.*

*As a company Partnerships in Care runs the Ride to Work scheme through Evans Cycles which a number of staff have taken up the scheme therefore cycle to work however this is not always practical during the winter months.*

*Stockton Hall also encourages car sharing which a number of staff do particularly those on an early shift.'*

4.13 Current parking provision is 114 spaces with the proposed additional 20 spaces taking the total to 134. During the site visit it was noticeable that the parking area was full and parking was taking place outside defined parking spaces. Highways officers have confirmed that the parking provision is reasonable for this type of institution in this location. It was noted that staff work shifts and this results in issues using public transport. The out of town location means that cycle use is lower than might be expected in the city centre although a Cycle to Work scheme is in place.

## IMPACT ON TREES

4.14 The trees in the wooded area to the south of the site are covered by TPO CYC47 G7. Trees outside this area and within the site boundary are also protected as a result of the site's situation within a Conservation Area. In relation to the trees, the Conservation Area Appraisal states 'The Hall is flanked by woodland which defines the western edge of the historic village. The grounds to the rear of the Hall and the Walled Garden are essential to the setting of the Hall and historically important.

4.15 A pre-application enquiry was received for the scheme with a slightly different layout to that submitted with this application. The pre-ap layout kept the development line beyond the Root Protection Area (RPA) of the retained trees and was preferable and officers are now negotiating with the applicant to return to this layout. The agent has confirmed that no lighting is proposed as part of the scheme. An update will be given at Committee.

## IMPACT ON LISTED BUILDINGS

4.16 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to



give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The application must be judged on this basis.

4.17 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, and conservation areas as “designated heritage assets”. Section 12 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 131 of the NPPF, 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.

4.18 Paragraph 132 advises 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. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

4.19 Paragraph 133 advises that “Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of four specified criteria apply.”

4.20 Paragraph 134 advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.”

4.21 The Conservation Architect notes that the hall is set back from the main road through the linear village. Its scale, formality and wooded landscape setting contrast with the rural informality of the sinuous village settlement. The hall itself is flanked by woodland and, in views from the main street, trees form its backdrop whether approaching from the southwest or seeing the hall at a distance from the northeast. The name of the village also suggests that the tree cover is important to the historic identity of the village, and wooded landscape is a characteristic feature of the conservation area.

4.22 The proposals would remove some tree cover from the middle of the site located north east of the intermediate rear extension of the hall. The retained area would be adjacent to the lane within the site and therefore it would preserve the character of the lane through the site. It would also appear to be sufficiently deep to

provide a woodland backdrop to the hall itself when seen in long distance views. Therefore it is considered that the proposal will lead to less than substantial harm to the Conservation Area and setting of the listed building. Considerable weight and importance must be attached to the preservation of the significance of these heritage assets. However the public benefits of providing additional off-street parking in a secluded area away from the listed building while relieving current parking pressures are considered to clearly outweigh the harm.

## ECOLOGY

4.23 The Countryside and Ecology Officer noted that there are no statutory or non-statutory nature conservation sites on or adjacent to the application site. Removal of a number of trees is proposed and a bat survey has assessed their potential for housing bat roosts. No bat activity has been identified within the trees although they do provide suitable habitat for nesting birds. A condition is recommended to install bat and bird boxes to enhance the natural environment.

## 5.0 CONCLUSION

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness and impact on openness as a result of the tree loss and change in the nature of the site from grass to hardstanding. The applicant has put forward very special circumstances which relate to the need for additional parking on site. Highways officers consider that parking provision on site is not excessive and there are functional reasons related to the site's operation and location which result in a higher than normal reliance on car use. As such, officers consider that there are very special circumstances to justify the proposed development.

5.3 The minimal and certainly less than substantial harm to the conservation area and setting of the listed building must be weighed against the public benefits of the proposal which in this case would be the creation of additional off-street parking which would encourage parking within the site rather than on the public highway. In this instance it is considered that the public benefits of providing additional off-street parking in a secluded area away from the listed building while relieving current parking pressures clearly outweigh the harm (even when considerable importance

and weight is attached to the preservation of the significance of these heritage assets).

5.4 In the circumstances of this case the need for the parking area is considered to clearly outweigh the harm to the Green Belt by way of inappropriateness and any other harm. There are also no other material planning considerations that would warrant refusal of the application and it is therefore recommended for approval subject to conditions.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

Boundary and car park plan Received 20/10/16  
Proposed car park extension Rev C  
Grassguard paving installation details

3 Prior to first use of the parking area hereby approved, 3 woodcrete bat boxes (eg 2F Schwegler) should be installed in a nearby mature tree and 6 hard wood bird nest boxes should be installed within the hospital grounds by a suitable qualified ecologist. The boxes should be retained and maintained for the lifetime of the development.

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

4 Before the commencement of development, an Arboricultural Method Statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

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

5 Unless otherwise agreed in writing with the Local Planning Authority, no lighting will be installed within the site at any time within the lifetime of the development.

Reason: To protect the special character and setting of the listed building and to ensure against damage to the protected trees on the site.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Alison Stockdale Development Management Officer (Wed - Fri)

**Tel No:** 01904 555730

16/02096/FUL

Stockton Hall Hospital, The Village, Stockton On The Forest



Scale : 1:2569

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	10 January 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 January 2017      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 16/02587/FUL  
**Application at:** French House (Antiques) Ltd North Warehouse North Lane Huntington York  
**For:** Single storey extension to showroom and antiques restoration building to form furniture storage area  
**By:** Trinity Services Ltd  
**Application Type:** Full Application  
**Target Date:** 20 January 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 The proposal is for a single storey extension to the existing furniture showroom and workshop. The extension consists of an additional bay matching the existing double bay building.

1.2 The site is within the general extent of the Green Belt. It currently contains an industrial style single storey building consisting of two single storey adjoining pitched roof units. The units are constructed from blockwork with steel sheeting cladding. There are areas of hardstanding around the buildings and a number of smaller outbuildings to the rear. The site backs on to open pastures and is well-screened from the highway by a conifer hedge.

1.3 The application is brought to Main Planning Committee as the proposal constitutes inappropriate development within the general extent of the Green Belt.

**2.0 POLICY CONTEXT**

2.1 See Section 4

**3.0 CONSULTATIONS**

## INTERNAL

Highway Network Management

3.1 No comments received.

## EXTERNAL

### Foss Internal Drainage Board

3.2 No objection to the principle of the development - conditions recommended.

### Huntington Parish Council

3.3 No objections.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Policy context
- Principle of the development - Assessment of harm to Green Belt
- Other considerations - Business need; Access

## POLICY CONTEXT

### Development Plan

4.2 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 for York 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.

### Local Plan

4.3 The City of York Draft 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.



## Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

## The National Planning Policy Framework NPPF

4.5 The NPPF was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal as the site lies within the general extent of the Green Belt as identified in the RSS and therefore justifies the application of the more restrictive policies in Section 9 to the NPPF.

## GREEN BELT

4.7 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.8 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another

- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.9 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 does allow certain types of new buildings including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. This application is considered to represent a disproportionate addition to the original building and therefore should only be approved where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations amounting to very special circumstances.

#### PRINCIPLE OF THE DEVELOPMENT ASSESSMENT OF HARM TO GREEN BELT

4.10 The NPPF states that inappropriate development is by definition harmful to the Green Belt. There is also some limited harm to openness as a result of the scale and siting of the proposed building. The existing building on site has a footprint of approximately 560sqm. Approximately 93sqm of this footprint is an extension of the original building which had a footprint of approximately 465sqm. The extension currently proposed is approximately 270sqm and, when combined with the existing extension, represents an extension of approximately 80% of the footprint of the original building. Similarly, the volume of the proposed and existing extensions is approximately 80% of the volume of the original building. This scale of development is considered disproportionate to the original dwelling and will be harmful to openness as a result of its scale and massing.

4.11 The impact on openness from the combined extensions is however somewhat mitigated by the landscaping to the front of the site which effectively screens any views of the development from the highway. However, the site is visible from the A64 which runs to the East of the site and the new development will be visible from there. Also, while part of the site intended for the extension is hardstanding, the majority is grass and the proposal will therefore reduce the undeveloped nature of this part of the site. As the position of the proposal to the far side of the existing buildings will partly screen it from the A64, and combined with the matching materials and height of the extension, the impact of the extension on openness and harm is considered to be limited.

#### OTHER CONSIDERATIONS

#### BUSINESS NEED

4.12 As stated above, the NPPF clarifies that the form of development proposed constitutes inappropriate development within the Green Belt and should therefore only be approved in very special circumstances. The applicant has therefore provided the following statement detailing these very special circumstances:

*'We have been trading in York as a family business for over 20 years, originally in Micklegate. We have grown from strength to strength and are now the UK's leading dealer in French antiques. We purchased the property in Huntington over 15 years ago. The site at that time was occupied by a derelict, rat infested structure in a muddy surround. We have created a pleasant environment over the years and now on site we have 3 full time crafts people, 4 sales staff and 3 part time restorers.*

*In addition to the direct employment we have created, we also use the services of a host of other York tradespeople and businesses. For example, we order bespoke mattresses from the York Bedding Company, glass is supplied by the York Glass Supplies and our furniture is delivered across England by a local Delivery Company. We are proud to be a York business and we wish to continue being so.*

*Our present accommodation is at capacity. We desperately need additional storage space. Logistically the storage space is best co-located with the rest of our business. If allowed to expand it is our hope to create directly an additional 3 - 4 jobs in York. Our only option if our application is refused would be to transfer our business to Easingwold where we have an opportunity to take another building.*

*We are aware of several other applications which have been granted consent in the green belt in York for the expansion of existing businesses including Dean's Garden Centre and the House of James whereby the needs of a local business were considered to represent very special circumstances such as required by planning policy.*

*The modest proposal in our application would be well screened and virtually unnoticed from any view and the impact on the openness of the Green Belt would be minimal.'*

4.13 Officers have considered the very special circumstances put forward by the Applicant and do not consider that they are special enough to outweigh the harm to the Green Belt from inappropriateness and harm to openness. It is noted that the business is established on the site and provides employment however it is not a typical rural business and would usually be found in an urban location. No reasons have been put forward to evidence a need for the business to be located in this rural location and it would appear that the business does in fact supply goods nationwide.

4.14 The Applicant has also made reference to two other sites in the Green Belt where extensions have been approved. For reference, the extensions at Deans Garden Centre were considered to be inappropriate development with limited impact on openness. The proposal was to replace existing structures albeit with larger buildings and most of the land to be redeveloped was already hard-surfaced. The applicant put forward very special circumstances related to the need for the site to remain in its rural location, the visual improvements to the site and future viability and job creation. It was considered that the operational need, future viability and socio-economic benefits in combination with the Government policy for expansion of rural business clearly outweighed the harm to the Green Belt through inappropriateness and the harm to openness even when this was given significant weight.

4.15 The House of James application was for retention of a lorry bay extension. In this instance the very special circumstances provided were that the site provided an intermediate distribution centre for motor vehicle parts from a specialist supplier in Pickering to the manufacturer in the West Midlands. The vehicle parts were highly specialised and the research and development done in Pickering had resulted in major investment in the car industry in the West Midlands.

## ACCESS

4.16 Access to the site would remain unchanged as a result of the proposal. There is no proposal to change parking provision.

## 5.0 CONCLUSION

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the more restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this case, harm has been identified by way of inappropriateness and impact on openness as a result of the scale of the extensions proposed. The applicant has put forward very special circumstances which include a desire to continue operating the business from York, a need for additional space to expand the business, job creation and improvements to the site. Officers do not consider that these very special circumstances provide sufficient justification for a specific need to site the extension on this site within the Green Belt.

5.3 Therefore in the circumstances of this case the need for the extension to expand the business and create jobs is not considered to outweigh the harm to the Green Belt by way of inappropriateness and any other harm. While there are no other material planning considerations that would warrant refusal of the application, the harm to the Green Belt is considered significant and therefore the development is recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 It is considered that the proposed extension constitutes inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with the purposes of including land within it. No 'very special circumstances' have been demonstrated by the applicant that would clearly outweigh this harm. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land'.

### **7.0 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 (paragraphs 186 and 187) 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:

Required the Applicant to provide very special circumstances to justify setting aside Green Belt policy.

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

#### **Contact details:**

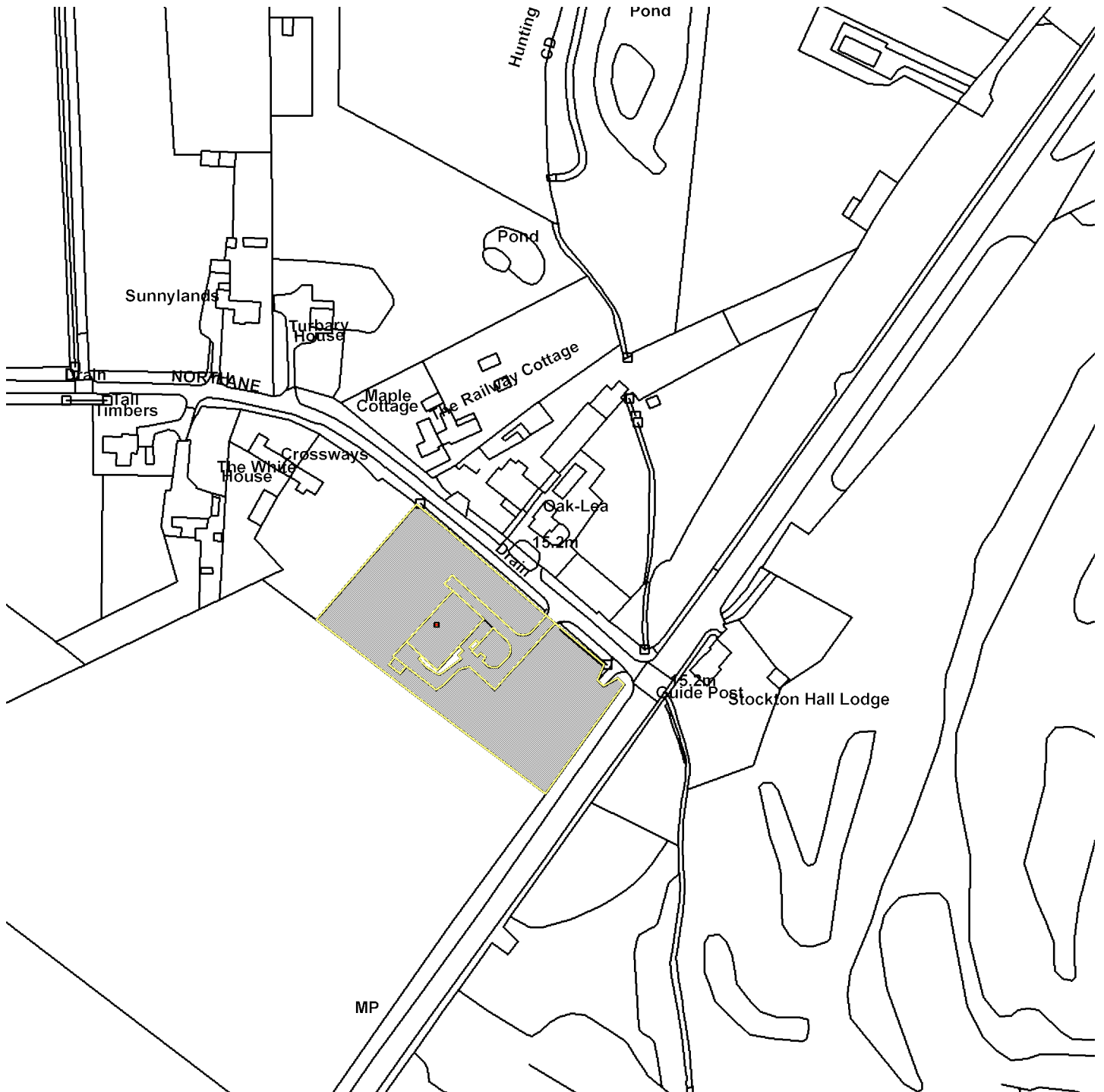
**Author:** Alison Stockdale Development Management Officer (Wed - Fri)

**Tel No:** 01904 555730

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16/02587/FUL

French House (Antiques) Ltd, North Warehouse, North Lane



Scale : 1:2569

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	10 January 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 January 2017      **Ward:** Wheldrake  
**Team:** Major and      **Parish:** Wheldrake Parish  
Commercial Team      Council

**Reference:** 16/02583/FUL  
**Application at:** Brick Farm Benjy Lane Wheldrake York YO19 6BH  
**For:** Siting of 3 no. grain silos to be converted for use as holiday accommodation  
**By:** Mr Raley  
**Application Type:** Full Application  
**Target Date:** 23 January 2017  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Brick Farm, Benjy Lane Wheldrake comprises a physically compact arable farmstead dating originally from the early 19th Century occupying a physically prominent location within the Green Belt to the west of Wheldrake village. Planning permission is sought for the erection of three profile steel grain bins within a defined curtilage directly to the west of the farmstead to provide holiday accommodation. The proposal is seen as necessary as a means of farm diversification to offset the impact of declining farm incomes and a report examining trends in arable farming has been submitted in support. The application site would be accessed via a heavily used bridle path that continues Benjy Lane.

**2.0 POLICY CONTEXT**

Also See Section 4

2.1 2005 Draft Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 2005 Draft Policies:

CYGB1  
Development within the Green Belt

CYGB3  
Reuse of buildings

CYV5

Caravan and camping sites

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Public Protection raise no objection to the proposal.

3.2 Strategic Flood Risk Management were consulted with regard to the proposal on 28th November 2016. Views will be reported orally at the meeting.

3.3 Highway Network Management were consulted with regard to the proposal on 15th December 2016. Views will be reported orally if available.

3.4 Public Rights of Way (PROW) were consulted with regard to the proposal on 15th December 2016. Views will be reported orally if available.

EXTERNAL:-

3.5 Wheldrake Parish Council object to the proposal on the grounds of it being inappropriate development within the Green Belt.

3.6 Yorkshire Water Services Limited were consulted with regard to the proposal on 28th November 2016. Views will be reported orally at the meeting.

### **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the Green Belt.

STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th SET OF CHANGES):-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that any weight is limited except where in accordance with the National Planning Policy Framework.

## STATUS OF THE EMERGING LOCAL PLAN:-

4.3 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only very limited weight (here relevant and in accordance with the terms of the National Planning Policy Framework). The evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

The NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this policy Framework.

## PLANNING POLICY CONTEXT:-

4.4 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humberside RSS Policies YH9C and YIC as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 provides when considering a planning application Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very Special Circumstances" will not exist unless the potential harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Policy GB1 of the (Emerging) Publication Draft Local Plan is also relevant in this respect.

## IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE GREEN BELT:-

4.5 The application site comprises modestly sized paddock lying directly to the west of the farmstead at the furthest extent of the metalled section of Benjy Lane. There are a series of isolated farmsteads together with a livery stable and a nursery strung out along the Lane but not forming a clear settlement pattern as such. The surrounding landscape is gently rolling with a mix of small and medium sized fields with the traditional pattern of field boundaries separated by mature trees and lengths of hedgerow. The farmstead itself is low rise and brick built occupying a modest physically discrete area.

