

# COMMITTEE REPORT

**Date:** 16 July 2020

**Ward:** Micklegate

**Team:** West Area

**Parish:** Micklegate Planning Panel

**Reference:** 19/01588/FULM

**Application at:** York City Living Limited 22 - 26 Blossom Street York YO24 1AJ  
**For:** Conversion of building to form 7no. apartments and 1no. studios with redevelopment of land to rear to include erection of detached three storey building to create 5no. apartments and 3no. studios (16 units in total) with external alterations including dormer window to front of main dwelling and associated landscaping, cycle parking and refuse storage.

**By:** York City Apartments Ltd

**Application Type:** Major Full Application

**Target Date:** 9 March 2020

**Recommendation:** Approve subject to Section 106 Agreement

## 1.0 PROPOSAL

1.1 The application site is currently vacant but was formerly the New York Club and Institute. There is a garden to rear and the property has been extended to the rear. Beyond the site to the rear is a private car park and the property is situated in between two buildings that comprise of the Premier Inn hotel. It is in a commercial area with a number of retail, restaurants and public houses, hotels and a cinema.

1.2 It is a Grade II listed building and located within the York Central Historic Core Conservation Area: Character Area 23: Blossom Street and Nunnery Lane. It is also an area that forms part of the Area of Archaeological Importance (AAI). The site is located within the city centre boundary as per the Publication Draft Local Plan Policies Map (2018) and also located within Blossom Street local centre (Ref: 2) (Retail Study Update Addendum 2014).

1.3 Planning permission is sought for the conversion of the building to form 8 flats; 1 x studio, 4 x 1 bedroom and 3 x 2 bedroom flats. In order to facilitate the conversion of the building to residential the proposals involve a number of internal and external alterations. The external alterations include the installation of a dormer window to the front, and a conservation rooflight to the rear roofslope. The existing paint will be removed from the front elevation with the original brickwork cleaned and restored, where necessary. Other alterations to the building include the creation of a carriageway through the central part of the ground floor of the building with the first floor sailing over. Access from Blossom Street will be secured by the installation of gates. To the rear, the proposal involve the demolition of modern extensions and the excavation of patio areas at lower ground floor level for the use of the two

maisonette flats provided over the lower ground and ground floor flats. Windows in the rear elevation will be repaired or replaced.

1.4 Additionally, the lower ground floor windows in the front elevation of the building at partly street level will be reinstated and railings installed in front of the windows, as well as the reinstatement of the pavement lights on Blossom Street.

1.5 Further, the proposal involves the erection of a detached residential building to provide 8 flats in total (3 x studio flats and 5 x 1 bedroom flats). The building is designed as a part three and part two storey (with rooms within the roofspace) following excavation to provide a lower ground floor. The building includes an attached bin store to serve the whole development.

## **2.0 POLICY CONTEXT**

### **2.1 PUBLICATION DRAFT LOCAL PLAN 2018**

SS3	York City Centre
H2	Density of Residential Development
H3	Balancing the Housing Market
H10	Affordable Housing
D1	Placemaking
D4	Conservation Areas
D5	Listed Buildings
D6	Archaeology
D11	Extensions and Alterations to Existing Buildings
GI4	Trees and Hedgerows
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access
DM1	Infrastructure and Developer Contributions

### **2.2 DRAFT 2005 DEVELOPMENT CONTROL LOCAL PLAN (DCLP)**

GP1	Design
GP4a	Sustainability
GP4b	Air Quality
GP10	Subdivision of Gardens and Infill Development
GP13	Planning Obligations
NE1	Trees, Woodlands and Hedgerows
HE3	Conservation Areas

HE10	Archaeology
T4	Cycle Parking Standards
H2a	Affordable Housing
H5a	Residential Density

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Design, Conservation and Sustainable Development (DCSD) (Conservation Architect)

3.1 The applicant has responded to previous concerns in respect to internal works, which would have resulted in the loss of historic fabric following the sub division of original rooms. The proposals now seek to reintroduce the original plan form based on surviving evidence and professional opinion. One key aspect of this is the reinstatement of the carriageway. This is a major benefit and better reveals the heritage significance of the listed building and will offset any harm that some of the other alterations may cause. The introduction of duplex apartments across the ground and lower ground floors which has allowed the reinstatement of the staircase for no. 26 Blossom Street is an additional benefit.