4.6 The proposal envisages the erection of three former corrugated iron grain bins for use as camping lodges within a clearly defined curtilage which is presently agricultural in nature. The grain bins by virtue of the works required to render them capable of occupation including the provision of window and door openings and

associated external lighting together with the erection of domestic paraphernalia within the associated curtilage would fundamentally alter the character of the locality and extend the built foot print of the farmstead into open countryside. Paragraphs 89 and 90 of the National Planning Policy Framework outlines a number of types of development both operational and material changes of use which are felt to be appropriate in the Green Belt providing they don't harm its openness and do not conflict with the purposes of including land within Green Belt. Caravan and camp sites per se are not included within this and therefore are by definition harmful to the open character of the Green Belt. The category within paragraph 89 of appropriate buildings for recreational use providing there is no harm to the open character of the Green Belt is not relevant in this case because it may be argued that camping and caravanning is not of itself a recreational activity although recreational activities may take place along side it. It may also clearly be argued that the relocated grain stores subject to heavy alteration to enable them to be occupied along with the construction of a formalised curtilage with associated paraphernalia would in any case result in severe harm to the open character of the Green Belt.

4.7 As the proposal constitutes inappropriate development in the Green Belt the Applicant must demonstrate that other considerations clearly outweigh the harm by reason of inappropriateness together with any other harm in order to amount to "very special circumstances". The submitted application details make no reference to the site being located within the Green Belt and the inappropriate nature of the development. A "snapshot" report of conditions within arable farming over the whole country has however been submitted to evidence a need to diversify the activities taking place at the holding and within the submitted Design and Access Statement viability issues are alluded to with reference to the land only being Grade 3 and therefore of average quality in terms of crop production. It is also indicated that the holding is part tenanted and part owner occupied with the owner occupied section being purchased recently and differences of opinion with the principal landowner over husbandry matters in respect of the tenanted part of the holding.

4.8 The submitted information indicates financial pressures on arable producers in a general sense but it does not amount to a case for "very special circumstances" in respect of the holding itself as would be expected and other potential less harmful avenues are highlighted within arable husbandry. Whilst viability issues are highlighted in respect of the farm no specific detail is given and a less harmful conversion of the existing buildings within the farmstead is specifically ruled out and it is also clear that the decision to invest in purchasing the holding is a recent one. The proposal is therefore felt to be by definition harmful to the Green Belt and there are no other considerations that clearly outweigh the harm to the Green Belt. The proposal therefore conflicts with the NPPF Green Belt policies.

## 5.0 CONCLUSION

5.1. The proposal is seen as necessary by the applicant as a means of farm diversification to offset the impact of declining farm incomes and a report examining trends in arable farming has been submitted in support. However it is not felt that the submitted justification amounts to a viable case for "very special circumstances" that would clearly outweigh any harm by reason of inappropriateness and any other harm as required by paragraphs 87 and 88 of the NPPF and that planning permission should be refused

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Refuse

1 The application site is within the general extent of the Green Belt as set out by Policy Y1 of The Yorkshire and Humber Plan - Regional Spatial Strategy. The proposal by virtue of its design, layout, location and purpose would be by definition inappropriate development within the Green Belt, contrary to paragraphs 79 and 80 of the National Planning Policy Framework and giving rise to very substantial harm to its characteristic openness. No case has been demonstrated that would amount to "very special circumstances" that would clearly outweigh any harm by reason of inappropriateness and any other harm caused by the development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework and policy YH9 of the Yorkshire and Humber Plan and also conflict with Draft Development Control Local Plan (2005) policy GB1: Development in the Green Belt.

## 7.0 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 (paragraphs 186 and 187) 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:

the preparation and submission of a detailed case for "very special circumstances" that would outweigh any harm by reason of inappropriateness and any other harm.

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

#### Contact details:

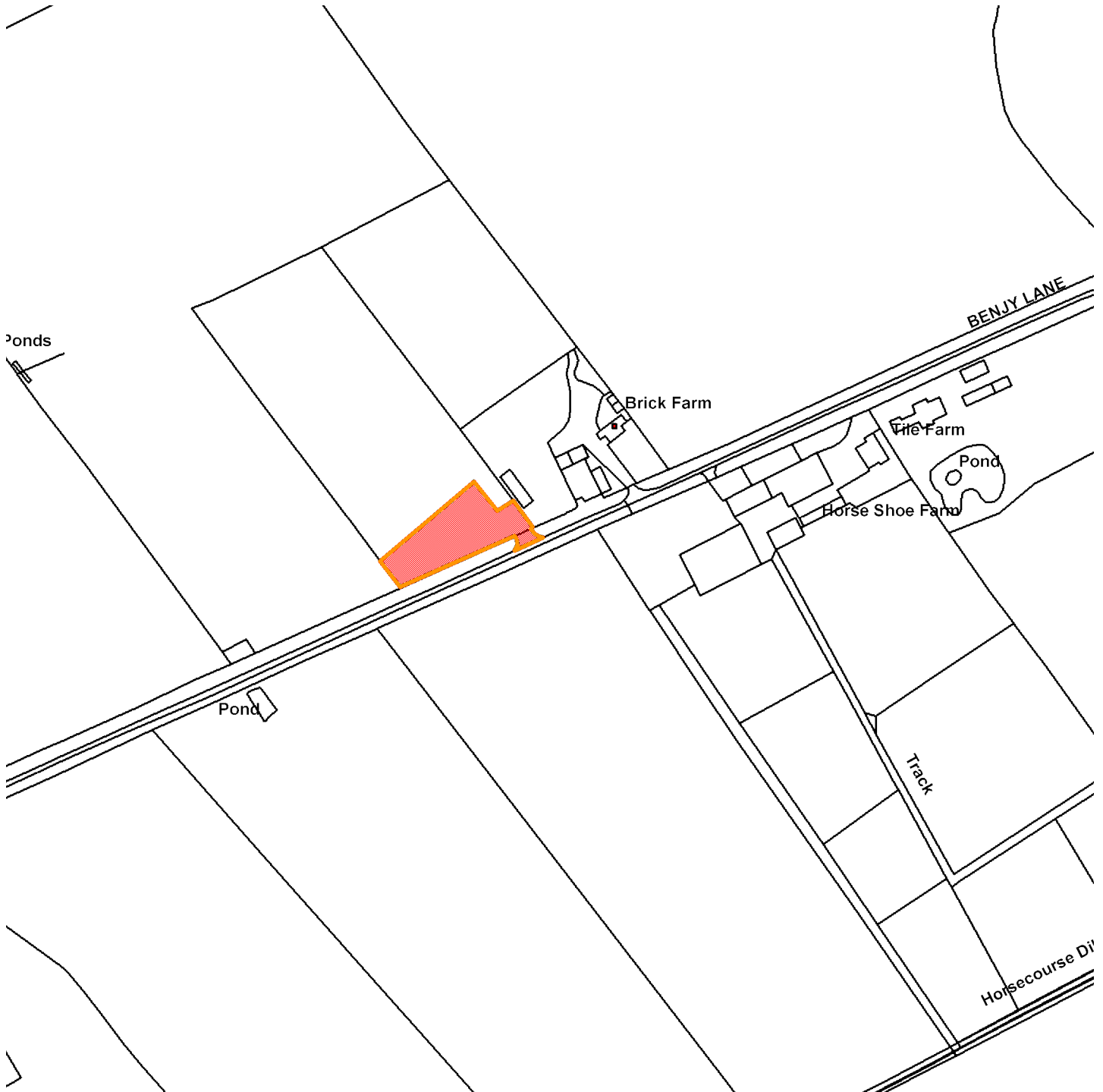
**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

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16/02583/FUL

Brick Farm, Benjy Lane, Wheldrake



Scale : 1:2569

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	10 January 2017
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 19 January 2017      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 16/01971/FULM  
**Application at:** The Guildhall Coney Street York YO1 9QN  
**For:** Alterations and refurbishment of Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of existing south range to provide cafe and ancillary accommodation, and erection of extension on north side of complex to form restaurant and office accommodation  
**By:** City of York Council  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 19 January 2017  
**Recommendation:** Subject to the expiry of the consultation period regarding amended plans, and no new planning issues being raised, delegated authority be given to Approve subject to conditions.

### 1.0 PROPOSAL

1.1 The Guildhall comprised a substantial Grade II and II\* Listed part stone and part brick built complex of Later Medieval date occupying a very prominent location within the Central Historic Core Conservation Area. Planning permission (and accompanying Listed Building Consent) is now sought for conversion of the building including; limited demolition and new building along the river front to allow for the construction of a restaurant, cafe and river side garden together with the formation of managed office space and the provision of a civic and event space within the central section of the building. The application has subsequently been amended to address Conservation concerns raised and a re-consultation of Historic England has been undertaken in respect of the proposed river source heat pump at the south eastern edge of the existing building.

### 2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The sections in the NPPF most relevant to this proposal include:

- Chapter 7 – Design
- Chapter 10 – Flooding
- Chapter 12 – Preserving and enhancing the historic environment

2.2 The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

2.3 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply to this proposal as it is subject to the more restrictive policies in Section 10 and 12 to the NPPF.

#### Status of the emerging York Local Plan Publication Draft (2014)

2.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

2.5 Relevant emerging policies are as follows:

Policy D3: Extensions and alterations to existing buildings

Policy D5: Listed buildings

Policy D7: Archaeology

Policy D9: City of York Historic Environment Record

Policy CC2: Sustainable design and construction

Policy ENV4: Flood risk

Policy ENV5: Sustainable drainage

Policy T1: Sustainable access

#### Status of the City of York Draft Local Plan (2005)

2.6 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF.

2005 Draft Development Plan Allocation:

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2.7 Relevant 2005 allocations include:

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
- Conservation Area GMS Constraints: Central Historic Core CONF
- Flood zone 2
- Listed Buildings GMS Constraints: Grade 2; Lendal Cellars 26 Lendal York YO1 2AG 0613
- Listed Buildings GMS Constraints: Grade 2; 8 Lendal York YO1 2AA 0618
- Listed Buildings GMS Constraints: Grade 1; The Mansion House Coney Street York YO1 1QL 0611
- Listed Buildings GMS Constraints: Grade 2 Star; 14 Lendal York YO1 2AA 0616
- Listed Buildings GMS Constraints: Grade 2; Municipal Offices Coney Street 0614
- Listed Buildings GMS Constraints: Grade 1; The Guildhall Coney Street York YO1 9QN 0427
- Listed Buildings GMS Constraints: Grade 2; York Post Office 22 Lendal York YO1 2DA 0612
- York North West Boundary GMS Constraints: York North West Boundary CONF

2005 Draft Development Control Local Plan policies:

2.8 Relevant development control policies include:

- CGP15A - Development and Flood Risk
- CYGP1 - Design
- CYHE2 - Development in historic locations
- CYHE10 - Archaeology
- CYHE3 - Conservation Areas
- CYHE4 - Listed Buildings
- CYC1 - Criteria for community facilities
- CYSP3- Safeguarding the Historic Character and Setting of York
- CYGP1 -Design
- CYGP15 - Protection from flooding
- CYNE6 -Species protected by law

Statutory duties – Planning (Listed Buildings and Conservation Areas Act 1990 (as amended) – Sections 66 and 72

2.9 Section 66 requires the Local Planning Authority when determining planning applications for development that affects a listed building or its setting to have

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

2.10 Section 72 requires the Local Planning Authority when determining planning applications within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

2.11 Case law has made clear that when deciding whether harm to the listed building or its setting (or the character of the conservation area) was outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building or character of the conservation area. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

2.12 This means that even where harm is less than substantial, the avoidance of such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building or conservation area is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

### **3.0 CONSULTATIONS**

INTERNAL:-

#### Public Protection

3.1 Raises no objection in principle to the proposal but wish to see any permission conditioned to require restrictions on the operating and delivery hours for the proposed cafe and restaurant, the submission of a CEMP in respect of the conversion works and the prior approval of details of plant audible from outside of the site along with details of an odour management scheme for the site.

#### Highway Network Management

3.2 Consulted with regard to the proposal on 21<sup>st</sup> September 2016. Views will be reported orally at the meeting.

#### Strategic Flood Risk Management

3.3 Raises concerns in respect of the availability of compensatory flood storage within the scheme where it incorporates an element of the highest flood risk zone (flood zone 3a).

### Planning and Environmental Management (Archaeology)

3.4 Raises no objection to the proposal subject to a detailed archaeological evaluation taking place prior to development.

### Planning and Environmental Management (Conservation)

3.5 States the scheme responds to context (with the caveat re north extension), it would improve the internal working environment and would successfully resolve many of the functional and circulation problems inherent in the existing buildings. Some aspects of the original proposals appeared to diminish the historic importance of the building as represented by the civic character of the existing architecture and special fittings. These areas have been reviewed and revised as highlighted (in bold) in detailed sections below. They include:

- South wall of Guildhall new opening
- Guildhall screen and dais;
- Connections between the glazed links and the Guildhall walls (mainly south annex);
- Stair Hall in Municipal Offices new openings;
- Extensions south and north on hutments site

3.6 The scheme is an example of heritage led regeneration and whilst the proposals undoubtedly add value to the site it is vital, both at detailed level and in the layout and management of the site, that the new uses are complimentary to the civic and ceremonial functions of the complex as a whole i.e. including the Mansion House; otherwise the high historic and communal significance of this possibly unique building group would be eroded.

3.7 The National Planning Policy Framework (supported by the Planning (Listed Buildings and Conservation Areas) Act 1990) requires great weight to be given to the conservation of heritage assets and the more important the asset the greater the weight should be. Any harm or loss requires clear and convincing justification.

3.8 Due to the intensified use of the site there will be extra pressure on internal areas and external space. In addition to the schedules, statements and precedent studies provided we would have welcomed further scrutiny of civic and public uses to ensure that they would be protected or improved where deficient (eg means of presentation in Council Chamber). Whilst appreciating that a brief is difficult to devise where the end users have not been identified, further explanation of how the buildings on the site (including Mansion House) might work together to support each other in contested areas would have been welcome as part of the justification for making changes (eg kitchen use, admin base, Member offices supporting

Committee functions, presentations at Committee, security and use of shared spaces and main entrances, servicing, loss of parking, signage).

### Planning and Environmental Management (Ecology)

3.9 Initially objected to the proposal on the grounds of inadequate bat survey information submitted with the proposal and inappropriate mitigation measures for two bat roosts known to be present within the building. The earlier concerns have now been satisfactorily addressed and the objection withdrawn.

#### EXTERNAL:-

#### The Environment Agency

3.10 Initially objected to the proposal on the grounds of inadequate compensatory flood storage being provided in respect of the proposed cafe and river side garden. The objection was subsequently withdrawn following on from the submission of an addendum to the Flood Risk Assessment indicating how additional flood storage/flood resilience measures could be provided within the site.

#### Historic England

3.11 Raises no objection to the proposal subject to the intended external treatments and the design of the new build elements being conditioned in detail. Concern has been expressed in terms of the design and location of the proposed river source heat pump and a further consultation has been undertaken in respect of those details. Views will be reported orally at the meeting.

#### York Civic Trust

3.12 Supports the proposal subject to the detailed conditioning of the proposed external treatments and the design of the new build elements.

#### York Conservation Trust

3.13 Objects to the proposal on the grounds of adverse impact upon the setting of 14 Lendal, a Grade II\* Listed Building, and adverse impact upon the residential amenity of occupants of the upper floor flat to 14 Lendal.

## **4.0 APPRAISAL**

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the character and appearance of the Listed Building Complex;  
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- Impact upon the setting of 14 Lendal, a Grade II\* Listed Building;
- Impact upon the character and appearance of the Central Historic Core Conservation Area;
- Impact upon Flood Risk in the locality;
- Impact upon the habitat of a protected species;
- Impact upon the residential amenity of neighbouring properties.

#### NATIONAL PLANNING POLICY CONTEXT:-

4.2 IMPACT UPON THE LISTED BUILDING AND CONSERVATION AREA:- As set out in Section 2 above, the statutory tests that apply mean that where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Whilst Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness, caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Sections 66 and 72 of the 1990 Act.

4.3 DEVELOPMENT AND FLOOD RISK:- Central Government Planning Policy as outlined in paragraphs 102 and 103 of the National Planning Policy Framework indicates that Local Planning Authorities should give particular weight in making planning decisions to the need to ensure that flood risk is not increased elsewhere. A site specific Flood Risk Assessment is required in respect of development in a medium/high risk flood zone and a wider public benefit is required to be demonstrated in order to justify such work.

4.4 PROTECTION OF IMPORTANT HABITAT:- Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that where significant harm to habitat from development can not be avoided, mitigated against or compensated for then planning permission should be refused.

4.5 AMENITY:- Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give significant weight to the maintenance and provision of a good standard of amenity for all new and existing occupants of land and buildings.

#### IMPACT UPON THE CHARACTER AND APPEARANCE OF THE LISTED BUILDING COMPLEX:-

4.6 SIGNIFICANCE:-The Guildhall complex comprises a series of conjoined stone and buff brick structures dating to the 14th Century and subsequently occupying a sloping site from Lendal, a principal shopping street to the river side. The complex comprises a mix of Grade II and II\* Listed Buildings that have formed the hub of corporate government within the City since the Later Medieval period with the Guildhall itself and the central riverside range surviving from that period. Notwithstanding extensive war time bomb damage a number of good quality Victorian panelled rooms notably within the main Council Chamber still survive. Evidence of earlier building survives within the river side elevation with part of an early bonded warehouse surviving at basement level accessed from Common Hall Lane.

4.7 THE PROPOSAL:- The scheme aims to refurbish the complex to provide a series of event and civic spaces with small office suites, a restaurant and a cafe. The existing unlisted north easterly extension would be partially demolished and a three storey restaurant and office space would be erected between the 18th Century brick built warehouse to the north and the existing Late 19th Century northern Tower range. The new building would be erected in a mix of render panelling with brick work to match surrounding buildings with a standing seam profile metal clad roof. At the same time a series of small scale single storey structurally glazed extensions would be provided at the south of the site to provide a seating area for the proposed cafe and at the north east to provide an updated reception area. A low level riverside garden would be provided at the north western edge of the building with a glass balustrade along the river side. The existing stone-slabbed forecourt would be realigned and brought forward.

4.8 ASSESSMENT OF IMPACT:- The proposal is designed to secure a long term viable future for one of the most iconic buildings of the City Centre. The most significant impact upon the Listed Building complex relates to the proposed northern extension designed to accommodate the proposed restaurant and office suites. It involves the erection of a brick built three storey structure within an area descending to the river bank formerly occupied by temporary buildings. It has an idiosyncratic roof form incorporating a large dormer facing the river frontage with the roof configured in a profiled metal. The extension is designed to be subservient in terms of its scale and massing whilst at the same time making its own contribution to the sky line of the river front. It is however highly prominent in views from Lendal Bridge to the north west against the background of Lendal Bridge House and the adjacent boat house. The degree of prominence has been lessened by reducing the proportion of visible bronze cladding relative to render which more closely matches the adjacent stone building. The brickwork elements of the extension have also been redesigned to more closely blend in with the buildings directly to the north. Impact could be reduced further by reducing the height of the extension and particularly its feature window, and whilst the applicant has raised concerns that this would impact upon internal circulation space, the Applicant has subsequently



agreed to submit amended plans in order to reduce the height. A related issue is in respect of the design of the proposed roof lights through the south wing which has given rise to some level of concern. Their design has also been amended to more effectively pay reference to the existing in terms of their design and number and the pattern of fenestration in respect of the south wing is now felt to be acceptable and would not give rise to any harm to the character or significance of the Listed Building.