3.2 The revised application has also addressed concerns in respect to some of the external works proposed, including clarity in respect to windows, air bricks/extract grilles, gates and reduction to the number of rooflights.

3.3 The proposals introduce mechanical ventilation, which has been carefully handled and considered and on balance this provides an acceptable solution to providing a sustainable future for this listed building.

3.4 The structures proposed for demolition are unsightly and have a negative impact on the listed building's aesthetic and historic value. The massing of the new build elements, whilst have been reduced remain larger than hoped, but it is acknowledged that this reflects, in some way, the original built form of a warehouse at the rear of the property.

3.5 The level of harm is assessed as less than substantial; and overall the revised scheme will better reveal the heritage significance of the building. It will bring back into an appropriate residential use a building that has suffered from years of inappropriate alterations.

##### Design, Conservation and Sustainable Development (DCSD) (Landscape Architect)

3.6 There is a group of sycamores at 22-26 Blossom Street, and the proposed development would have an impact upon the root protection area of approximately

10% and this would be considered tolerable. The trees are mature and should be protected at an early state to protect the trees during construction and accidental damage.

3.7 There is concern that the development may have unreasonable obstruction of sunlight in an area where there is probably already significant constraints on sunlight due to the proximity of existing buildings.

### Design, Conservation and Sustainable Development (DCSD) (Archaeologist)

3.8 An archaeological investigation has taken place on the small plot to the rear of the existing building confirming a Roman presence on the western part of the site. Given the constraints on site, only a general depth for the deposits could be ascertained. The top of the Roman level was encountered directly beneath the floor of a cellar from an 18<sup>th</sup> century building which previously occupied part of the garden (c.13.71m AOD/2m BGL). The results of this evaluation combined with the 1852 plan of the site heavily suggests that the top 1.8m-2m of ground along the western edge of the site is taken up by these cellars. The full extent of the cellars can't be determined as they appear to extend beyond the eastern limit of the building depicted on the 1852 map. It is probable that outside the footprint of the 18<sup>th</sup> century building and cellar, the archaeology survives at a higher level than recorded during the evaluation.

3.9 The footprint of the new build is within the area covered by 18<sup>th</sup>-19<sup>th</sup> century cellared buildings, and will be some c.69cm above the known Roman level below the cellars. Assuming the cellars continue across the length of the proposed new build footprint the only impact into the Roman levels will be from piling and the foundation construction. The foundation plan will need to comply with the standard condition to preserve at least 95% of the archaeology on this site in-situ.

3.10 Any impacts below 13.75m AOD on the new build footprint will need to be included within the foundation calculation. Excavation for the construction of the new build will need to be archaeologically monitored and features/deposits hand excavated where necessary. All Roman deposits will need to be hand excavated.

3.11 The following features (attenuation tank, lightwell, existing building) are located within an area which has not been archaeologically evaluated and where Roman archaeology is expected to survive at a higher level than where it was noted truncated by the construction of the 18<sup>th</sup> century cellars. These can be monitored by a watching brief until Roman deposits are encountered at which point hand-excavation will be required. A watching brief will also be required during any GI works, groundworks for new drainage on the site and landscaping.

3.12 A building recording of the existing listed building to Historic England Level 2 should be provided and should include the existing plans and elevation drawings supplied with the application.

### Housing Development

3.13 The applicant has justified seeking vacant building credit as a mechanism to incentivise the development. Independent validations have been undertaken to give a unit market value and the affordable housing commuted sum based on a 16 apartment scheme has been calculated as £53,940.

### Highways Network Management

3.14 There are limited public car parking options for residents of the new development; the situation is difficult on The Crescent with Blossom Street a key arterial traffic route with waiting restrictions in place and surrounding streets are either private or included in residential parking zones. Consideration has been given to the location of the site and the relatively low number of units proposed. A condition is recommended that the development remains 'car free' in perpetuity, meaning that residents of the development will not be able to apply for a Resident Parking permit with CYC (this excludes parking season tickets in CYC or privately managed car parks).

3.15 A £400/dwelling contribution (£200 to the car club and £200 to cycle facilities) should be secured to promote sustainable transport to first occupiers.

### Lead Local Flood Authority

3.16 Following revised drainage report, no objections in principle subject to conditions in order to protect the local aquatic environment and public sewer network.

### Public Protection Unit

3.17 The submitted Surface Noise Assessment dated July 2019 is accepted provided that the mitigation measures for glazing and ventilation are adhered to. Specific plant details are not available but can be covered by condition. Given the close proximity to commercial properties a Construction Environmental Management Plan (CEMP) and a condition to control demolition and construction hours is recommended.

3.18 The site is located within the Air Quality Management Area (AQMA). The health based annual mean nitrogen objective is being breached on Blossom Street at the existing monitoring locations. It is considered likely that the health based objectives are also being exceeded directly outside the development site and PP

would recommend a precautionary approach with respect to mitigation. There will be habitable rooms opening onto Blossom Street and measures to reduce exposure of future residents are implemented. The ventilation proposals allow all rooms to the Blossom St facade to be mechanically ventilated. Request all windows to habitable rooms (living areas/bedrooms) to the Blossom Street facade to be non-openable, unless it can be demonstrated by site/floor specific monitoring that air quality is well below the relevant health based standards.

3.19 No past industrial uses have been identified at the site. The Preliminary Investigation report (ref: D9623, dated: 17 July 2019) is acceptable. It is agreed with the recommendations of the report that a site investigation is required to determine whether land contamination is present.

### Education

3.20 The development is beneath the minimum threshold of 10 x 2 bed dwellings, no education contribution is required.

### Lifelong Learning and Leisure

3.21 The Local Plan Evidence Base: Open Space and Green Infrastructure (Sept 2014) sets out that there is sufficient open space in the Micklegate Ward but a shortage of play provision. The 2 bed apartment generates an off-site contribution to the value of £526 which would be spent on additional equipment at Scarcroft Green Play area.

## EXTERNAL

### Micklegate Planning Panel

3.22 No response received.

### Yorkshire Water

3.23 No comments to make in respect to waste water.

### York Civic Trust

3.24 Initial comments made with concerns raised in respect to the part removal of the attic roof and superstructure (including original timber beams), the impact of the front facing dormers on the conservation area (requiring careful design) and the appearance of a new front doorway entrance.

3.25 The revised scheme is a step in the right direction, but there remains key elements that prevent us from fully supporting the scheme:

- Historic roof fabric – it is difficult to evaluate the level of historic roofing structure that would be lost; the attic floor does not include a demolition plan
- rear fenestration- this is greatly improved especially at ground floor level, however the proposed form of the window on the second floor is inexplicably modern and out of keeping with the Georgian style windows; a more sympathetically designed window would be suitable
- iron gate – broadly welcome the use of an iron gate at the entrance however detailed plans should be necessary before conditions stage to ensure an evaluation of its suitability can be made. Landscaping and amenities will be important as the iron gate will allow visualisation into the rear from Blossom Street; hoped that successful management will avoid bins being stored in the carriageway rather than the store.

## **4.0 REPRESENTATIONS**

4.1 Three letters of representation have been received (from two respondents) from the owners of the car park directly behind the site and from the operator of the Premier Inn situated either side of the application site.

- the rear car park is a future development site for an office extension and building close to the boundary may have implications on any proposals
- seek reasonable distances from the boundary so one development does not compromise the other
- practical considerations need to be considered when building so close to site boundaries; access will not be provided
- recommend usual good neighbour style agreements when development of this nature is taking place adjacent to an accommodation business
  - restrictions on hours of operation during construction phase including no works being undertaken at weekends
  - site cleanliness during construction and demolition
  - restriction on hours of deliveries/servicing to include waste collections post opening
- suffer from overshadowing and loss of privacy; request a Grampian style planning obligation is imposed to ensure that appropriate Rights of Lights and Party Wall agreements are entered into prior to the commencement of any construction works.

## **5.0 APPRAISAL**

### Key Material Planning Considerations:

- Principle of conversion and introduction of residential uses at this site
- Impact upon vitality and viability of the local centre (Blossom Street)
- Heritage
- Design
- Archaeology
- Impact on Neighbouring Uses

- Living Conditions of Future Occupants
- Climate Change
- Accessibility and parking
- Drainage
- Landscaping
- Affordable Housing
- Off-site Public Open Space

## LEGISLATIVE BACKGROUND

5.1 The site is within a conservation area. The LPA has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of designated conservation areas.