4.9 The second element of impact involves the layout of a river side garden below the proposed new building work. This provides a clear parallel and reference to the treatment of the river bank directly opposite off North Street. Concern has been expressed in respect of the use of profiled glass sections as a balustrade material. The scheme has subsequently been redesigned to allow for the provision of a tantalised bronze balustrade whose form and structure would match that of the similar balustrade within the facing North Street Gardens on the west bank of the Ouse. The new design does not give rise to any harm to the setting of the Listed Building or the character and appearance of the Conservation Area. In terms of the riverside elevation concern has also been expressed in relation to the design and location of the proposed river source heat pump at the south western edge of the existing building. Further information has been submitted to clarify its precise location and level of visibility in long and short distance views from the west and north west. It would be located largely within an existing window embrasure and as such is not felt to give rise to any harm to the character and significance of the Listed Building or the character and appearance of the Conservation Area.

4.10 The third element of impact involves the construction of a series of light weight glazed extensions to the south east and north east of the existing complex. These would be light weight in form and subservient to the overall host building in terms of their scale and massing. Some concern is however expressed in terms of the mode of fixing of the glazed elements of the structure to the existing building. The amended submitted details further clarify the relationship between the two elements which would be physically discrete. It is felt that, that element of the proposal would give rise to less than substantial harm to the character and significance of the building and to the wider Conservation Area, subject to being conditioned in detail as to the proposed method of fixing.

4.11 The proposal as amended would give rise to a range of harms to the character and significance of the building in respect of the design and arrangement of the new pattern of fenestration, the design and location of a series of low rise glazed extensions, the construction of a new two storey extension to the north and the design and layout of the river side garden. These harms must be afforded considerable importance and weight within the planning balance in considering the proposal. With the agreement of the applicant to lower the feature window within the new extension it is felt that the degree of harm afforded is less than substantial and it should then be balanced against any substantial public benefit arising from the

proposal. It is felt that the greater degree of public access to and usage of the site together with the substantial new investment to secure the long term economic future of the site would amount to such a substantial public benefit and that the proposal is therefore acceptable in terms of the requirements of paragraph 134 of the NPPF and the exercise of the statutory duties comprised within Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act.

#### IMPACT UPON THE SETTING OF 14 LENDAL, A GRADE II\* LISTED BUILDING:-

4.12 SIGNIFICANCE:- 14 Lendal comprises a four storey brick built former town house dating to the Late 17th Century converted into a shop in the Late 19th Century. Much of the original pattern of fenestration is retained. As the residence of an important member of the City's merchant community it was designed to have long narrow plot leading to the river side with storage and industrial activities taking place on the water front. It is Grade II\* Listed and occupies a prominent location on the river side ridge overlooking the northern section of the development to be occupied by the proposed new build restaurant and office suites.

4.13 ASSESSMENT OF IMPACT:- Concern has been expressed in terms of the impact of the proposed new building upon the setting of the Listed Building which is currently being converted into residential accommodation on its upper floors. The proposed new building lies below 14 Lendal on the river slope but by virtue of its scale and massing the existing view would be partially obscured. The new building would be set a significant distance from the rear of the property and its roof form has been amended in order to lessen the degree to which the view from the river front would be obscured. The building was designed as a high status merchant's house with living accommodation on the street frontage of Lendal with workshops and warehouses, an example of which survives with the adjacent York Boat Yard, on the river frontage. These would have been of a variety of heights and designs with the key views and approach to each property from the road rather than the river side. The utilitarian design of the proposed northern extension with its partially bronze clad roof would take the broad form of such a river side industrial use, however its modern scale and massing and idiosyncratic relationship would give rise to a degree of harm to the setting of the adjacent building that is less than substantial as the principal historic views of the property would only be modestly harmed. The Applicant has agreed to reduce the height of the new building further and has submitted plans that are the subject of consultation at present.

#### IMPACT UPON THE CHARACTER AND APPEARANCE OF THE CENTRAL HISTORIC CORE CONSERVATION AREA:-

4.14 SIGNIFICANCE:-The application site occupies a prominent location within the Central Historic Core Conservation Area with frontages both to the River Ouse to the west and Lendal/Coney Street albeit on a much smaller scale to the east. The inter relationship of historic elements specifically the uniform scale, palette of

materials and roof form with the river frontage form a central element of the character and significance of the Central Historic Core Conservation Area.

4.15 ASSESSMENT OF IMPACT:- The proposal envisages the layout of a river side garden, the construction of a series of light weight single storey glass structures to provide a reception area and a sitting area for the proposed cafe use in the south wing. More significantly a three storey brick and render extension is proposed to the north of the existing complex in clear view from the river frontage. The extension has been designed to be subservient to the main complex in terms of its scale and massing but at the same time to make a distinctive contribution to the sky line of the water front. Some detailed concern has been expressed in terms of the detailed design of the fenestration and the chosen palette of materials for the proposed extension. Both the detailed pattern of fenestration, the proposed brick for the lower sections of the structure and the relative proportions of metallic cladding have been amended by the applicant to address the detailed concerns. Lowering of the roofscape and the proposed feature window on the riverside elevation would also improve its relationship with the historic streetscape and relationship with the river frontage, and the Applicant has submitted amended plans to achieve this. On balance, if the height is reduced, it is felt that the amendments to the scheme have ensured that it will give rise to less than substantial harm to the character and appearance of the Conservation Area.

#### IMPACT UPON FLOOD RISK IN THE LOCALITY:-

4.16 The application site lies astride the boundaries of Flood Zones 1, 2 and 3a) with part of the proposed restaurant and the river side garden within Flood Zone 3a) the most at risk of flooding from river sources. The application has been subject to a detailed Flood Risk Assessment which identifies the proposed mix of uses as less vulnerable as well as identifying a series of flood resilience measures to cover that section of the site within Flood Zone 2. Such measures include the raising of floor levels significantly above the highest recorded flood level in the locality, the use of flood resilient materials and the location of flood vulnerable plant and equipment away from areas of risk.

4.17 An objection was however submitted by the Environment Agency in terms of the potential loss of a significant area of potential storage for flood water within the area of the proposed new build north extension which is also deemed to be the most vulnerable location in terms of flood risk within the site. The area was previously occupied by a series of prefabricated structures dating to the early 20th Century and subsequent to demolition in 2014 has been the subject of preliminary archaeological evaluation to establish the nature and distribution of deposits within the wider site. The loss of this area, which lies partially within Flood Zone 3 as potential flood storage bearing in mind recent severe flooding events in the City has been of significant concern. The applicant has modified the design of the proposed riverside garden in order to give a degree of compensatory storage that can be

easily cleaned and the Environment Agency have subsequently withdrawn their objection subject to any permission being conditioned to require strict adherence to the measures outlined in the submitted FRA amendment.

#### IMPACT UPON THE HABITAT OF AN ENDANGERED SPECIES:-

4.18 The existing north block of the complex that was built in the late 19th Century and is to be partially demolished as part of the scheme contains two bat roosts which are legally protected. One which is a maternity roost would be lost and would require the relevant licence from Natural England. The second would be relocated within the roof void of the retained section of the former north block. Serious concern has been raised in respect of the relocation on account of the close proximity of the plant serving the proposed restaurant and office suites and the site layout not being beneficial to the bats being able to access their established foraging grounds along the river side. The applicant has amended the scheme to relocate the plant and provide an alternative roosting site within the complex closer to the traditional river side foraging grounds. This is now felt to be acceptable and in compliance Central Government Policy as outlined in paragraph 118 of the NPPF..

#### IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:-

4.19 The area surrounding the Guildhall complex comprises a densely developed City Centre area with a wide mix of land uses. To the south and east are a range of high intensity retail and leisure uses including a popular cinema and a number of late night bars and restaurants. To the north are a range of smaller scale leisure and retail uses based in small scale historic properties with residential use retained above. Particular concern has been raised in respect of the visual impact of the proposed northern extension on the amenity of the potential occupants of the flats being created within the upper floors of 14 Lendal. The proposed separation distance of 15-20 metres from the rear of the office/restaurant use in the north block is however not unusual within the locality where much of the pattern of development is at a significantly higher density. There would however be a significant loss of view for the occupants of the upper floors of 14 Lendal who presently are able to gain a clear view of the River and also an oblique view of Lendal Bridge. This would largely be obscured in the event of the development being implemented. Whilst of some concern it is felt that such a loss of aspect would not materially compromise the residential amenity of prospective occupants of the property and that the scheme is broadly acceptable in amenity terms.

#### PUBLIC BENEFITS OF THE PROPOSAL

4.20 The proposal through the provision of a restaurant and cafe space together with a river side garden would ensure a greater degree of public interest in and usage of the iconic complex of Listed Buildings whilst at the same time providing an

on-going source of economic investment to secure their long term future. At the same time the provision of a series of small and medium sized furnished office suites and meeting spaces would provide a much needed enhancement of employment land capacity within the City Centre.

## 5.0 CONCLUSION

5.1 The Guildhall comprised a substantial Grade II and II\* Listed part stone and part brick built complex of Later Medieval date occupying a very prominent location within the Central Historic Core Conservation Area. Planning permission and Listed Building Consent are now sought for its conversion including, limited demolition and new building along the river front to allow for the construction of a restaurant, cafe and river side garden together with the formation of managed office space and the provision of a civic and event space within the central section of the building.

5.2 Detailed concerns have previously been expressed in terms of the proposed palette of materials for the northern extension, the roof form of the northern extension, the pattern of new fenestration, the river source heat pump along the river side elevation, the design of the balustrade for the river side garden and the mode of fixing of the new glazed extension. Amendments have been subsequently made, and the impact of the amended proposals on the heritage assets has been assessed as amounting to less than substantial harm. The avoidance of such harm is nevertheless to be afforded considerable importance and weight in the planning balance, to meet the statutory duties in respect of the listed buildings and conservation area. (Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990.) It is felt that the test in paragraph 134 to the NPPF is met, as increased degree of public usage of the complex together with the on-going investment to secure a viable economic use would constitute a substantial public benefit that would outweigh the identified harms, even when affording considerable importance and weight to the avoidance of this less than substantial harm to the listed buildings and conservation area.

5.3 Previous concerns in respect of the impact of the proposal upon local flood risk have been successfully resolved as have concerns in respect of the impact upon bat habitat. Specifically, the design as amended incorporates elements of the site specific Flood Risk Assessment which allows for storage of flood waters below sections of the new extension and the inundation of the River side garden. This resolves concerns in respect of public safety for users of the complex and surrounding areas and concerns in respect of flood risk to neighbouring properties. The greater use of and investment in the site would at the same time secure significant sustainability benefits in line with the requirements of paragraph 102 of the National Planning Policy Framework. It is not considered that the impact on views of the river and Lendal Bridge from 14 Lendal gives rise to an unacceptable impact on residential amenity that would warrant refusal of the proposal. The wider

proposal is therefore felt on balance to be acceptable in planning terms and approval is recommended.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Subject to the expiry of the consultation period in relation to the amended plans and no new planning issues being raised, delegated authority be given to the Assistant Director of Planning and Public Protection to Approve subject to conditions including:

1 TIME2 Development start within three years

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

Drawing Refs:-

AL(0)0100.P1 OS

AL(0)0101.P2 Block Plan

AL(0)0200.P5 Existing Site Plan

AL(0)0300.P4 Existing Basement Plan

AL(0)0400.P6 Existing Ground Floor Plan

AL(0)0500.P5 Existing First Floor Plan

AL(0)0600.P4 Existing Second Floor Plan

AL(0)0700.P4 Existing Tower Plan

AL(0)1200.P3 Proposed Site Plan

AL(0)1300.P8 Proposed Basement Plan

AL(0)1310.P4 Proposed Basement Plan - Referenced

AL(0)1400.P14 Proposed Ground Floor Plan

AL(0)1410.P8 Proposed Ground Floor Plan - Referenced

AL(0)1500.P11 Proposed First Floor Plan

AL(0)1510.P5 Proposed First Floor Plan - Referenced

AL(0)1600.P11 Proposed Second Floor Plan

AL(0)1610.P5 Proposed Second Floor Plan - Referenced

AL(0)1700.P11 Proposed Tower Plan

AL(0)1710.P5 Proposed Tower Plan – Referenced

AL(0)1900.P9 Proposed River Front Elevation

AL(0)1901.P7 Proposed North Annexe Elevation From Boat Yard

AL(0)1903.P4 Proposed River Front Elevation In Context

AL(0)1910.P8 Proposed South Range Elevation From Revs Bar

AL(0)1911.P7 Proposed Guildhall Elevation From Common Hall Yard

AL(0)1950.P7 Proposed Section AA - North Range  
AL(0)1952.P5 Proposed Section CC - Secondary Entrance  
AL(0)1953.P7 Proposed Section DD - South Range Café/entrance  
AL(0)1954.P8 Proposed Section EE 1 (north)  
AL(0)1955.P8 Proposed Section EE 2 (south)  
AL(0)1956.P4 Proposed Section FF  
AL(0)1960.P4 Proposed Section JJ - Council Chamber  
AL(0)1963.P9 Proposed Section MM - Restaurant  
AL(0)1964.P7 Proposed Section NN - North Annexe From Lendal

AL(10)0301.P4 Proposed Basement Demolition Plan: North  
AL(10)0302.P4 Proposed Basement Demolition Plan: South  
AL(10)0401.P4 Proposed Ground Floor Demolition Plan: North  
AL(10)0402.P5 Proposed Ground Floor Demolition Plan: South  
AL(10)0501.P5 Proposed First Floor Demolition Plan: North  
AL(10)0502.P4 Proposed First Floor Demolition Plan: South  
AL(10)0601.P4 Proposed Second Floor Demolition Plan: North  
AL(10)0602.P4 Proposed Second Floor Demolition Plan: South  
AL(10)0701.P4 Proposed Fire Strategy Plan  
AL(10)0801.P4 Proposed Roof Demolition Plan

AL(80)1300.P4 Proposed Basement Fire Strategy Plan  
AL(80)1301.P4 Proposed Basement Fire Strategy Plan: North  
AL(80)1302.P4 Proposed Basement Fire Strategy Plan: South  
AL(80)1400.P4 Proposed Ground Floor Fire Strategy Plan  
AL(80)1401.P4 Proposed Ground Floor Fire Strategy Plan: North  
AL(80)1402.P4 Proposed Ground Floor Fire Strategy Plan: South  
AL(80)1500.P4 Proposed First Floor Fire Strategy Plan  
AL(80)1501.P4 Proposed First Floor Fire Strategy Plan: North  
AL(80)1502.P4 Proposed First Floor Fire Strategy Plan: South  
AL(80)1600.P4 Proposed Second Floor Fire Strategy Plan  
AL(80)1601.P4 Proposed Second Floor Fire Strategy Plan: North

AA(0)0100.P1 Proposed South Range WC Block Wall Detail  
AA(0)0101.P2 Proposed Guildhall Ramp & Screen Details Sheet 1  
AA(0)0102.P1 Proposed Guildhall Glazed Draught Lobby Details  
AA(0)0103.P1 Proposed Guildhall & South Range Seating Details  
AA(0)0104.P1 Proposed Guildhall & South Range Entrance Details  
AA(0)0104A.P1 Proposed Guildhall & South Range Alternative  
AA(0)0105.P1 Proposed Guildhall & South Range Slype Details  
AA(0)0106.P1 Proposed South Range Café Window Details  
AA(0)0107.P1 Proposed Benching Details  
AA(0)0108.P1 Proposed Council Chamber Details  
AA(0)0109.P2 Proposed Opening within Council Chamber Entrance  
AA(0)0113.P1 Proposed River Terrace Balustrade Details

AA(0)0116.P1 Proposed Guildhall Screen Detail Sheet 2

AA(0)0118.P1 Proposed Framing of Window on North Extension Study

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

3 VISQ7 Sample panel ext materials to be approv

4 VISQ8 Samples of exterior materials to be app

5 VISQ4 Boundary details to be supplied

6 No development shall take place 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 shrubs and hard landscaping. 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.

7 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 background noise level 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.

8 The roof terrace cafe shall be closed to patrons of the premises at 24.00 hours (midnight) and not used between 24.00 (midnight) and 08.00 the following day.



Reason: To protect the amenity of surrounding occupants.

9 Upon completion of the development, no deliveries shall be taken at or dispatched from the site outside the hours of:

Monday to Friday 07:00 to 23:00

Sundays and Bank Holidays 09:00 to 18:00

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

10 No outdoor speakers shall be used at any time in association with the approved use.

Reason: To protect the amenity of surrounding occupants.

11 The hours of operation of this approved use shall be confined to 10am to 00:00pm

Reason: To safeguard the amenities of adjoining occupants.

12 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. 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).

For dust details should be provided on measures the developer will use to minimise dust blow off from site. 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. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). The plan should also provide detail on the management and control processes. 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/> .

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](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the area

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

Monday to Friday      08.00 to 18.00

Saturday                09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

14 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m<sup>3</sup>/s throughout the extraction system.

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

15 A full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary. The assessment shall thenceforth be submitted to and approved in writing by the Local Planning Authority and its recommendations shall be fully implemented before the development hereby authorised is first brought into use and maintained thereafter.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E4 contained within table 2 taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting (GN01:2011).

Reason:- To secure the character and significance of the Central Historic Core Conservation Area

16 A programme of archaeological mitigation, including further evaluation work, excavation, public access & community engagement, post excavation assessment & analysis, publication, and archive deposition is required in connection with this development. The applicant will submit an archaeological project design for

archaeological mitigation on this site. The works set out in the project design shall be approved and discharged in the following 3 stages:

A) No development shall commence until an archaeological project design including a written scheme of investigation (WSI) describing the archaeological project (excavation, deposit monitoring, public access and engagement, post-excavation assessment and analysis, publication and archive deposition) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation, deposit monitoring, post investigation assessment and analysis, report preparation and submission for publication, and archive deposition shall be completed in accordance with the programme set out in the project design and WSI approved under (A). This part (B) of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the approved project design and WSI and have been approved by the local planning authority in writing.

C) A copy of a report or publication of the project shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 12 months of completion of works on site or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

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

17 The works shall be carried out in strict accordance with the FRA Addendum by Burrell, Foley, Fischer, dated 30th November 2016 to include:

- Provision of compensatory storage as detailed in the FRA Addendum;
- The upper restaurant terrace shall be constructed in such a manner that it has free access and egress of flood waters beneath;
- The proposed balustrade shall be designed and constructed in such a manner that it allows the ingress and egress of flood flows.