5.2 The building is grade II listed and as such Sections 16 (2) and Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 state that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

## POLICY CONTEXT

### National Planning Policy Framework (NPPF) 2019

5.3 The revised NPPF (2019) sets out the government's planning policies for England and how these are expected to be applied. The policies are material planning considerations. The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.4 . The NPPF sets out the presumption in favour of sustainable development in paragraph 11.

5.5 Section 5 of the Framework supports the Government's objective of significantly boosting the supply of homes. Paragraph 60 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

5.6 Section 12 sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Section 14 of the Framework seeks to meet the challenge of climate change, flooding and climate change.



5.7 Section 16 considers the conservation and enhancement of the historic environment. Paragraph 193 requires consideration to be given to the significance of a designated heritage asset with great weight given to the asset's conservation; the more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

#### Publication Draft Local Plan (2018)

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

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

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

- Strategic Housing Market Assessment (SHMA) (June 2016)
- Strategic Housing Market Assessment Update (SHMA) (2017)
- Strategic Housing Market Assessment Addendum (June 2016)
- Retail Study Update (September 2014)
- Retail Study Update Addendum (September 2014)
- Open Space and Green Infrastructure (Sept 2014) Main Report
- Open Space and Green Infrastructure Update (Sept 2017)

#### Development Control Local Plan (2005)

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

## ASSESSMENT

### Principle of conversion and introduction of residential use at this site

#### - Loss of Community Facility

5.11 The building formerly comprised the New York Club and Institute which ceased operation in January 2019. The applicant states that the social club was one of the oldest in York having been in operation for around 90 years, although it has struggled to attract new members, fell into debt in 2013 and a decision was taken in September 2018 to close the Club, after a majority vote.

5.12 There is no formal definition of a 'community facility' provided by the NPPF, however a community facility can include public houses that provide a community place for different members of society. Paragraph 92 of the NPPF seeks to provide social, recreational and cultural facilities and services the community needs. Policies should plan positively for community facilities to enhance the sustainability of communities and residential environments. Outlined in paragraph 92(c) planning decisions should guard against the loss of valued facilities and services, particularly those where this would reduce the community's ability to meet its day-to-day needs.

5.13 Draft Publication Policy HW1 seeks to protect existing community assets. The loss of such facilities will not be supported unless it can be demonstrated that facilities of equivalent or greater capacity and quality are provided elsewhere on the site, provided off site in a location that better serves the local community's needs, the facilities no longer serve a community function and cannot be adapted to meet other community needs or evidence is provided that demonstrates the facilities are no longer viable.

5.14 There is evidence that the building being home to the New York Club and Institute, as a private members club did act as a community facility when operational. The Heritage Statement (para 6.1.8, p14) sets out that during the 1960s when it changed its name, it formed a social meeting place with strong educational links. It contained a library and had a variety of sections including angling, cribbage, darts, dominoes, football, pigeons, snooker and walking. The building has not been nominated by any group as an 'Asset of Community Value'.

5.15 The applicant has set out a summary of the issues faced by the Club leading up to the decision to sell. It identifies that the value of the facility to the community it served were limited to Members, who were made up of railway workers and were not necessarily locally based. The club was operating at a loss at the time it closed, which had continued for a significant period of time. The Club sold off the land to the rear, which now forms a car park in 2013. The club however continued to become run down and unable to undertake essential repairs and maintenance. The Club Secretary has been referenced in the letter to the LPA stating that the club was

no longer financially viable to run as a working men's club, however any account information or marketing information in relation to the Club/building has not been provided.

5.16 It is acknowledged that the state of disrepair within the building is such that similar facilities could not be re-provided within the site for the community without substantial financial outlay. Consideration has also been given to the Club normally operating at ground floor level, leaving the upper floor levels without viable uses. Whilst there is the potential for viable uses within the upper floors, these use may conflict with the late night operation of the Club, or a similar replacement facility. As part of the wider Working Men's Club affiliation, Members have the option of visiting other WMC in the city or region.

5.17 Having reviewed the justification statement providing a background as to the level of consultation undertaken with the community the Club served, the level of dis-repair within the building, and the conclusion that the Club continuing to operate from the premises is no longer financially viable, it is considered that the provisions of paragraph 92 of the NPPF and draft policy HW1 of the 2018 Draft Plan are generally satisfied.

#### - Proposed Residential Use

5.18 The Framework supports the Government's objective of significantly boosting the supply of homes. Draft 2018 Local Plan policy SS3 considers residential development to be acceptable in principle within the city centre, with a particular focus on the reuse of upper floors.

5.19 Draft policy SS3 considers that sustainable homes should be delivered that provide quality, affordability and choice for all ages, including a good mix of accommodation. The scheme seeks to provide 16 residential units in total; 8 flats within the existing building and a further 8 flats within the proposed rear residential building. Across the scheme, 4 studio flats, 9 x 1 bedroom and 3 x 2 bedroom units will be provided. The detached building comprises the majority of the studio and one bedroom flats, with the existing building providing more of a mix and the larger units. Consideration has been given to the city centre location, lack of individual external amenity areas and its accessibility, on balance the mix of accommodation across the site is considered to be appropriate in this location.

#### Impact upon vitality and viability of the local centre (Blossom Street)

5.20 The Council's Retail Study Update Addendum (September 2014) designates Blossom Street as a local centre, which has a role of catering for the day-to-day needs of the local communities they serve. They are primarily intended to service the needs of the population within walking distances. Local centres will include a range of small shops of a local nature, which might include a small supermarket, a

newsagent, a post office and a pharmacy, along with other facilities such as a hot food takeaway and laundrette.

5.21 There are a number of public houses in close proximity (less than 200m away) to the application site, most notably 'The Punch Bowl' at 5-9 Blossom Street, 'The Windmill' at 14-12 Blossom Street, 'The Bay Horse' at 55 Blossom Street and 'The Mount' at 72 The Mount.

5.22 It is not considered that the existing site provides services or facilities that would be expected to meet the day to day needs of the local community, as a retail local centre. NPPF paragraph 85 states that planning decisions should take a positive approach to the growth, management and adaptation of town centres. The loss of this use is not considered to have a detrimental impact upon the long term vitality and viability of this local centre taking into account the acceptability of residential use in this city centre location and the heritage benefits of reverting the building back to residential uses.

### Heritage

The statutory duties contained in sections 16(2), 66 (1) and 72 of the 1990 Act are in addition to government policy on heritage assets contained in Section 16 of the NPPF. The NPPF classes listed buildings and Conservation Areas as "designated heritage assets". Paragraph 190 of the NPPF advises that the particular significance of a heritage asset that may be affected by the development proposal should be identified and assessed. Paragraph 192 states with regard to heritage assets that when determining applications local planning authorities should take account of:

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

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of a designated

heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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 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."

- Listed Building

5.23 The building dates from 1789 and altered early c19 and 1934. The building was constructed by John Horner as a pair of dwellings of unequal size pierced by a central carriageway leading to a warehouse (No. 24) behind. The building is brick built, three storey (plus attics) and slate roof with substantial brick chimneys, timber fenestration and a timber, eaves cornice to the front elevation.

5.24 The building previously occupied a much larger, linear plot, however land to the rear was sold off in 2013 and now forms a private car park. The 1892 OS map shows the linear plot previously containing extensive ranges of historic outbuildings, including the warehouse (No. 24), stables, yard and other outbuildings to the rear of both No. 22 and 26. The date of the demolition of the warehouse is unknown, however no reference is made to the warehouse or other outbuildings in the list description dated 1971.

5.25 The York Railwaymen's Club took over ownership of the building and rear yard in 1927 from the North-Eastern Railway (N.E.R) who used it as residences of the York stationmaster and railway inspector. The Club subsequently made extensive internal and external alterations to adapt the building to its new use. Extensions were added to the rear to form a concert/ball room and toilets with the external carriageway incorporated into the footprint of the building.

5.26 The heritage significance of the application site, the buildings and yard, relates to its historical value; the central carriageway is an unusual characteristic in York and it is one of the earliest three storey houses outside the city walls and contributes highly to the architectural and historic character of this part of the York Central Historic Core Conservation Area. Additionally, the heritage statement assesses that the building has aesthetic values derived from the building being designed with

consideration for visual impact of the structure's appearance, not just with function in mind.

5.27 The external alterations to the building includes the removal of the c20 extensions to the rear elevation to better reveal the architectural details, the reinstatement of the external carriageway and principal access point from Blossom Street, the removal of the white paint from the front facade and restoration of historic fabric. Revisions have involved the reduction to the number of rooflights within the rear roofslope from 3 to 1, removing modern insertions. There would be some infill brickwork where required, to match the existing building and air bricks to match the brickwork would be inserted within the rear elevation in order to facilitate the installation of the mechanical ventilation. The proposals also seek the reinstatement of a dormer window in the front elevation, with historical photographs indicating this was an original feature.