Reason:- To ensure that the proposed development doesn't displace flood flows on to adjoining land or result in the loss of viable flood storage.

18 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.

\*Details including sections at 1:5 or similar of the river side balustrade and works to the existing river wall;

- A detailed illustrated schedule of fenestration;
- Detailed sections at 1:20 or similar of the connections between the newly created external glazed areas and existing masonry;
- Details including detailed sections at 1:20 of the River Source Heat Pump

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

19 No umbrellas or other similar roof coverings shall be used over the extent of the restaurant terrace and other external spaces.

Reason:- To safeguard the character and significance of the Central Historic Core Conservation Area.

20 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in *Section 9.0 Mitigation & Compensation* of the *Biodiversity Report: Bat, Breeding Bird and Barn Owl Survey, York Guildhall, Rev #1 December 2016 by MAB Environment & Ecology Ltd* and any significant variation thereto shall be agreed in writing by the local planning authority before such change is made.

This includes a retained roost in the northern annex (Figure 15, page 40) and new roosting habitat within a raised roof area of the existing building (Figure 17, page 42).

Reason: To contribute to and enhance the natural and local environment by encouraging good design to limit the impact on nature conservation in line with the NPPF.

21 The following works; demolition of the northern annex and works, including use of scaffolding, on the west face of the northern annex corner tower, as shown in Figure 6 (page 27) of *Biodiversity Report: Bat, Breeding Bird and Barn Owl Survey, York Guildhall, Rev #1 December 2016 by MAB Environment & Ecology Ltd* shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the protection of a European Protected Species.

## **7.0 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 (paragraphs 186 and 187) 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:

Details of the proposed flood mitigation works;

Clarification in respect of proposed bat mitigation works;

Modification of the design to minimise impact upon the character and appearance of the Central Historic Core Conservation Area and the setting of 14 Lendal.

#### **2. CONTAMINATED LAND:-**

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

#### **3. EXTERNAL AREAS MANAGEMENT PLAN:-**

A detailed maintenance/management plan will be submitted to and approved in writing by the Local Planning Authority to cover external areas to prevent silting and

clutter to secure the free movement of flood water.-

#### 4 PROTECTED SPECIES:-

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The buildings were considered suitable for nesting bird activity, and therefore works should ideally start between October and February (outside of the nesting bird season); however, should works commence within the bird-nesting season (1st March and 31st August inclusive) a pre-start nesting bird check of suitable features would be required.

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The buildings were considered suitable for nesting bird activity, and therefore works should ideally start between October and February (outside of the nesting bird season); however, should works commence within the bird-nesting season (1st March and 31st August inclusive) a pre-start nesting bird check of suitable features would be required.

#### **Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

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# 16/01971/FULM

## The Guildhall, Coney Street



GIS by ESRI (UK)



Scale : 1:1284

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	10 January 2017
<b>SLA Number</b>	Not Set

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## COMMITTEE REPORT

**Date:** 19 January 2017      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 16/01972/LBC  
**Application at:** The Guildhall Coney Street York YO1 9QN  
**For:** Alterations and refurbishment of Guildhall complex to create conference rooms, meeting rooms and offices, refurbishment and part rebuild of existing south range to provide cafe and ancillary accommodation, and erection of extension on north side of complex to form restaurant and office accommodation  
**By:** City of York Council  
**Application Type:** Listed Building Consent  
**Target Date:** 19<sup>th</sup> January 2017  
**Recommendation:** Subject to the expiry of the consultation period regarding amended plans, and no new planning issues being raised, delegated authority be given to Approve subject to conditions.

### 1.0 PROPOSAL

1.1 The Guildhall comprised a substantial Grade II and II\* Listed part stone and part brick built complex of Later Medieval date occupying a very prominent location within the Central Historic Core Conservation Area. Planning permission and Listed Building Consent are now sought for its conversion including, limited demolition and new building along the river front to allow for the construction of a restaurant, cafe and river side garden together with the formation of managed office space and the provision of a civic and event space within the central section of the building. The scheme has subsequently been amended to deal with Conservation concerns including deletion of the proposed secondary glazing. The location and design of the proposed river source heat pump has also been clarified giving rise to a need to re-consult Historic England.

### 2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The sections in the NPPF most relevant to this proposal include:

- Chapter 12 – Preserving and enhancing the historic environment

2.2 The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green

Belt) and it is against this policy Framework that the proposal should principally be addressed.

2.3 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply to this proposal as it is subject to the more restrictive policies in Section 12 to the NPPF.

#### Status of the emerging York Local Plan Publication Draft (2014)

2.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, was halted pending further analysis of housing projections. An eight week consultation on a further Preferred Sites document has concluded. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

2.5 Relevant emerging policies are as follows:

- Policy D5: Listed buildings
- Policy D9: City of York Historic Environment Record

#### Status of the City of York Draft Local Plan (2005)

2.6 The City of York Draft Development Control Local Plan (incorporating 4th set of changes, April 2005) has been adopted for Development Control purposes, but it does not have statutory development plan status. Its draft policies are capable of being material planning considerations and are considered to carry some limited weight where they accord with the NPPF.

#### 2005 Draft Development Plan Allocation:

2.7 Relevant 2005 allocations include:

- Listed Buildings GMS Constraints: Grade 2; Lendal Cellars 26 Lendal York YO1 2AG 0613
- Listed Buildings GMS Constraints: Grade 2; 8 Lendal York YO1 2AA 0618
- Listed Buildings GMS Constraints: Grade 1; The Mansion House Coney Street York YO1 1QL 0611

- Listed Buildings GMS Constraints: Grade 2 Star; 14 Lendal York YO1 2AA 0616
- Listed Buildings GMS Constraints: Grade 2; Municipal Offices Coney Street 0614
- Listed Buildings GMS Constraints: Grade 1; The Guildhall Coney Street York YO1 9QN 0427
- Listed Buildings GMS Constraints: Grade 2; York Post Office 22 Lendal York YO1 2DA 0612
- York North West Boundary GMS Constraints: York North West Boundary CONF

2005 Draft Development Control Local Plan policies:

2.8 Relevant development control policies include:

- CYHE2 - Development in historic locations
- CYHE4 - Listed Buildings
- CYPSP3- Safeguarding the Historic Character and Setting of York

Statutory duties – Planning (Listed Buildings and Conservation Areas Act 1990 (as amended) – Sections 16

2.9 Section 16 requires the Local Planning Authority when determining applications for listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.10 Case law has made clear that when deciding whether harm to the listed building or its setting is outweighed by the advantages of a proposed development, the decision-maker must give particular weight to desirability of avoiding such harm. There is a “strong presumption” against the grant of planning permission in such cases. The exercise is still one of planning judgment but it must be informed by that need to give special weight to the desirability of preserving the building. (E.Northants DC v Secretary of State for Communities and Local Government [2014] EWCA Civ137).

2.11 This means that even where harm is less than substantial, the avoidance of such harm must still be afforded considerable importance and weight, i.e. the fact of harm to the listed building is still to be given more weight than if it were simply a factor to be taken account along with all other material considerations.

### 3.0 CONSULTATIONS

#### INTERNAL:-

##### Planning and Environmental Management (Conservation)

3.1 raise concerns in respect of the interior treatment of complex specifically the interrelationship between new and existing elements and the treatment of the proposed new civic spaces.

3.2 Has undertaken extensive consideration of the proposals and has sought amended details. In summary, the consultation response states the scheme is an example of heritage led regeneration and the proposals would undoubtedly add value to the site - by responding to context, by improving the internal working environment for offices/business club, and by successfully resolving many of the functional, circulation and structural problems inherent in the existing buildings. Some detailed aspects of the proposals have been revised to avoid unacceptable harm being caused to the special architectural and historic character of the buildings, especially as it relates to the buildings' civic and ceremonial functions. Further detailed work is expected by means of conditions. States it has not been possible to assess impacts of the servicing in terms of the distribution system, above basement level, but this information should be covered through conditions.

3.3 Concerns have been expressed about the need to co-ordinate the design of the site and manage it as a whole including the Mansion House to ensure that competing requirements do not undermine the various civic roles of the buildings, as maintaining the historic uses and the important relationships between the buildings are matters intrinsic to the special architectural and historic interest of the site.

#### EXTERNAL:-

##### Guildhall Planning Panel

3.4 Objects to the proposal on the grounds that it would present an undesirable precedent for unsympathetic work to be undertaken elsewhere.

##### York Conservation Trust

3.5 Objects to the proposal on the grounds of the clear adverse impact upon the existing building caused by the proposed scale, massing and palette of materials for the new build element of the proposal.

York Civic Trust

3.6 Raises no objection to the proposal subject to the internal glazed elements of the proposal together with the internal raised dais being sensitively designed.

Historic England

3.7 Raises no objection in principle to the proposal subject to a number of conditions requiring further details to be submitted and for Heritage England to be consulted in relation to these. They object to the proposal for secondary glazing in the Council Chamber and express concern in respect of the proposed new internal glazed areas and the treatment of the internal dais within the Guildhall and its associated fixtures and fittings. The proposed secondary glazing has subsequently been deleted from the scheme and the treatment of the internal glazed areas and internal dais within the Guildhall has been amended to address these concerns.

The Ancient Monuments Society

3.8 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The Council for British Archaeology

3.9 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The Georgian Group

3.10 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The Society for the Protection of Ancient Buildings

3.11 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The Victorian Society

3.12 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

The 20th Century Society

3.13 Was consulted with regard to the proposal on 31st August 2016. Any comments received will be reported orally at the meeting.

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the Historic Character and Integrity of the Listed Building.

### PLANNING POLICY CONTEXT:-

4.2 As set out in Section 2 above, the statutory tests that applies means where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Whilst Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to ensuring the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and ensuring the desirability of new development making a positive contribution to local character and distinctiveness, caution is advised when carrying out this balancing exercise, in that any harm (even where less than substantial) must be given considerable weight and importance by virtue of the statutory duty imposed on the Local Planning Authority by Section 16 of the 1990 Act.

### IMPACT UPON THE HISTORIC CHARACTER AND INTEGRITY OF THE LISTED BUILDING:-

4.3 BUILDING SIGNIFICANCE:-The Guildhall complex comprises a series of conjoined stone and buff brick structures dating to the 14th Century and subsequently occupying a sloping site from Lendal, a principal shopping street to the river side. The complex comprises a mix of Grade II and II\* Listed Buildings that have formed the hub of corporate government within the City since the Later Medieval period with the Guildhall itself and the central riverside range surviving from that period. Notwithstanding extensive war time bomb damage a number of good quality Victorian panelled rooms notably within the main Council Chamber still survive. Evidence of earlier building survives within the river side elevation with part of an early bonded warehouse surviving at basement level accessed from Common Hall Lane. The wider complex also incorporates the official residence of the Lord Mayor in the Mansion House, an arrangement which dates back to the Medieval period and whose survival is unique in an English context. A number of high quality Victorian Gothic Interiors are preserved notably in the Council Chamber and its approaches.

4.4 THE PROPOSAL:-The scheme aims to refurbish the complex to provide a series of event and civic spaces with small office suites, a restaurant and a cafe. The existing north easterly extension would be partially demolished and a three storey



restaurant and office space would be erected between the 18th Century brick built warehouse to the north and the existing Late 19th Century northern Tower range. The new building would be erected in a mix of render panelling with brick work to match surrounding buildings with a standing seam profile metal clad roof. At the same time a series of small scale single storey structurally glazed extensions would be provided at the south of the site to provide a seating area for the proposed cafe and at the north east to provide an updated reception area. A low level river-side garden would be provided at the north western edge of the building with a glass balustrade along the river side. The existing stone slabbed forecourt would be realigned and brought forward. A river source heat pump would be provided at the south west corner of the development and set within an existing window embrasure.

4.5 Significant internal works are also proposed as part of the development including the fixing of secondary double glazing within the interior along with a number of internal glazed partitions. The internal dais within the Guildhall space is to be relocated with a new screen designed to accompany it with charring of the timber to pay reference to the significant damage to the building in 1942. A number of additional openings would be created internally notably into the staircase hall accompanying a new layout and seating arrangement. Additional doors would also be cut through the internal stone work and new internal lighting provided. New side fixed timber benching would be provided within the Guildhall and the existing interiors including the Victorian mosaic floors would also be cleaned.

4.6 ASSESSMENT OF IMPACT:- The proposal is designed to secure a long term viable future for one of the most iconic buildings of the City Centre. In terms of internal works a series of additional glazed subdivisions are proposed together with a refurnishing of the Guildhall space and the adjacent staircase hall. Concern has been expressed in respect of both aspects notably in respect of the internal dais within the Guildhall and the associated screen. The proposed screen has been re-designed to address the concerns and now incorporates an abstract smoke etched pattern which more closely reflects 20<sup>th</sup> Century church architecture. The degree of alteration to the dais has also at the same time been lessened to create a space more reflective of its current form. The internal secondary glazing which was an integral element of the scheme but which gave rise to significant concern has now been removed. The design of the new openings into the staircase hall and the ante-room to the Council Chamber has also been amended. The applicant has agreed to delete the opening into the base of the main staircase at the location of the present reception (applicant has intimated that it may be submitted as part of a separate application at a future date). The new opening into the ante-room to the Council Chamber has also been simplified to create a simple undifferentiated opening that would not compete with complex detail of the adjacent Victorian interior.

4.7 The sum total of the proposed interventions to the building interior would give rise to less than substantial harm to the character and significance of the building, the avoidance of which Section 16 of the 1990 Planning (Listed Buildings and

Conservation Areas) Act requires be afforded considerable importance and weight in determining the application. When applying the policy test in NPPF paragraph 134 the harm to heritage assets is then balanced against any significant public benefit that would arise. The proposed works would secure a far greater degree of public interest in and use of the site and would give rise to an on-going more economically viable mix of uses which would secure the long term future of the site. It is felt that this would more than outweigh the less than substantial harm that would arise in respect of the internal works as amended, even when attaching considerable importance and weight to the avoidance of that less than substantial harm

4.8 In terms of the impact upon the building exterior there are three principle areas of concern. The most significant arises from the proposed northern extension designed to accommodate the proposed restaurant and office suites. It involves the erection of a part brick/part render three storey structure within an area descending to the river bank formerly occupied by temporary structures. It has an idiosyncratic roof form incorporating a large dormer facing the river frontage with the roof configured in a profiled metal. The extension is designed to be subservient in terms of its scale and massing whilst at the same time making its own contribution to the sky line of the river front. The applicant has agreed to amend the design further to deal with the concerns and the design will be available for consideration at the meeting. A related issue is in respect of the design of the proposed roof lights through the south wing which has given rise to some level of concern. The roof lights and other fenestration have been redesigned to match more closely the existing situation and are now felt to be acceptable giving rise to only minor harm. Concern has also been raised in detail in respect of the design of the proposed rain water goods .The revised application details have addressed this issue and the amended design is felt to be acceptable giving rise to only minor harm to the significance of the building and in the case of the new northern extension would be secured behind a low parapet wall.

4.9 The second element of impact in terms of the exterior of the building relates to the treatment of the Riverside and the formation of a river side garden to parallel the treatment of the opposite bank of the Ouse. Concern has been expressed in respect of the use of profiled glass sections as a balustrade material together with works to the existing river side wall which contains masonry elements of the former Medieval friary which partially encroached on to the present site. The use of glass would clearly be unacceptable in terms of its impact and has been replaced by a tanalised bronze railing which would closely follow the form of the treatment of the riverside gardens to the west of the Ouse accessible from North Street and would more effectively blend with the adjoining Listed Boundary wall. It is felt that the proposal as amended would give rise to only minor harm to the significance of the building. At the same time the location of the proposed river source heat pump that would be located within an existing window embrasure at the south western end of the building has been clarified. It is felt that it would give rise to minor harm to the

significance of the building and would not be readily visible in long or short distance views from the west and south west.

4.10 The third element of impact in terms of the exterior of the building relates to the construction of a series of light weight glazed extensions to the south east and north east of the existing complex. These would be light weight in form and subservient to the overall host building in terms of their scale and massing. Some concern is however expressed in terms of the mode of fixing of the glazed elements of the structure to the existing building. The detail of the proposed fixings including their number and location has been clarified in respect of the amended submission and is felt that they would now give rise to minor harm to the significance of the building subject to a condition being imposed to control fixing details.

4.11 The proposed interventions to the exterior of the building would give rise to a range of mostly minor and less than substantial harms to the significance of the building which need to be given considerable importance and weight in determining the application when balanced against any significant public benefit arising from the proposal. As in respect of the internal works the proposed works would secure a far greater degree of public interest in and use of the site and would give rise to an on-going more economically viable mix of uses which would secure the long term future of the site. It is felt that this would more than outweigh the less than substantial harm that would arise in respect of the external works as amended, even when considerable importance and weight is given to that less than substantial harm.

## **5.0 CONCLUSION**

5.1 The Guildhall comprised a substantial Grade II and II\* Listed part stone and part brick built complex of Later Medieval date occupying a very prominent location within the Central Historic Core Conservation Area. Planning permission and Listed Building Consent are now sought for its conversion including, limited demolition and new building along the river front to allow for the construction of a restaurant, cafe and river side garden together with the formation of managed office space and the provision of a civic and event space within the central section of the building.

5.2 The proposal seeks to undertake a series of significant interventions to both the interior and exterior spaces of the complex. The proposed internal alterations notably the alterations to the Guildhall itself with the internal dais and the staircase hall have given rise to some significant concern. The applicant has clarified and in places re-designed the scheme to address the areas of concern. The entrance to the base of the staircase hall is to be deleted and the entrance to the Council Chamber ante-room has been simplified. At the same time the proposed screen and dais have been re-designed to more closely reflect the character of the space. With the external works the proposed balustrade along the river side has been re-designed to match that within North Street gardens and the proposed pattern of

fenestration has been amended to simplify it and make it more reflective of the existing pattern. The location and design of the river source heat pump has also been clarified which would sit within an existing window embrasure at the south west of the building. The design of the roof form of the northern extension will also be re-designed prior to consideration at the meeting.

5.3 The proposal envisages a range of harms to the character and significance of the interior and exterior of the building which Section 16 of the 1990 Planning (Listed Buildings and Conservation Areas) Act require to be afforded considerable importance and weight. When applying the policy test in the NPPF paragraph 134 the harm to Heritage Assets is then balanced against any significant public benefit arising from the proposal. The scheme envisages the provision of a range of uses that would increase public interest in and usage of the site as well as affording and significant degree of investment that would secure the future of the site. It is felt this would amount to a significant public benefit that would clearly outweigh the harm to the heritage assets, even when attaching considerable importance and weight to that harm. The proposal is therefore on balance felt to be acceptable in planning terms.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Subject to the expiry of the consultation period in relation to the amended plans and no new planning issues being raised, delegated authority be given to the Assistant Director of Planning and Public Protection to Approve subject to conditions including:

1 TIME2 Development start within three years

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

Drawing Refs:-

AL(0)0100.P1 OS

AL(0)0101.P2 Block Plan

AL(0)0200.P5 Existing Site Plan

AL(0)0300.P4 Existing Basement Plan

AL(0)0400.P6 Existing Ground Floor Plan

AL(0)0500.P5 Existing First Floor Plan

AL(0)0600.P4 Existing Second Floor Plan

AL(0)0700.P4 Existing Tower Plan

AL(0)1200.P3 Proposed Site Plan

AL(0)1300.P8 Proposed Basement Plan

AL(0)1310.P4 Proposed Basement Plan - Referenced  
AL(0)1400.P13 Proposed Ground Floor Plan  
AL(0)1410.P7 Proposed Ground Floor Plan - Referenced  
AL(0)1500.P11 Proposed First Floor Plan  
AL(0)1510.P5 Proposed First Floor Plan - Referenced  
AL(0)1600.P11 Proposed Second Floor Plan  
AL(0)1610.P5 Proposed Second Floor Plan - Referenced  
AL(0)1700.P11 Proposed Tower Plan  
AL(0)1710.P5 Proposed Tower Plan – Referenced

AL(0)1900.P9 Proposed River Front Elevation  
AL(0)1901.P7 Proposed North Annexe Elevation From Boat Yard  
AL(0)1903.P4 Proposed River Front Elevation In Context  
AL(0)1910.P8 Proposed South Range Elevation From Revs Bar  
AL(0)1911.P7 Proposed Guildhall Elevation From Common Hall Yard

AL(0)1950.P7 Proposed Section AA - North Range  
AL(0)1952.P5 Proposed Section CC - Secondary Entrance  
AL(0)1953.P7 Proposed Section DD - South Range Café/entrance  
AL(0)1954.P8 Proposed Section EE 1 (north)  
AL(0)1955.P8 Proposed Section EE 2 (south)  
AL(0)1956.P4 Proposed Section FF  
AL(0)1960.P4 Proposed Section JJ - Council Chamber  
AL(0)1963.P9 Proposed Section MM - Restaurant  
AL(0)1964.P7 Proposed Section NN - North Annexe From Lendal

AL(10)0301.P4 Proposed Basement Demolition Plan: North  
AL(10)0302.P4 Proposed Basement Demolition Plan: South  
AL(10)0401.P4 Proposed Ground Floor Demolition Plan: North  
AL(10)0402.P5 Proposed Ground Floor Demolition Plan: South  
AL(10)0501.P5 Proposed First Floor Demolition Plan: North  
AL(10)0502.P4 Proposed First Floor Demolition Plan: South  
AL(10)0601.P4 Proposed Second Floor Demolition Plan: North  
AL(10)0602.P4 Proposed Second Floor Demolition Plan: South  
AL(10)0701.P4 Proposed Tower Demolition Plan  
AL(10)0801.P4 Proposed Roof Demolition Plan

AL(80)1300.P4 Proposed Basement Fire Strategy Plan  
AL(80)1301.P4 Proposed Basement Fire Strategy Plan: North  
AL(80)1302.P4 Proposed Basement Fire Strategy Plan: South  
AL(80)1400.P4 Proposed Ground Floor Fire Strategy Plan  
AL(80)1401.P4 Proposed Ground Floor Fire Strategy Plan: North  
AL(80)1402.P4 Proposed Ground Floor Fire Strategy Plan: South  
AL(80)1500.P4 Proposed First Floor Fire Strategy Plan  
AL(80)1501.P4 Proposed First Floor Fire Strategy Plan: North

AL(80)1502.P4 Proposed First Floor Fire Strategy Plan: South  
AL(80)1600.P4 Proposed Second Floor Fire Strategy Plan  
AL(80)1601.P4 Proposed Second Floor Fire Strategy Plan: North

AA(0)0100.P1 Proposed South Range WC Block Wall Detail  
AA(0)0101.P2 Proposed Guildhall Ramp & Screen Details Sheet 1  
AA(0)0102.P1 Proposed Guildhall Glazed Draught Lobby Details  
AA(0)0103.P1 Proposed Guildhall & South Range Seating Details  
AA(0)0104.P1 Proposed Guildhall & South Range Entrance Details  
AA(0)0104A.P1 Proposed Guildhall & South Range Alternative  
AA(0)0105.P1 Proposed Guildhall & South Range Slype Details  
AA(0)0106.P1 Proposed South Range Café Window Details  
AA(0)0107.P1 Proposed Benching Details  
AA(0)0108.P1 Proposed Council Chamber Details  
AA(0)0109.P2 Proposed Opening within Council Chamber Entrance  
AA(0)0113.P1 Proposed River Terrace Balustrade Details  
AA(0)0116.P1 Proposed Guildhall Screen Detail Sheet 2  
AA(0)0118.P1 Proposed Framing of Window on North Extension Study

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

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

\*Details including sections at 1:5 or similar of the river side balustrade and works to the existing river wall;

\* A detailed illustrated schedule of fenestration including sections at 1:20 of all new window openings;

\* Detailed sections at 1:20 or similar of the connections between the newly created external glazed areas and existing masonry;

\* Details including detailed sections at 1:20 of the River Source Heat Pump

\* Details of all new guttering and other rain water goods including mode of fixing

\* Details including dimensions and sections at 1:20 of all new internal glazed screens

\* Details including sections at 1:20 of the new dais woodwork and Guildhall fixed benches

\* Details including sections at 1:20 of the proposed under floor heating

\* Details including sections at 1:5 of the proposed new internal stone door openings including mouldings and chamfers.

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

4 Prior to the commencement of internal refurbishment work a detailed scheme for the cleaning of all internal painting, woodwork and stone work shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth not be undertaken otherwise than in strict accordance with the details thereby approved.

Reason:- To safeguard the historic character and integrity of the Listed Building.

5 Prior to the commencement of the internal refurbishment works full details of the proposed means of protection for the existing Victorian mosaic floors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the development thereby approved and the measures shall be kept in place for the duration of the re-development contract.

Reason:- To safeguard the historic character and integrity of the Listed Building.

6 VISQ8 Samples of exterior materials to be app

7 VISQ7 Sample panel ext materials to be approv

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Erik Matthews Development Management Officer

**Tel No:** 01904 551416

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16/01972/LBC

The Guildhall, Coney Street



GIS by ESRI (UK)



Scale : 1:1284

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	10 January 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 January 2017      **Ward:** Fishergate  
**Team:** Major and      **Parish:** Fishergate Planning  
Commercial Team      Panel

**Reference:** 16/02404/FULM  
**Application at:** Imphal Barracks Fulford Road York YO10 4HD  
**For:** Erection of 3-storey accommodation block (resubmission)  
**By:** Mr Richard Asbery  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 18 January 2017  
**Recommendation:** Approve

**1.0 PROPOSAL**

1.1 Erection of a 3-storey, L-shaped building comprising 60 units of single living accommodation for military personnel. The application is a resubmission of 15/01055/FULM for the erection of a 3-storey building comprising 126 units of living accommodation for the military. The scheme was approved by the Planning Committee on 20 August 2015.

1.2 The approved building would be rectangular on plan with the living accommodation arranged around two internal courtyards. Materials would mainly comprise beige/cream brickwork, green glazed brickwork and grey metal window frames. The current proposal is in essence a truncated version of the approved scheme in that it would provide just two of the previous four sides. Height, design and materials would be similar to the approved scheme, as would the internal layout.

1.3 The building would occupy the site of a 3-storey CBRN (Chemical, Biological, Radiological, and Nuclear) bunker of approximately 1000sqm plus an area of car parking.

**2.0 POLICY CONTEXT (Also see 4.3)**

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:  
City Boundary GMS Constraints: York City Boundary 0001

2.2 Policies:

CYGP1 - Design  
CYGP4A - Sustainability

Application Reference Number: 16/02404/FULM

Item No: 4f

CGP15A - Development and Flood Risk  
CYGP9 - Landscaping  
CYNE6 - Species protected by law

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Planning and Environmental Management (Archaeology)

3.1 Excavations for foundations and service connections may reveal or disturb archaeological features relating to the original barracks or earlier periods of activity. Any revealed features and deposits should be recorded through an archaeological watching brief on all groundworks.

##### Public Protection

3.2 No objections subject to conditions to cover construction nuisance and contamination.

#### EXTERNAL

##### Ouse & Derwent Internal Drainage Board (IDB)

3.3 No objection to the principle of the development. The applicant should be asked to clarify the final drainage strategy and prove any connectivity that they are claiming, to enable an evaluation to be undertaken in terms of flood risk. Add a condition requiring drainage details to be submitted including attenuation.

##### Yorkshire Water

3.4 The submitted Flood Risk Addendum does not acknowledge whether existing foul and surface water communicates with the public sewer network. We await some clarification on this point before we can comment further on surface water drainage.

##### Neighbour Notification and Publicity

3.5 No response.

### **4.0 APPRAISAL**

#### 4.1 MAIN ISSUES

Principle of development  
Design

Landscape  
Archaeology  
Flood risk and drainage  
Access and transport  
Ecology  
Environmental protection

## THE APPLICATION SITE

4.2 Part of an Army base of 38ha on the east side of Fulford Road about one mile south of York city centre. It comprises approximately 100 buildings providing 70,000sqm of existing floorspace. The site of the proposed building is within the settlement limit of York, although some of the barracks' extensive garages and vehicular hardstandings to the east of the application site are in the green belt. The westernmost part of the base (but not the application site) lies within Fulford Road Conservation Area. The whole of the base is within flood zone 1. The site has been cleared for redevelopment.

## POLICY CONTEXT

4.3 Section 38 of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. (The application site is not within the Green Belt). Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of s.38 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 relevant local plan policies are set out at paragraph 2.2 of the report.

4.4 National planning policy is set out in the National Planning Policy Framework (NPPF). The essence of the framework is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14).

## PRINCIPLE OF DEVELOPMENT

4.5 The site is in a sustainable location with good access to public transport and local services. The principle of providing more accommodation on the site has been accepted. The current proposal is in essence a reduced version of the approved scheme position

## DESIGN

4.6 The National Planning Policy Framework states that good design is a key aspect of sustainable development and should contribute positively to making places better for people (paragraph 56). The barracks include a range of building types and sizes in a fairly open setting. The height, scale and design of the proposed building would not look out of place among the neighbouring buildings and the barracks in general. As previously, materials should be made a condition of approval.

## LANDSCAPE

4.7 The smaller footprint of the current proposal enables six mature trees and a section of brick panelled wall to be retained. The wall and trees, which are within a wide grass verge, are typical landscape features that characterise the barracks and are visible from a well-used public footpath/cycleway through the MOD land. The reduced footprint also allows a more extensive landscape scheme to be provided.

## ARCHAEOLOGY

4.8 The applicant has carried out an archaeological evaluation which indicates that there is the potential for archaeological deposits and features on the site. Any revealed features and deposits should be recorded by means of an archaeological watching brief on all groundworks.

## FLOOD RISK AND DRAINAGE

4.9 The National Planning Policy Framework (NPPF) aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. The development is in low risk Flood Zone 1 and should not suffer from river flooding. The site currently drains to an IDB-controlled watercourse. Although the submitted flood risk assessment is insufficient for the council to determine the impact on the existing drainage system and downstream watercourse it shows that a proper drainage solution can be provided. Drainage details should be made a condition of approval.

## ACCESS AND TRANSPORT

4.10 The development would be accessed via the main entrance to the barracks, which is on Fulford Road. Entry is strictly controlled. The site is well away from any public highway. The level of traffic generated by the proposal is unlikely to have any material impact on traffic levels or highway safety. The application does not include car parking but there is a very large car park within the barracks and close to the site of the new building. The applicant intends to provide cycle storage for the occupiers of the building but the application does not include details. Provision should be made a condition of approval.

## ECOLOGY

4.11 The retention of the six mature trees will reduce any impact on the general biodiversity value of the site. At the time of the previous application the site was found to be unsuitable for bats therefore no further survey is required. An informative should be added to protect nesting birds during construction.

## ENVIRONMENTAL PROTECTION

4.12 The proposed accommodation is far enough from the A19 to avoid nuisance from traffic noise. There is already living accommodation at the barracks so conditions should be attached to protect the amenity of the occupiers during construction. A site investigation is required to find out whether land contamination is present. If contamination is found remedial action will be required to ensure that the site is safe and suitable for its proposed use. This should be covered by appropriate planning conditions.

4.13 As mentioned at 1.2 above the current proposal is based on the larger proposal for which the planning permission is still extant. This 'fallback' position of being able to implement that approval is therefore a material planning consideration in considering the acceptability of this application.

## 5.0 CONCLUSION

5.1 The development is required to accommodate military personnel living on site. The development accords with national planning policy set out in the NPPF and relevant policies of the 2005 City of York Draft Local Plan. The Planning circumstances have not changed materially since approval of the larger development.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the approved plans numbered:

Z9A9128Y12-AHR-XX-00-DR-A-PL-001-P2 Z9A9128Y12-AHR-XX-01-DR-A-PL-002-P2 Z9A9128Y12-AHR-XX-02-DR-A-PL-003-P2 Z9A9128Y12-AHR-XX-03-DR-A-PL-004-P2 Z9A9128Y12-AHR-XX-XX-DR-A-PL-002-P2 Z9A9128Y12-AHR-XX-XX-DR-L-PL-001.

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

3 VISQ8 Samples of exterior materials to be app

4 Within three months of commencement of the development details for the secure storage of cycles, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Cycle storage shall thereafter provide in accordance with the approved details prior to first occupation of the approved development. 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.

5 Within three months of commencement of development a detailed landscape scheme shall be submitted to the Local Planning Authority and approved in writing. The scheme shall include the species, density (spacing), and position of trees, shrubs and other plants. The 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 substantial completion of the planting and 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species throughout the site, since the landscape scheme is integral to the amenity of the development.

6 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.



Reason: The site lies within an Area of Archaeological Interest and the development may affect important archaeological deposits which must be recorded during the construction programme.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The details are required prior to commencement to ensure that no building works inhibit the proper drainage of the site.

9 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 produced, submitted to the local planning authority and approved in writing. The report of the findings shall include:

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

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

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

The investigation and risk assessment 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 during the whole of the construction period and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

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

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

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

13 Prior to commencement of the development, an Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents throughout the construction period.

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).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

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 local planning authority would expect the CEMP to 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.

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

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

Reason: To protect the amenity of local residents

## **7.0 INFORMATIVES: Notes to Applicant**

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

In considering the application, the local planning authority implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) by seeking solutions to problems identified during the processing of the application. In order to achieve an acceptable outcome the local planning authority gave pre-application advice and attached appropriate conditions to the planning permission.

### **2. DRAINAGE**

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

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest

365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

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

### 3. BREEDING BIRDS

All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended). To ensure that breeding birds are protected from harm during construction, works that would impact on building features or vegetation that would be suitable for nesting birds should be undertaken outside of the breeding bird season between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period. There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

[http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal\\_boxes.aspx](http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx).

#### **Contact details:**

**Author:** Kevin O'Connell Development Management Officer

**Tel No:** 01904 552830

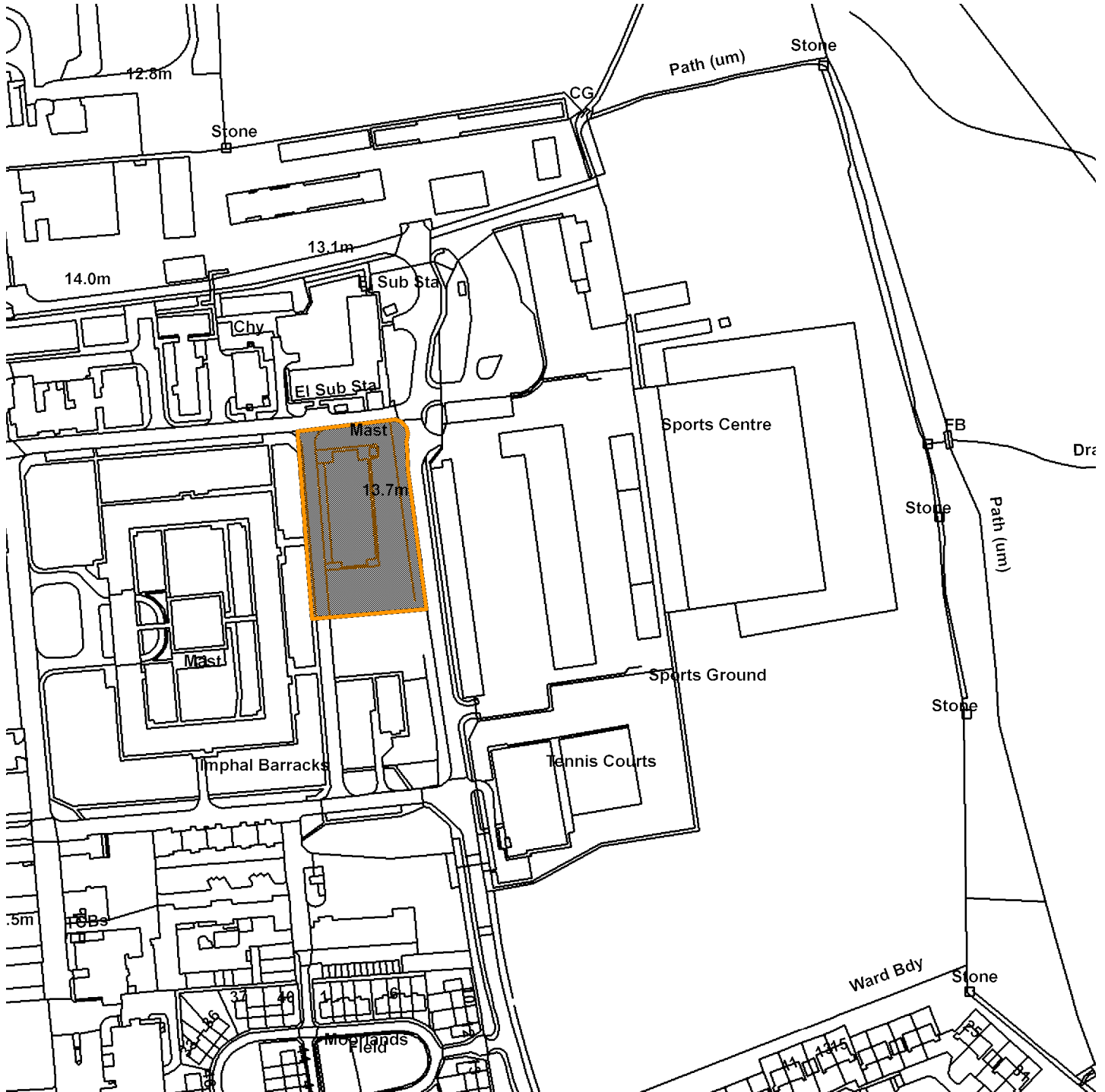
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16/02404/FULM

Imphal Barracks, Fulford Road



Scale : 1:2569

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	10 January 2017
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 January 2017      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 16/01976/FULM  
**Application at:** Aviva Yorkshire House 2 Rougier Street York YO1 6HZ  
**For:** Change of use from offices (use class B1) to 124no. bed hotel and 33no. serviced suites/apartments (use class C1) and six storey extension to rear/southwest  
**By:** Yorkshire House Development One Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 27 January 2017  
**Recommendation:** Subject to the receipt of acceptable elevational amendments to the proposed extension and a scheme of highway improvements, Delegated Authority be given to the Assistant Director of Planning and Public Protection to approve the application subject to appropriate conditions.