5.28 The proposals seek a new residential building, which is intended to reflect the footprint of the original warehouse and stables to the rear. This contains an attached bin store, and there have been attempts to improve the physical separation between the listed building and this new residential building. It is acknowledged that the separation between the buildings is in conjunction with the removal of the extensions on the rear elevation of the host building. Whilst already segregated in part, the rear yard would retain its linear arrangement, and there would be less segregation by the provision of a communal space external space, rather than individual amenity plots.

5.29 The new residential building is larger, taking into account the loss of the rear part of the original plot, however this is balanced against the improvements proposed to the rear elevation; the existing extensions are unsightly and have a negative impact upon the aesthetic and historical significances of the listed building. It is also acknowledged that the new build, reflects in some way the original built form of a warehouse that formed No. 24 at the rear of the property. Overall, the scheme seeks to reintroduce the original plan form, including the carriageway and historical features such as the dormer to the front, as well as removing harmful alterations that have been undertaken. However, despite the above, the proposals however will not override all harmful alterations and will introduce elements that are considered to result in harm; its sub-division to form the number of flats proposed will result in the removal of small sections of historic fabric and bathroom pods will be inserted into rooms on the first and second floor resulting in harm to the historic and aesthetic values that contribute to the significance of this heritage asset. Paragraph 193 advise that great weight should be given to the asset's conservation, the more important the asset, the greater the weight should be.

5.30 The significance of this listed building lies in its historical and aesthetic values and the level of harm arising from the proposals upon these values has been assessed as resulting in less than substantial harm to the significance of this

designated heritage asset. In line with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

#### - Conservation Area

5.31 The York Central Historic Core Conservation Area appraisal identifies that there is a good mix of historic buildings from different periods within this character area. The application building is the only eighteenth century building on the north side of Blossom Street, and provides a sense of what Blossom Street would have looked like at this time. It was one of the earliest three storey houses outside the city walls and contributes highly to the architectural and historic character of this part of the York Central Historic Core Conservation Area.

5.32 The proposed works that would have the most impact upon the conservation area include the reinstatement of the central carriageway within the building, the front dormer and the works to its façade. These works are considered to reinstate the features that have been lost over time and are reflective of the original design of the building, enhancing the historic and aesthetic character the conservation area possesses. In terms of the conservation area, this would improve the visual impact of the building, in its immediate and wider setting, as well as contributing to the historic setting of Micklegate Bar.

#### - Conclusion on heritage assets

5.33 Notwithstanding the above identified harms, the external alterations proposed to the listed building to facilitate this residential scheme are considered to be a positive benefit to the conservation of the heritage asset; the setting of this grade II listed building itself, and this part of the York Central Historic Core Conservation Area (Character Area 23). However, there remains a level of harm to the historical and aesthetic values that attribute to the building's significance, this level of harm has been assessed as less than substantial to the significance of the designated heritage asset. In line with paragraph 196 of the Framework, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

5.34 The applicant has set out the public benefits of the proposal, which includes;

- repair, restoration and enhancement of the vacant heritage asset, halting its further decline;
- sustainable and viable use of the listed building for residential uses (reverting back to its original use);
- provision of a number of small residential units in a sustainable location within the city centre

5.35 The proposal would add to the overall existing housing stock, and whilst being assessed at less than substantial harm to the significance of the listed building, the

works are considered on the whole to protect historic environment and therefore the proposal is considered to represent a public benefit that would outweigh the identified harm to the setting of this grade II listed building..

## Design

5.36 Paragraph 127 of the Framework sets out six design expectations for new developments which includes a requirements that developments will (a) function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (c) are sympathetic to local character and history, while not preventing innovation or change; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

5.37 Publication Draft (2018) local plan policy D1 Placemaking sets out that development proposals will be supported where they improve the poor existing urban and natural environment, enhance York's special qualities and better reveal the significances of the historic environment. This policy sets out the Council's five design points; i. Urban Structure and Grain; ii. Density and Massing; iii. Streets and Spaces; iv. Building Heights and Views; and v. Character and Design Standards.