**1.0 PROPOSAL**

1.1 Planning permission is sought for the change of use of the existing building from an office use to a hotel use including 124 bedrooms and 33 serviced apartments. The proposal would also include a 6 storey extension to south west/rear elevation. Vehicle parking spaces (37) would be provided (23 at lower ground floor level/basement and 14 at upper ground floor level). The recessed stone panels at the upper ground floor in the north eastern elevation would be replaced by windows. In the southern east elevation a recessed panel would be replaced by glazing and a door within a raised platform to create an outside seating area for a potential coffee shop.

1.2 The building ceased being used by Aviva in early 2016.

1.3 The site is within the Central Historic Core Conservation Area it is within an Area of Archaeological Importance. The Grand Hotel to the south west and south is Grade II\* listed, and at the time of writing a number of extension of the Grand were being constructed. To the north east 15, 16, and 17 Rougier Street are Grade II listed. In the wider area there are a significant number of listed buildings. The city walls - an ancient scheduled monument lies to the north and north-west of the site.

1.4 The site is within Flood Zone 3

1.5 Revised plans have been submitted removing a storey from the extension and removing a roof extension. Further information was submitted regarding economic viability has been submitted during the application process. By virtue of revised

scheme being submitted the application has been subject of 3 separate periods of consultation. The last consultation period was due to expire end 11.01.2017.

## **2.0 POLICY CONTEXT**

### 2.1 2005 Draft Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
- Conservation Area GMS Constraints: Central Historic Core CONF
- City Boundary GMS Constraints: York City Boundary 0001
- Floodzone 2 Floodzone 2
- Floodzone 3 Floodzone 3
- York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies: Please see the Appraisal Section (4.0) for national and local policy context.

## **3.0 CONSULTATIONS**

### INTERNAL CONSULTATIONS

#### Highway Network Management

3.1 Raises concerns regarding the servicing of this as a hotel. Frequent deliveries will be taken from the private access road off Rougier Street. The access is close to a bus interchange attracting many pedestrian movements. Unlike the adjacent hotel using the access already, no turning is provided off highway for wagons as part of this application. This will lead to vehicle/ pedestrian conflicts across the entrance due to reversing manoeuvres. Therefore request pedestrian improvements to the highway crossing the entrance, giving better visibility and protection for pedestrians. A pedestrian build out into the entrance will allow visibility for pedestrians and will still allow vehicles one-way movements in and out of the access.

3.2 Should the applicant agree to providing this improvement, would require this to be reflected in resubmitted plans. Condition the improvements under Grampian condition and facilitate it under either a section 62 or 184 of the HWA.

#### Planning and Environmental Management (Conservation)

3.3 The revised height of the side extension as shown on section drawing 4043/PL/022 as 35.23m. The Grand is shown on this section as having an eaves level of 33.09m.

3.4 The roof forms of The Grand elevation facing the proposed side extension vary depending on the geometry of gables and eaves but the general starting point for a

roof form is taken here as 33.09m. As this stands the proposed side extension sits above the start of some roof form and this is assessed as causing a degree of harm to the setting of The Grand at the bottom end of the scale of "less than substantial".

3.5 If an additional floor was removed from the side extension then the side extension would be perceived as below any part of the roof forms of The Grand and assessed as causing no harm.

3.6 The modelling of the elevation on the revised plans and new dimensioned part plan section is tokenistic. The proposals should demonstrate a more pronounced level of modelling.

### Planning and Environmental Management (Archaeology)

3.7 This site lies within the Central Area of Archaeological Importance in the former area of the Roman civil settlement (Colonia). In addition, it lies within the Central Historic Core Conservation Area and faces the Scheduled City Wall and Grade II\* listed Grand Hotel.

3.8 Archaeological excavations in the 1980s in advance of the construction of Roman House (adjacent) revealed up to 7m of archaeological deposits including evidence of Roman timber and masonry buildings. Excavations in the adjacent hotel in 2009 recorded medieval structural remains at c.11m AOD. These excavations revealed that there was a steeper slope towards the river during the medieval period. An archaeological evaluation was also carried out on the site. This revealed Roman structural remains including degraded concrete and mortar floors at a height of 7.5-8 AOD. The Roman structural sequence was truncated by shallow pits containing medieval pottery, sealed by medieval dumps and 19th century demolition material. Most recently (2016) an archaeological desk-based assessment has been produced by On-site Archaeology.

3.9 The current proposal includes the erection of an extension on top of the current basement car park. Levels will need to be reduced with pile foundations being inserted in the car park area. The 2009 evaluation has confirmed the presence of archaeological remains beneath this building that will be adversely affected by this development. Therefore, an archaeological excavation is required in the areas of the proposed supports to the depths required for the construction of the extension. An excavation beneath the generator room will be required post demolition.

3.10 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance. The information supplied by the applicant demonstrates that the site has the potential to preserve undesignated heritage assets of national importance. In present, these deposits will lie below the formation levels for the foundations (ground beams, pile-caps) for the development. There will be limited disturbance to these deposits caused by piling through the deposits below the formation levels for

the development. This disturbance is less than the 5% that is allowed by policy HE10 (Draft 'Local Plan' - incorporating the 4th set of changes (April 2005), and is therefore acceptable. The development as described in the application will impact on archaeological deposits currently preserved above the proposed formation levels for the development. The information supplied by the applicant demonstrates that these deposits are undesignated heritage assets that are not of national importance. These deposits must therefore be recorded prior to destruction.

3.11 Request a condition setting out the archaeological measures that must be put in place to ensure an adequate record of these deposits is made.

### Flood Risk Management Team

3.12 No comments received.

### Public Protection

3.13 The Noise report shows that during the night time period internal noise levels on all levels of the existing property would comply with the requirements for internal noise levels in dwellings. The results indicate that the existing property would be likely to comply with the requirements for internal noise levels in dwellings during the day time period on all levels of the property too, with any current exceedances of up to 2dB of the standard being likely to reduce due to internal absorption from soft furnishings provided in the property.

3.14 In terms of the proposed rear extension existing day time levels show an Leq of 62.5dB(A). Given the BS8233 internal design criteria of 35dB(A) then satisfied that internal noise levels will comply with this standard with suitable glazing and treated ventilation vents (if provided). During the night time also satisfied that the measured level of 55.6dB(A) external would be easily reduced to the BS8233 internal design criteria of 30dB(A).

3.15 One concern relates to the maximum noise levels occurring during the night time period, where Lmax levels of up to 52.8 dB(A) were recorded internally and 81.8 dB(A) externally. Given the proposed use of the building for primarily hotel and serviced apartments, on the facades most affected, satisfied that noise need is not an issue which would prevent the development proceeding. However given concerns over the potential number of occurrences during the night time period when the internal noise levels are likely to exceed 45.0dB(A) request a condition to ensure that internal levels comply with the requirements of BS8233:2014.

3.16 City of York Council's Public Protection team undertake monitoring of nitrogen dioxide at a number of locations in the vicinity of the site, the closest sites being directly opposite the proposed development on Rougier Street. This monitoring is currently showing that although levels of nitrogen dioxide are breaching the annual mean objective, they are not indicating breaches of the hourly mean objective. As

such, Public Protection do not have concerns with respect to the hotel element of the scheme.

3.17 With respect to the residential apartments proposed for roof level and serviced suites to the fifth and sixth floors, whilst these would be considered relevant locations in terms of the annual mean nitrogen dioxide objective, it is not considered that any air quality mitigation would be required due to the elevated position away from the roadside. It is generally acknowledged that concentrations of NO<sub>2</sub> decrease with height above street level. The upper floors of buildings are typically affected by lower pollution levels than ground floor.

3.18 Request the following as conditions: a Construction and Management Plan, Hours of construction and demolition, details of external plant and equipment, hours of delivery, adequate facilities for the treatment and extraction of cooking odours, electric vehicle recharging point, and the Reporting of Unexpected Contamination

### Public Realm

3.19 No comments received

### Planning and Environmental Management (Forward Planning )

3.20 States Policy E3b (Existing and Proposed Employment Sites) Of the Development Control Local Plan (2005) seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in quantitative and qualitative terms, evidence that the site has been marketed (for at least 6 months) should be sought. In addition either point b), c) or d) of policy must be met.

3.21 Policy EC3 (Loss of Employment Land) of the emerging Local Plan continues the approach to existing employment land set out under E3b in the Draft Local Plan. The council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that that is necessary to meet employment needs during the plan period. An analysis of the office market shows a major challenge for the City - that of the undersupply of grade A office accommodation both in the city centre and peripheral locations, which acts as a constraint on inward investment. Recent analysis that has accompanied planning applications points to the oversupply of B grade office accommodation in the city, with a number of prior notifications for ORC received in such cases.

3.22 The Employment Land Review (July, 2015) describes the criteria used to assess employment sites, in determining a preferred list for the emerging Local

Plan. These criteria reflect previous economic appraisals (best practice) and local economic knowledge. The proximity to York's railway station is noted as of particular importance for high value sectors in York where regular, reliable links to London are available.

3.23 The Council expect the applicant to provide evidence of effective marketing the site/premises for employment uses for a reasonable period of time. Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use. This includes employment generating uses outside the B use classes. The applicant has included such information in the submitted Planning Statement, which concludes that whilst the site has not been actively marketed since its acquisition from Aviva, undertaking an upgrade of the current 'B' grade office space would be economically unviable, and its loss as 'B' grade office space would not harm the economic wellbeing of York. The applicant has submitted supplementary costings to demonstrate why the creation of Grade A offices would be economically unviable - these should be tested by EDU colleagues to determine whether the assumptions and conclusions are accurate.

3.24 In the emerging Local Plan (Preferred Sites 2016) only York Central in the city centre has been identified as a means of providing additional B1 office space, a development of 80,000sqm office led commercial space (B1a). This is set against an overall land requirement of 71,000sqm for B1a use over the Plan period. The emerging Plan proposes no change to the existing use of Aviva House, which it assumes would be retained in its current employment use. The site has an important role, and the potential of such an accessible, prominent site as part of the City's employment land supply, particularly in the context of need and locational criteria identified by the ELR (July, 2015). There are benefits of a high quality hotel locating in the City; however the loss of office space would be to the detriment of York's employment land supply.

### Education Planning

3.25 No education payment required (13 apartments in the original submission no longer proposed)

### Housing Services

3.26 No affordable housing requirement generated by the hotel and serviced apartment use.

### Economic Development Unit

3.27 States the fact rendering the building unprofitable for office use is that any valuation must be considered on the basis of residential value because of permitted development rights (PDR), so the value of purchase (and therefore the rental income required from office space) is considerably more than were residential use not an option. As stated, 'if an office developer were to make an offer below the residential value then quite clearly they would be unsuccessful - and outbid by a residential developer'.

3.28 The assumptions in the assessment around rental yields, initial void periods and net capitalisation seem fair.

3.29 There is no suggestion from the developer or the assessment that there is lack of demand for office space, nor that strong rental yields could be achieved; only that once purchase at a value which is competitive to residential development, and rental yields are factored in, there is minimal capital available to actually convert the building to grade A offices. This assessment is in keeping with wider evidence and independent property studies, that there is indeed demand for city centre grade A office space and at strong rental yields, but that residential (or other commercial) uses are considerably more profitable, so that in locations in York where there is residential demand and permitted development rights apply, it is difficult for office development (especially where conversion to higher quality specification is required) to compete commercially and therefore be viable from a developer perspective.

3.30 From an economic policy perspective and in relation to city outcomes around wages and high value jobs, office space would still be the preferred use for Yorkshire House, and were it not for permitted development rights, this position may be able to be upheld through planning policy. However, given the viability assessment and the evidence provided, it would be difficult to oppose change away from office which in competition with residential property values and current market conditions has been shown to be insufficiently profitable and therefore unviable from a developer perspective.

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Micklegate Planning Panel

3.31 No comments received.

### Environment Agency

3.32 Raises no objections, if development is completed in accordance with the submitted flood risk assessment, with all residential accommodation at first floor level and above. National planning policy states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk,

advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions.

Yorkshire Water

3.33 No comments received.

20th Century Society

3.34 No comments received.

Historic England (comments to previous scheme)

3.35 Support the application; Historic England is content in principle with the conversion of this building to a hotel and serviced apartments. The revised siting of the extension back within the courtyard so that it is less prominent in views from the City Wall and from the other vantage points. The applicant has provided visualisations from Clifford's Tower and from the tower of York Minster. The roof top extension provides a less cluttered roof line and is an improvement upon the current appearance in these views. From Clifford's Tower the courtyard extension will be visible but Yorkshire House occupies the middle ground in this view and considers the extension will not be excessively dominant. Considers that the proposal now sustains the significance of the conservation area and the heritage assets within the setting of which it lies. Consider it represents an improvement upon the current situation in providing a tidier roof profile than the present cluttered appearance. Therefore consider it sustains and enhances the significance of the above heritage assets, in accordance with paragraph 131 of the National Planning Policy Framework (NPPF)

3.36 Requests that a condition to be applied which ensures that the top of this building remains free from further aerals or other additional structures in the future.

Make It York

3.37 Supports the application. Should the hotel proposal be turned down, then the property is likely to end up as flats. Believe that the addition of a high quality hotel is a better proposition for the city. Tourism is a vital part of the York economy and the city need to add strong brands to the offering if the city is to compete with the growing competition from other Northern cities.

3.38 Despite the addition of new hotel rooms in the last few years, room rate occupancy remains high and above the average of other cities. The proposed brand is a strong one and welcome addition to the city's tourism offer. The proposed development would improve the appearance of this part of the city, creating a cluster of quality hotels close to the station. Make it York want to see Grade A office



accommodation in the city and high quality hotels and tourist attractions, the proposed development fulfils one of these requirements.

Police Architectural Liaison Officer (PALO)

3.39 States that between 01.12.2015 and 30.11.2016 there were 92 reported crimes and 55 reported incidents of anti-social behaviour within 100m radius of the area. Taking into consideration the size of the study area, crime and anti-social behaviour levels within the vicinity of the proposal are extremely high.

3.40 The analysis also indicates that the night time economy in this area is having a significant influence on crime and disorder. This is already placing a demand on police and other emergency service resources.

3.41 Situated within the City of York Council's Cumulative Impact Zone (CIZ). City of York Council as Licensing Authority under the Licensing Act 2003, has in place a special cumulative impact policy for the area. This policy clearly identifies the area as being under 'stress', because the cumulative effect of the concentration of late night and entertainment premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

3.42 No documents have been submitted with this application to show how the applicants have considered crime prevention in respect of their proposal.

3.43 Access control arrangements should be incorporated at all entrance doors in order to prevent unauthorised entry, e.g. keyfob entry system.

3.44 Taking into consideration that this hotel would be located within the CIZ, vertical drinking within these premises should not be supported and CCTV should be made a requirement, if a Premises Licence is successful, to cover all areas to where the public have access to consume alcohol.

3.45 Request planning conditions that the developer provide full details of how crime prevention is being addressed.

Conservation Areas Advisory Panel (comments made on original scheme, no comments received for revised scheme)

3.46 States whilst the Panel has no objection to the proposed conversion of the existing building they object to the provision of the new block which neither complements nor contrasts with the existing building. Also objects to the provision of the additional floor to the existing building which would detract from the particularly distinctive structure.

York Civic Trust (comments made on original scheme, no comments received for revised scheme)

3.47 Objects; the site is one of the most sensitive in the City south-west of the river, being adjacent to the grade II\* Grand Hotel; and very close to the City Walls, which are a Scheduled Ancient Monument. The Yorkshire Aviva building is considered a landmark building, but a detractor to the character of the City Centre Conservation Area. Any alteration to the building should therefore be of the highest quality in order to enhance the Conservation Area.

3.48 No objection in principle to the change of use, but consider there is an element of over-development in the proposals. Both the proposed seven storey extension and the proposed penthouse addition do nothing to enhance the setting of the significant historic assets in the vicinity, notably the Grand Hotel and the City Walls. The extension will be visible from many points around the City both sides of the river and it will not be an improvement upon the existing views. Views into the courtyard of the Grand Hotel would be compromised, and views from the Grand Hotel would be severely compromised.

3.49 The design of the proposed extension would detract from the massing and design of the existing building since it does not continue the original design, nor does it contrast sufficiently to enhance the building in its own right. The additional floor to the existing building which it was felt would detract from this particularly distinctive structure.

3.50 Previous archaeological intervention in and close to this application site indicates that it is highly probable that the area contains waterlogged deposits of Roman and later date. Since the new extension will require piled foundations of some sort, it is essential that adequate provision is made for archaeological investigation.

## PUBLICITY AND NEIGHBOUR NOTIFICATION

3.51 Three Representations from 2 from neighbour (to previous schemes) objecting to the development

- Result in significant harm to heritage asset: the conservation area, and the neighbouring Grade II \* listed Grand Hotel
- Proposed extension would obscure views to and from the rear of the listed building
- Result in a loss of office accommodation. there are limited opportunities to provide quality new build or refurbished office accommodation in the city centre. It is possible to convert these Grade B offices to high quality office space with Grade A characteristics, as evidenced by Northern House immediately opposite Yorkshire House. Increased office rentals are now at levels that can support financial viability for such refurbishment, and the excellent location of Yorkshire House means it would be an extremely

attractive proposition for potential office occupiers. Although York Central would be able to meet the Grade A market in the future, such availability has been long awaited and no date has been forthcoming for the availability of Grade A offices.

- Do not consider that the submitted drawings faithfully illustrate the relationship between The Grand Hotel and the proposed extension to Yorkshire House.
- The proposed extension would affect the amenity distances hotel room to hotel room. The closest would be 6.7m, others would be 11.2m and 19.3m, well below normally acceptable privacy distances.
- Would result in the closing off of the space around the rear of the listed building. From a conservation and civic design point of view we consider the proposed extension would result in over-intensive development.
- Supporting information from applicant indicates the proposed development would result in harm. Objector considered this to be significant harm.
- Proposed alterations and the consequent impacts on the surrounding historic context are not justified in terms of viability or public benefit. A high purchase price cannot be given to justify significant harm. The Design and Access Statement (01) states the need to extend the floorspace 'to make a viable scheme' whereas elsewhere (04) it is described as an opportunity to 'maximise bedroom numbers to attract a high profile hotelier' and the Planning Statement does not seem to pursue a viability argument.
- Roof top extension is top heavy and inappropriate particularly the increase in height
- No justification as to why its shape is the best to complement the form of the existing landmark building, or that it is designed to add positively to the visual quality of the complex
- The impact on the setting of the Grand Hotel needs a quite separate and more detailed type of analysis, outside the broad scope of the townscape views. This has not been done. The NPPF requires applicants to explain the significance of any heritage asset affected by a proposal. Insufficient regard for the setting of the Grade II\* Grand Hotel, obscuring views to and from the rear, and that it would harm the appearance of the conservation area.
- Concerned that the new extension would be as high as the existing Yorkshire House (in elevation) and think that, in oblique angles and fore-shortened perspectives, it may compete with and detract from the dramatic full height chimney on the Grand Hotel gable when seen from the north. These civic

design failings conflict with the policies of the NPPF related to good design, Policy G4 of the 2005 Draft Local Plan

- A prior notification has been accepted by the Council for conversion of the offices to residential use. However, in a rising commercial market, with the advantages that the central location that Yorkshire House has, and with the pool of offices being diminished by conversion to flats, the value of upgrading these offices to Grade A is increasing. Whilst office accommodation on York Central is in the pipeline, it has been so for over 15 years and no date for availability of Grade A offices is yet known. On this basis, short to medium term demand will need to be within the existing city centre and opportunities are very limited. The application site has the attributes to facilitate an upgrade to Grade A office accommodation. Its location has proved attractive to rail sector businesses and void rates for good quality offices have been low in the locality compared with other similar buildings elsewhere in the city. Successful refurbishments in the area have included Northern House, 27 Tanner Row, 20 George Hudson Street and Mill House North Street. Recent rental figures achieved are almost back up to 2006 levels. A shortage of Grade A and good quality Grade B offices in the city centre is serving to put upward pressure on rental levels. The refurbishment of the offices to Grade A is becoming more viable. The fact that a hotel use throws up the highest value for the vendor does not necessarily result in the best outcome for the benefit of the city as a whole. An office use would result in significantly more jobs at a higher level of pay than a hotel and serviced apartments, traditionally low paid jobs, would be able to.
- The space that would be occupied by the extension to Yorkshire House, and it would be 7 storeys, against the single storey of the adjacent dining pavilion.
- The proposed extension will be prominent in the view of the Grade II\* listed Grand from Station Road, the city walls and beyond the walls. The elevation is a view from a single aspect and does not illustrate how the extension will close off existing views to and from the north-west and south-west.
- The revised drawings show very little change, other than the re-positioning of the proposed new extension, so nearly all the previous criticisms remain unanswered and in some respects the previous criticisms have become stronger. In particular the proposed extension has had insufficient regard for the setting of the Grade II\* Grand Hotel, and both it and the added rooftop extension would still harm the appearance of the conservation area. The newly submitted material demonstrates that the site would still be overdeveloped and that there is no way of making it acceptable.
- Whilst there are other Grade II\* listed buildings in the city centre, there are few that have the size or prominence of the Grand, which was constructed to

house the North Eastern Railway Company over 100 years ago. The conversion of the building to hotel use was carried out on close consultation with Historic England and Council Officers to create an enduring future for this iconic building. Its intrinsic value should not be denigrated by proposals which would permanently damage its setting.

- Will negatively impact on tourist accommodation within York and surrounding area
- Questionable sustainability
- No parking available, will interfere with the Rougier Street bus station

## 4.0 APPRAISAL

### RELEVANT SITE HISTORY

16/02434/ORC - Proposed change of use from offices to 66 apartments (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 - Approved

15/02932/ORC - Proposed change of use from offices to 42 apartments (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 - Approved

### KEY ISSUES:-

- Loss of employment (office space)
- Impact to heritage assets
- Visual amenity and character
- Impact to neighbouring uses
- Highways

### PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning flooding and heritage assets, (Sections 10 and 12). There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; the use of previously developed land is encouraged; take account of the different roles

and character of different areas; conserve heritage assets in a manner appropriate to their significance.

4.2 Paragraph 58 of the NPPF states that decisions should aim to ensure that development: 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; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.3 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 for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. (This application is not in the Green Belt.)

4.4 The City of York Draft 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.

4.5 The public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has just ended and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is capable of being a material consideration in the determination of planning applications.

## PRINCIPLE OF DEVELOPMENT

4.6 The NPPF seeks to promote the vitality of town and city centres and requires Local Planning Authorities to set policies which are positive and promote competitive town centre environments. In part it is suggested that this should be done by allocating a range of sites for offices to ensure that office uses are met in full and not compromised by site availability. The NPPF is clear in that Planning should operate

to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.7 A core principle of the NPPF to "support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances".

4.8 Policies E3b of the Development Control Local Plan (2005) and Policy EC3 (Loss of Employment Land) of the emerging Local Plan seek to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF.

4.9 The aim of local and national policy is to retain office space within the city centre for future office use and to attract inward investment. The site provides a large area of office space within the city centre, which is need of some renovation. Yorkshire House provides circa 65,000 sq ft/ 6039 sqm net office building. The site until recently was used as office accommodation by Aviva.

4.10 The City of York Council's 2013 Office Stock report indicates that there is approximately 1.5m sq ft of commercial office stock within the city centre, only a hand full of which are greater than 10,000 sq ft in size with fewer still considered to be of Grade A quality. This figure does not take account that over the last few years a number of large city centre office blocks have been or are about to be removed from the office market.

4.11 The drive towards residential conversion has arguably left a shortage of high quality, large floor plate office space within the city centre and has led to a two tier office market where a shortage of grade A space contrasts with a relatively healthy level of smaller scale second-hand supply. In its current state Yorkshire House is considered to provide Grade B office space, and would require some updating before use by other office occupants. The applicant argues there is a surplus of grade B office space within York and there is generally little requirement for larger floor plate offices of 10,000 ft plus. There are some concerns that York's reputation as a major office location has been significantly eroded, and in particular this has led to a perception that York cannot accommodate larger requirements, leading in turn

to a significant impact on demand from inward investors, who are not considering York as a location.

4.12 The applicant has submitted viability information outlining why office space and the upgrade to Grade A office space would be unviable. The Economic Development Unit considers that the assumptions in the assessment around rental yields, initial void periods and net capitalisation are fair.

4.13 Whilst the application building was not openly marketed the applicant argues that the building would be unprofitable for office use by virtue that any valuation must be considered on the basis of residential value because of permitted development rights (from office to residential - Class O, General Permitted Development Order - 2015). Therefore the value of purchase (and the rental income required from office space) is considerably more than were residential use not an option. As stated, 'if an office developer were to make an offer below the residential value then quite clearly they would be unsuccessful - and outbid by a residential developer'.

4.14 In addition in the submitted viability information there is no suggestion that there is lack of demand for office space, nor that strong rental yields could be achieved; only that once purchase at a value which is competitive to residential development, and rental yields are factored in, there is minimal capital available to actually convert the building to grade A offices. The Economic Development Unit consider that the assessment is in keeping with wider evidence and independent property studies, that there is indeed demand for city centre grade A office space and at strong rental yields, but that residential (or other commercial) uses are considerably more profitable, so that in locations in York where there is residential demand and permitted development rights apply, it is difficult for office development (especially where conversion to higher quality specification) to compete commercially and therefore be viable from a developer perspective. They applicant argues that it is unlikely that a commercial developer would ever seek to create a substantial sized, high quality Grade A office building (either new build or conversion) on a speculative basis.

4.15 The proposed change of use would result in a significant loss of office space and with regards to city outcomes around wages and high value jobs, office space would still be the preferred use for Yorkshire House. The proposed hotel use would provide approximately 80 jobs. By virtue of the viability assessment and the evidence provided, it would be difficult to oppose change away from office which in competition with residential property values and current market conditions has been shown to be insufficiently profitable and therefore unviable from a developer perspective. The proposed use would bring the building back into use. In addition the applicant has prior notification under the General Permitted Development Order for the conversion of the building as residential use. Officers consider, without adopted local policy that it would be difficult to defend a refusal on the basis of loss of office space in this case.



## HOTEL DEVELOPMENT

4.16 The NPPF considers tourism related developments such as hotels to be a main town centre use. As a town centre use hotel development plays an important role in supporting the economic well being and vibrancy of York's city centre. By virtue of the city centre location a sequential test is not required.

4.17 Policy V1 'Visitor related development' of the Development Control Local Plan (2005) advises that visitor related development will be encouraged providing; there are adequate servicing arrangements, the site is accessible by public transport, whether highway safety would not be compromised, where development would improve the prosperity of the cities tourism industry and economy, and when there is no adverse impact on amenity and the setting.

4.18 Policy V3 of the Development Control Local Plan (2005) relates to new hotels in the city. V3 states planning permission for hotels will be granted provided the proposal:

- Is compatible with its surroundings in terms of siting, scale and design;
- Would not result in the loss of residential accommodation;
- Would not have an adverse effect on the residential character of the area;
- Is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions

4.19 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel (and ancillary restaurant, bar and coffee shop) in location terms. The area is commercial and there would be no loss of dwellings. In this respect there is no conflict with Development Control Local Plan (2005) Policies V1 and V3. The proposed hotel is considered to have a neutral if potentially positive impact to the vitality and viability of the area. The introduction of windows in the north east elevation and the landscaping will provide more visual interest at ground floor level, the proposed use will provide more footfall in the area during later hours.

4.20 The visual impact of the development, servicing and amenity are assessed in the other sections of the report.

4.21 The applicant states that their intention is that the hotel will be of 5\* quality. The applicant is confident that there is a market for 4\*/5\* hotel accommodation and this view is not challenged. The York Tourism Accommodation Study (July 2014) has aims of increasing the number of 4\*/5\* standard accommodation however the star rating of the hotel can not be ensured. If the principle of a hotel is considered acceptable, it is therefore considered unreasonable to condition the hotel be 4\*/5\* quality.

4.22 It is considered that if the application is approved it would be necessary to impose a condition that the upper floor suites would be managed by the hotel and not sold as apartments on the open market. This is because the relevant planning considerations in respect of a residential would differ for example, affordable housing, education and open space contributions may be applicable together with a number of other issues noise, air quality etc.

## IMPACT ON HERITAGE ASSETS

4.23 The site is within the Central Historic Core Conservation Area and it is within an Area of Archaeological Importance. It also forms part of the setting of the Grand Hotel to the south west and south is Grade II\* listed. At the time of writing a number of extensions to the Grand Hotel are under construction. To the north east 15, 16, and 17 Rougier Street are Grade II listed. In the wider area there are a significant number of listed buildings. The City Walls - an ancient scheduled monument lies to the north and north-west of the site.

4.24 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, 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 same 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.

4.25 The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise paragraph 129. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the to the asset's conservation. The more important the asset the greater the weight should be. Where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits; 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. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance, paragraph 137.

4.26 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.27 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 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 131, 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. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss.

4.28 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Development Control Local Plan (2005) policies HE2, HE3, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

#### Central Historic Core Conservation Area

4.29 The application site is within the Central Historic Core Conservation Area. The Central Historic Core Conservation Area Appraisal (2013) sets out important considerations for the area which must be met by any new development. The site falls within Character Area 22 Railway Area, it is recognised that this part of the area is characterised by large office development, in many instances, the buildings have a poor relationship with the street. The public realm to the north and north west is a priority for public realm improvements. The key views from Station Rise and the City Walls of the Minster are considered to be of high importance and development that would negatively affect these views will not be allowed.

4.30 The proposed use of the building would not affect the conservation area or its character. The proposed extension building would be set back from the Station Rise

elevation and would not be visible or have little presence in the key views of the Minster. The Conservation Architect considers that the proposed extension would not result in harm to the character, appearance, or setting of the conservation area.

#### Listed Buildings

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

4.32 The proposed development is not considered to harm the setting or special interests of the Grade II listed 15, 16, and 17 Rougier Street

4.33 The Grand Hotel appears to have a similar overall ridge height at Yorkshire House, but due to the highly modelled roof plane the hotel appears much lower and less bulky than the plainly rectilinear Yorkshire House. The roof forms of The Grand elevation facing the proposed side extension vary depending on the geometry of gables and eaves but the general starting point for a roof form is taken here as 33.09m. The proposed side extension sits above the start of some roof form. The proposed extension is considered to cause harm, the Conservation Architect considers that it is 'less than substantial harm' to the setting for the adjacent Grade II\* listed building. The NPPF is clear in that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. When carrying out this balancing exercise, considerable importance and weight should be afforded to any harm to Heritage Assets in order to comply with the statutory duties in sections 72 and 66 to the 1990 Act.

4.34 NPPG states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

4.35 The applicant has submitted 2 no. Prior Notifications for the change of use of the building from offices to apartments, one during the current application for the hotel. The Prior Notification consents would create up to 66 flats which are considered to have some public benefit by virtue of adding to the housing stock, although this would not include affordable housing. As such the applicant has submitted evidence that the building is capable of a viable conversion without the need to extend and thus impact on the setting of the adjacent listed building. The applicant has advised that if the hotel is refused the building will be converted to dwellings, thus it is concluded that the residential development within the existing envelope is viable.

4.36 The hotel would provide additional accommodation and has the potential to bring additional number of tourists to the city. The hotel is proposed to be 4\* and it is an aim of the Council (York Tourism Study) to increase the number of 4\*/5\* establishments, however as set out in paragraph 4.21 the quality of the hotel can not be subject to conditions and the proposed and future occupiers may change. There would be additional spend from the tourists however the use of the building as flats or offices would also provide a number of people living/working in the city and the spend that would bring to the city centre. The proposed hotel would create 80- 90 employment opportunities and it is the re-use of a currently vacant building. The applicant argues that the level of accommodation including the extension is required to attract the 4\* hotel operator and the intended operator (Malmaison) require this number of rooms/suites.

#### Ancient Scheduled Monument

4.37 By virtue of the setting back of the extension into the plot it is not considered that the proposed development would result in harm to the visual amenity of the city walls, or impact on the setting of the walls.

#### Archaeology

4.38 Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

4.39 This site lies within the Central Area of Archaeological Importance in the former area of the Roman civil settlement (Colonia). Archaeological excavations in the 1980s in advance of the construction of Roman House (adjacent) revealed up to 7m of archaeological deposits including evidence of Roman timber and masonry buildings. Excavations in the adjacent hotel in 2009 recorded medieval structural remains at c.11m AOD. These excavations revealed that there was a steeper slope towards the river during the medieval period.

4.40 An archaeological evaluation was carried out on the site in 2009. This revealed Roman structural remains including degraded concrete and mortar floors at a height of 7.5-8 AOD. The Roman structural sequence was truncated by shallow pits containing medieval pottery, sealed by medieval dumps and 19th century demolition material. The current application was accompanied by an archaeological desk-based assessment.

4.41 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance. The information supplied by the applicant demonstrates that the site has the potential to preserve undesignated heritage assets of national importance. The Council Archaeologist considered that if present, these deposits will likely lie below the formation levels for the foundations (ground beams, pile-caps) for the

development. The City Archaeologist considers there would be limited disturbance to these deposits caused by piling through the deposits below the formation levels for the development. This disturbance is less than the 5% that is allowed by policy HE10 Development Control Local Plan (2005). A condition requiring the archaeological measures that must be put in place to ensure an adequate record of these deposits is made.

## FLOOD RISK

4.42 Paragraph 104 of the NPPF states that applications for a change of use should not be subject to sequential or exception tests. The Environment Agency does not have an objection to the application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place.

4.43 The NPPG advises that a site specific FRA must -

- Identify the flood risk
- Where appropriate, demonstrate how land uses most sensitive to flood damage have been placed in areas within the site that are at least risk of flooding
- Flood risk management measures to make the development safe
- Ensure no increased flood risk elsewhere and where possible reduce risk
- What flood-related risks will remain during the lifetime of development, and how will these risks be managed? (E.g. flood warning and evacuation procedures)

4.44 According to the NPPG for buildings to be safe for their lifetime, the impact of climate change needs to be considered. To be safe from flood risk, buildings should be designed to avoid/be resilient to flooding and there should be means of escape during 1 in 100 ('design') flood events, and plans in place for evacuation if there is an extreme flood.

4.45 The site lies within Flood Zone 3. Flood risk is from the River Ouse to the north east. The 1 in 100 year flood level is 10.02 AOD, 10.94 with climate change. Ground levels on site range between 9.46m AOD and 11.45m AOD. The City of Council York Strategic Flood Risk Assessment recommends finished floor levels are a minimum of 600mm above the modelled 1 in 100-year flood level; which would equate to 10.62m AOD. This is not proposed, however flood resilient design measures are proposed, to defend up to 11.30m AOD and there would be no residential accommodation on the lower or upper ground floor. The proposal and the mitigation measures set out in the FRA meet the requirements in the NPPF in terms of providing a means of escape and being safe for its lifetime.

4.46 There is no increase in the impermeable surfacing. There would be no change in flood risk elsewhere due to no change in surface water run-off rates.

## VISUAL AMENITY AND CHARACTER

4.47 The roof top extension has been removed from the proposed plans; the roof top extension was considered to result in harm to the visual amenity and character of the conservation area. The design of the extension together with the appearance above the natural architectural terminus of the design of the building would have resulted in harm and would have been prominent from a significant distance. The revised plans confirm there are no proposed alterations to the roof.

4.48 The introduction of glazing at first floor level in the Rougier Street and Station Rise will be the scale of the existing recessed panels. It is considered that this would create interest to the ground floor level and is considered to be a positive addition. The raised plinth for the outside seating area together with the soft landscaping would be within the curtilage of the building and does not form part of the formal highway, it is considered that it would create visual interest and would be an enhancement to the existing.

4.49 Revised plans had been submitted showing more details of the 'recessed' panels and fenestration of the proposed extension. The recess was considered tokenistic at 25mm and given the scale of the proposed extension it would not be perceptible from a distance. The windows were set a standard distance from the facade of the building and did not reflect the recessed windows of the original building. The proposals were considered to lack architectural interest, depth, and variation, particularly in contrast to the strong visual appearance of the host building and the Grand Hotel. Revisions have been requested. If members are minded to approve the application it would be recommended that approval be subject to the receipt of satisfactory further revisions to increase the set back of the extension and the recess of the windows to add architectural interest to the extension. Such revisions are however expected imminently and if received, Members will be updated at Committee as to the officer view as the acceptability on these revision.

## IMPACT ON NEIGHBOURING USES

4.50 There are flats to the north east on Rougier Street opposite the main entrance of the proposed hotel. It is not considered that the use of the building as a hotel will have a further impact on the residential amenity on the occupants than the previous office use

4.51 There are a number of offices opposite the proposed site on Rougier Street, the proposed hotel use is unlikely to cause a disturbance and the office use is unlikely to impact on the workings of the proposed hotel.

4.52 The proposed hotel would be adjacent to the 5\* Grand Hotel, and the proposed hotel is a 4\*/5\* it is likely they will compete for the same market. The NPPF states that LPAs should promote competitive town centres that provide customer choice;

and retain and enhance existing markets and, where appropriate, ensuring that markets remain attractive and competitive. LPAs should support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. The applicant is confident that there is a market for 4\*/5\* hotel accommodation and this view is not challenged.

4.53 The proposed extension would bring the resulting building closer to the Grand Hotel the distance between the extension and the hotel rooms of the Grand are not considered to result in undue harm to outlook. The minimum distance between the proposed extension and the rear of The Grand is 21 metres. The Grand is currently undergoing extension with the conversion and extension of Roman House, the minimum distance between each hotel room at its distance is 6.5 metres. If this was residential this would not be acceptable. However, a hotel use would only give rise to visitors using the rooms on a short term basis and so the same level of amenity expected with residential is an unreasonable expectation. The distance would be the same if the building was retained as office use. Therefore it is not considered a refusal could be upheld on this basis. The proposed extension would be adjacent to the Grand Hotel dining room, currently under construction. From the approved plans for the dining room there are no windows in the elevation facing the proposed extension as such it is not considered there is harm to the use of this part of the Grand Hotel. The change of use and the proposed extension are not considered to impact on the use and therefore economic viability of the adjacent hotel/listed building, as such in approving this application it is not considered to unduly threaten its ongoing conservation than a 4\*/5\* hotel elsewhere in the city.

## HIGHWAYS

4.54 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.55 The servicing will be via a lane from Rougier Street. The Highway Network Management team have some concerns regarding the increase in the number of servicing vehicles. The access is close to a bus interchange on Rougier Street which attracts many pedestrian movements. Unlike the adjacent Grand Hotel which uses this access road, no turning is provided off highway for lorries. This is considered to lead to vehicle/ pedestrian conflicts across the entrance due to reversing manoeuvres. As such pedestrian improvements to the highway crossing



have been requested. At the time of writing the report officers were awaiting plans showing the highway improvements. An update will be provided at committee.

4.56 Cycle parking is provided on the plans. There is considered to be sufficient space within the proposed cycle store to house the required Appendix E minimum number of cycles. Details of the stands can be sought via condition.

4.57 Whilst there would be an increase in the number of servicing vehicles it is not considered that the proposed hotel would result in a significant increase in traffic in the surrounding area resulting in harm. The site is a city centre location close public transport links. Whilst the number of parking spaces on the site is restricted to 37 there are a number of public and private car parks in close proximity.

4.58 Refuse bins will be stored within the building envelope, as the previous use and will be collected from the lower ground floor vehicle access.

## AIR QUALITY

4.59 Paragraph 123 of the NPPF requires that adverse impacts on health and quality of life are mitigated and reduced and that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan. Policy GP4b requires proposals for development within AQMAs to assess their impact on air quality. The building falls within City of York Council's Air Quality Management Area (AQMA). The public Protection team advise a hotel is not considered to be a 'relevant location' in terms of the annual mean nitrogen dioxide objective (unless someone lives there as their permanent residence) but would be considered a relevant location in terms of the hourly mean nitrogen dioxide objective. A hotel use would generally be regarded as a lower category of sensitivity compared with a residential dwelling, due to the reduced period of occupancy.

4.60 The CYC undertake monitoring of nitrogen oxide opposite this site on Rougier Street. The monitoring is currently showing that although levels of nitrogen dioxide are breaching the annual mean objective, they are not indicating breaches of the hourly mean objective. The residential units have been removed from the proposed development and the suites on the upper floors would be used in association with the hotel and would be used on a short term use. As such Public Protection do not require any mitigation

4.61 Public Protection has requested facilities for the re-charging of electric vehicles. On the basis of the number of parking spaces provided at least one bay is required for the hotel. It is considered that this is in line with the NPPF and the Councils low emission strategy. It is considered that this can be sought via condition

## NOISE

4.62 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, paragraph 123 and Policy GP1 of the Development Control Local Plan (2005) requires that there should be no undue adverse impact from noise disturbance. Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

4.63 A noise assessment was submitted with the application and provided details of background noise monitoring undertaken within the existing property and to the rear of the property during July 2016. The results indicate that during the night time period internal noise levels on all levels of the existing property would comply with the requirements for internal noise levels in dwellings. In addition the results indicate that the existing property would be likely to comply with the requirements for internal noise levels in dwellings during the day time period on all levels of the property too, with any current exceedances of up to 2dB of the standard being likely to reduce due to internal absorption from soft furnishings provided in the property.

4.64 In terms of the proposed rear extension existing day time levels show an Leq of 62.5dB(A). Given the BS8233 internal design criteria of 35dB(A) Public Protection are satisfied that internal noise levels will comply with this standard with suitable glazing and treated ventilation vents (if provided). During the night time Public Protection consider that the measured level of 55.6dB(A) external would be easily reduced to the BS8233 internal design criteria of 30dB(A).

4.65 The maximum noise levels occurring during the night time period, where L<sub>max</sub> levels of up to 52.8 dB(A) were recorded internally and 81.8 dB(A) externally. Given the proposed use is hotel and serviced suites/apartments, the potential number of occurrences during the night time period when the internal noise levels are likely to exceed 45.0dB(A), a condition requiring internal levels to comply with the requirements of BS8233:2014 can be sought,.

4.66 The third bullet point of paragraph 123 of the NPPF is pertinent: "...recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established". In allowing a hotel use in this location this may potentially impact on the surrounding business activities of the surrounding late night businesses and prevent any further development of those businesses. Therefore ensuring (via condition) that building envelope is constructed to achieve a maximum internal noise level would reduce this potential. It is not considered that the use of the building as a hotel will unduly impact further on neighbouring properties than the previous office use in terms of noise.

4.67 The agent has confirmed that the extract from the kitchens would be directed through the central core of the building and no extraction flues on the side of the building will be required. Any such external flue proposed in the future would require separate planning permission.

## SAFE ENVIRONMENTS

4.68 There is a requirement on the LPA to consider crime and disorder implications, under S17 of the Crime and Disorder Act 1998. The NPPF states that decisions should aim to ensure development creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions. Given the surrounding uses and the late night economy of the area there may be issues. The PALO submitted a report showing that between 01.12.2015 and 30.11.2016 there were 92 incidences of reported crime and 55 reported incidences of Anti Social behaviour. With regards to the reported crime the majority of the reported crimes took place between 21.00 and 05.00 hours.

4.69 As the PALO states, outside the Planning regime any premises license granted may be subject requiring the installation of CCTV which may assist in addressing any issues immediately outside the building. However it is considered that hotel users would be aware of the city centre location and the surrounding late night uses and the potential problems that arise in the proximity of such uses. As such it is considered that refusing the planning application on the fear of crime could not be reasonably defended at appeal.

## SUSTAINABILITY

4.70 Policy GP4a 'Sustainability' of the Development Control Local Plan (2005) requires issues of sustainability to be considered within planning applications. The site is in reasonable proximity to the train station, and regular bus routes. A limited number of vehicle parking is provided on site however there is an NCP car park in close proximity. The site is in close proximity to shops and other amenities. The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site. The development would also benefit from covered and secure cycle parking.

4.71 Due to the scale of the development, according to York's Supplementary Planning Document on Sustainable Design and Construction, it would be a requirement that the extension achieved a BREEAM rating of Very Good. The supporting information indicates that the proposed development can achieve BREEAM very good and it is considered necessary to condition this to ensure it is undertaken.

## OPEN SPACE AND EDUCATION PROVISION

4.72 As the permanent residential element (rooftop extension) has been removed from the application, education and open space provision are not required.

## 5.0 CONCLUSION

5.1 The loss of the office space and the requirement for the hotel is accepted. However the proposed 6 storey extension adjacent to the Grade II\* listed building is considered to result in 'less than substantial harm' to the setting of the listed building. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. 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. The economic benefits set out in the above report (paragraph 4.37) are cumulatively, considered to provide sufficient public benefit to outweigh the less than substantial harm to the setting of the listed building, even when afforded considerable importance and weight to that harm.

5.2 The proposed extension currently displays a lack of architectural interest, depth, and variation in fenestration particularly due the lack of any recess when viewed in the context of the high architectural quality, variation and distinctiveness of the adjacent Grade II\* Listed building and the host building. Taking into account the surrounding context it is not considered that the proposed extension would improve the character and quality of the area, and amendments should be sought to the proposal in terms of detailing to the facade to improve the treatment of the elevation. These are anticipated very shortly for consideration. It is requested that the decision is delegated to officers to approve subject to satisfactory receipt of these and a scheme of highway improvements, and subject to appropriate conditions including those set out below.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Subject to the receipt of acceptable elevational amendments to the proposed extension and a scheme of highway improvements, Delegated Authority be given to the Assistant Director of Planning and Public Protection to approve the application subject to appropriate conditions including :

1 TIME2 Development start within three years

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

Drawing Number 001 Revision A 'Proposed Design Lower Ground Floor Plan' received 17 November 2016;  
Drawing Number 002 Revision B 'Proposed Design Upper Ground Floor Hotel Lobby/Bar/Restaurant' received 05 January 2017;  
Drawing Number 003 Revision B 'Proposed Design Typical Hotel Plan 1 - 4 Including Light Void' received 05 January 2017;  
Drawing Number 004 Revision B 'Proposed Design Typical Suites Level 5' received 05 January 2017;  
Drawing Number 005 Revision C 'Proposed Design Roof Plan as Existing' 05 January 2017;  
Drawing Number 006 Revision C 'Proposed Section 001' received 05 January 2017;  
Drawing Number 007 Revision B 'Proposed Elevation 001 Elevation 003 received 21 December 2016;  
Drawing Number 008 Revision B 'Proposed Elevation 004' received 21 December 2016;  
Drawing Number 009 Revision B 'Proposed Elevation 002' received 21 December 2016;  
Drawing Number 010 Revision B 'Proposed Elevation 001 Material Information Side Extension' received 21 December 2016;  
Drawing Number 011 Revision C 'Proposed Elevation 001 Material Information Roof as Existing' received 05 January 2017;  
Drawing Number 012 Revision B 'Proposed Upper Ground Level External Floor Finish' received 05 January 2017;  
Drawing Number 017 Revision A 'Proposed Design Site Plan' received 17 November 2016;  
Drawing Number 020 Revision A 'Proposed Design Typical Suites Level 6' received 05 January 2017;  
Drawing Number 021 'Proposed Elevation 001 Context Levels' received 04 January 2017;  
Drawing Number 022 'Proposed Diagrammatic Section Outline Context Levels' received 04 January 2017;  
Drawing Number 024 'Proposed Diagrammatic Plan Context Levels' received 04 January 2017;

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 (including details of the balustrades, access ramp, plinth for the outside seating area, the permanent planters) 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

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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. The site is within a conservation area and within the setting of a listed building and ancient scheduled monument.

4 A programme of post-determination archaeological excavation is required on this site. The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and approved by the Local Planning Authority (LPA) prior to the start of construction/development.

(i) No archaeological evaluation shall take commence until a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The Written Scheme of Investigation should conform to standards set by the Chartered Institute for Archaeologists.

(ii) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved in Section (i) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured.

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

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

Reason: The site lies within an Area of Archaeological Importance. The Archaeology Desk Based Assessment (ref: OSA16DT18 ) submitted with the application sets out the site has the potential to preserve undesignated heritage assets of national importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ. This condition is imposed in accordance with Section 12 of NPPF. The information is sought prior to commencement to ensure that the investigation is initiated at an appropriate point in the development procedure.

5 The serviced suites/flats (on the upper floors) shall only be occupied and used

in conjunction with the hotel use (Use Class C1) hereby approved, and shall not be used as independent residential units.

Reason: To clarify the use. The use of part of the building as independent residential units may have noise, air quality, highway, residential amenity implications as well as the requirement for affordable house, education, and open space contributions.

6 Prior to the first use of the building as a hotel a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs of the landscaping to the Station Rise/North West elevation shall be submitted to and agreed in writing by the Local Planning Authority. The approved 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. The Station Rise/North West elevation is prominent within the Central Historic Core Conservation Area and in key views of the Minister and the city walls (ancient Scheduled monument), therefore details are required to ensure the planting is visually acceptable.

7 The development shall be carried out in accordance with the recommendations contained within the Flood Risk Assessment by Flood Risk Consultancy (2015-153 Revision B dated 27/01/2016) received 08 September 2016, in particular the flood mitigation measures identified in Part 7.

Reason: To ensure the development is safe from flood risk, in accordance with paragraph 103 of the National Planning Policy Framework.

8 The extension and the refurbishment of the original building shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'very good' 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 'very good' rating. The 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 GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' and Part 10 of the NPPF.

9 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.

(i) Balustrades / glazed screens to external ground floor terrace and planting areas, to stairs and ramped access to the front access (to include manufacturer's details of applicable).

(ii) Details of outside café seating area, including section

(iii) Section through proposed ground floor windows in north east and north west elevation

(iv) Section through the glazed link between the host building and the extension

Reason: So that the Local Planning Authority may be satisfied with these details. In the interests of the character and appearance of the conservation area. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

10 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

INFORMATIVE: 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.

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).



Dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

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](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of occupants of the surrounding/nearby buildings and the users of the pedestrian and vehicle highway. The information is sought prior to commencement to ensure that the CEMP is initiated at an appropriate point in the development procedure.

11 The building envelope of the hotel, including the extension and original building, shall be constructed so as to achieve internal noise levels no greater than 30 dB LAeq (8 hour) and 45dB L<sub>Amax</sub> inside bedrooms at night (23:00 - 07:00 hrs ) and 35 dB LAeq (16hour) in all other rooms during the day (07:00 - 23:00 hrs). These internal noise levels shall be observed with adequate ventilation provided. The detailed scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented prior to the first use of the building as a hotel. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of hotel residents and guests. To comply with

paragraph 123 of the NPPF to protect the existing business. The information is sought prior to first use to ensure that the works are undertaken at an appropriate point in the development procedure.

12 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to and approved in writing by the Local Planning Authority. 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 background noise level 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 safeguard the amenity of occupants of neighbouring premises. To comply with Core Principles and Part 11 of the NPPF.

13 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to and agreed in writing by the Local Planning Authority. Once the details are approved the approved facilities shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

INFORMATIVE: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m<sup>3</sup>/s throughout the extraction system.

Reason: To protect the amenity of future residents and nearby properties.

14 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 approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved 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. To comply with Part 11 of the NPPF.

15 One electric vehicle recharging point should be installed prior to first use of the hotel use. The location and specification of the recharge points shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. The details shall also allow for increased demand in future years, appropriate cable provision shall be included in the scheme design and development, to allow further recharge points to be added if demand necessitates this. Prior to first use of the hotel, an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework. The information is sought prior to first use to ensure that the electric vehicle recharging point is initiated at an appropriate point in the development procedure.

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

Monday to Friday                      07.00 hours to 19.00 hours  
Saturday                                  07.00 hours to 13.00 hours  
Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of occupants of neighbouring and nearby buildings

17 Upon completion of the development, no deliveries shall be taken at or dispatched from the site outside the hours of:

Monday to Friday 07:00 hours to 23:00 hours  
Sundays and Bank Holidays 09:00 hours to 18:00 hours

Reason: To protect the amenity of occupants of neighbouring and nearby buildings

18 Prior to the first occupation of the development details of the cycle stands or  
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fixings within the cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved details have been provided, and the cycle parking area 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.

## **7.0 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Sought revisions to the proposed development
- Sought additional information
- 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. INFORMATIVE**

Notwithstanding the approved plans the adverts indicated on the elevations will likely require advertisement consent.

#### **4. DISPOSAL OF COMMERCIAL WASTE INFORMATIVE**

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between

collections.

#### Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

#### **Contact details:**

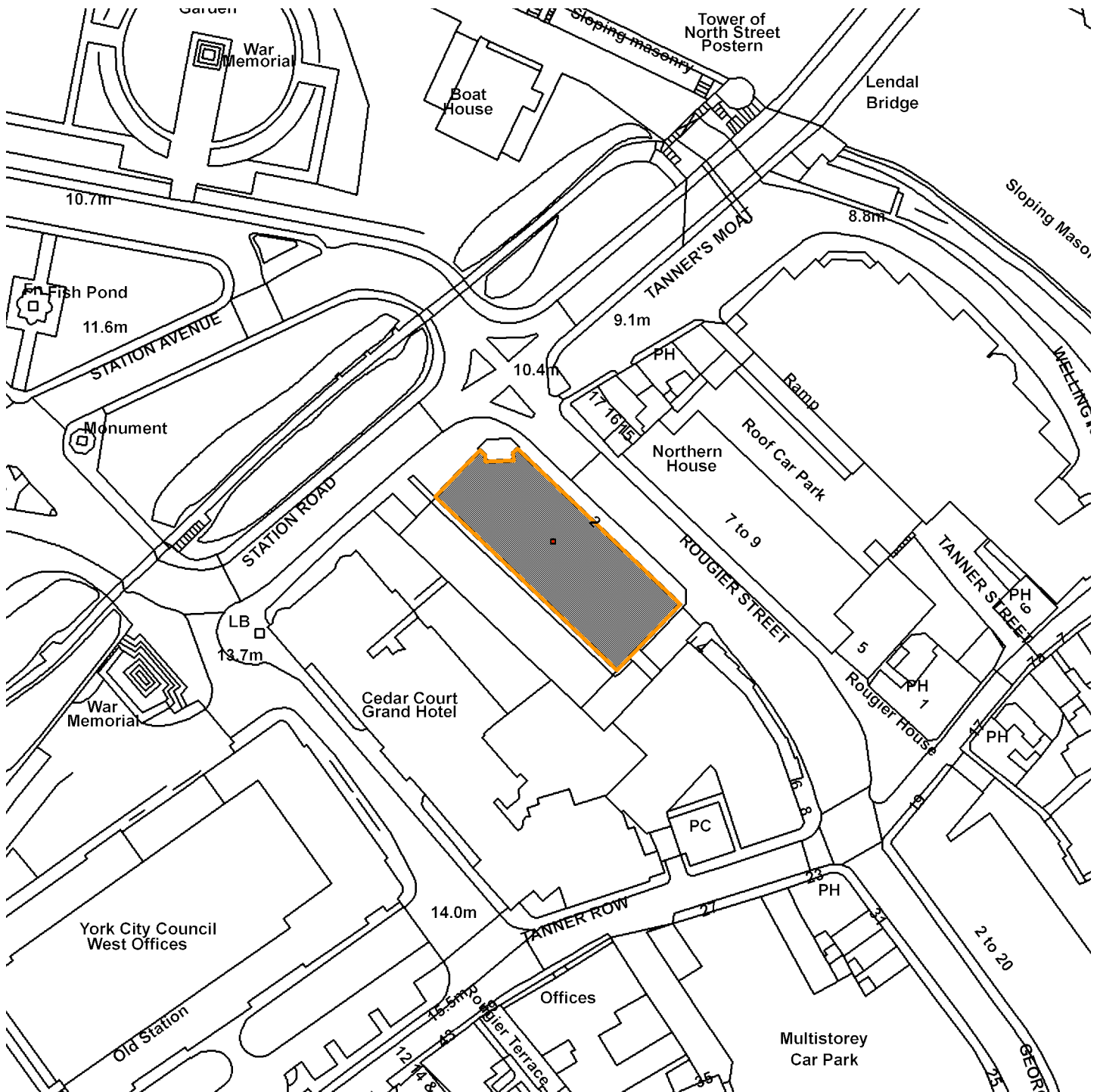
**Author:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347

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Aviva, Yorkshire House, 2 Rougier Street,



Scale : 1:1284

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Site Plan
<b>Date</b>	10 January 2017
<b>SLA Number</b>	Not Set

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