5.38 Primary design considerations relates to the proposal for an additional residential building with an attached bin store located on the south western boundary of the site. The building is designed as a part three storey, part two storey (with rooms in the roofspace) and a single storey bin store. There will be some excavation to provide the lower ground floor level at a subterranean level. It is positioned 3m (to the single storey bin storey) and 6.1m (to the residential part of the building) from the rear elevation of 22-26 Blossom Street, following the removal of the extensions and set in 0.5m from the north-western rear boundary of the site. Access to the lower ground floor flats will be via three individual external steps with the flats on the upper levels served by two individual external stairs with stairs to the first floor flats continuing internally within the building.

5.39 The building is designed as a rectangular building, with an asymmetrical roof. Its footprint 21m x 6.5m (extending to 8.7m including the external access /lightwell area) is designed to reflect the warehouse (No.24 Blossom Street) that previously occupied the site to the rear of No. 26. Following concerns, the design and scale of the residential building has been amended; the part of the building closest to the adjacent listed building are now considered to be smaller in scale and the overall massing reduced by a set-back and set down at roof level at a part of the building that serves communal purposes. Overall, the building now appears as more of a subservient addition within the rear garden and to the main building. The asymmetrical roof has been retained, despite concerns that it appears slightly incongruous in this location, however there is a variety of roofscapes in this particular location, and its backdrop against substantial built development forming the hotels on either side, on balance this design feature is considered acceptable,



taking into account a compromise on the wider ability to deliver much needed housing on the site.

5.40 The building is of a modern and contemporary design, and this does not conflict with the appreciation of the aesthetic and historical significances of the listed building. Its modern and contemporary design is further enhanced by the palette of materials, which includes brickwork for the main building facade and brick cladding light grey to the lower ground floor level facade, and standing seam zinc roof and metal windows and doors.

5.41 It is considered that the new residential building responds appropriately to local character and history and optimises the potential of the site for the delivery of further housing, in line with paragraph 127 specifically parts (c) and (e) of the Framework. Further, the scheme for the new residential building would help to improve the urban environment in this part of Blossom Street, meeting the general aims of Draft Policy D1 'Placemaking' of the 2018 Draft Plan.

### Archaeology

5.42 The application site is located within the Central Area of Archaeological Importance (AAI) and in an area where nationally significant Roman archaeological features and deposits are located. It lies within the known boundaries of the Blossom St mixed cemetery, additionally two roman roads may converge and run through the proposed development site.

5.43 Paragraph 194 (b) of the NPPF includes footnote 63 which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated heritage assets (as set out in Section 16 of the NPPF). Paragraph 194 b) states that substantial harm to or loss of assets of the highest significance (including scheduled monuments) should be wholly exceptional. Paragraph 193 of the Framework sets out 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. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Para.194).

5.44 Publication Draft Local Plan Policy D6 states that proposals that affect archaeological features and deposits will be supported where they are accompanied by (i) an evidence based heritage statement, (ii) designed to avoid substantial harm to archaeological deposits; and where harm to archaeological deposits is unavoidable, detailed mitigation measures have been agreed with the Council.

5.45 The application is supported by a desk-based assessment which concluded that there was a high likelihood of uncovering archaeological remains across the development site, along with a high likelihood of these being Roman remains. Further an archaeological evaluation has taken place on a small plot to the rear of the existing building. This evaluation has revealed Roman deposits, the top of this Roman level was encountered directly beneath the floor of a cellar form an 18<sup>th</sup> century building which previously occupied part of the garden.

5.46 It is probable, given nearby excavations recording the presence of Roman and medieval archaeology that archaeology survives at a higher level outside the footprint of the 18<sup>th</sup> century building and cellar. The footprint of the new residential building is within the area covered by 18<sup>th</sup> – 19<sup>th</sup> century cellared building. This new construction will involve excavation to provide a lower ground floor level, which would be some c.69cm above the known Roman level below the cellars. Concern is therefore raised to the impact upon the Roman levels from piling and foundation construction. A foundation plan has not been provided at this stage, although it is envisaged that pile caps and ground beams could impact onto the Roman levels on this part of the site. The Council's Archaeologist has recommended a foundation plan to be secured by condition, to ensure that at least 95% of the archaeology on this site remains in situ. This calculation shall include any impacts of the new residential building below 13.75m AOD. Conditions are recommended to ensure that the construction of the new residential building is archaeologically monitored, with any features/deposits hand excavated where necessary, as well as all Roman deposits to be hand excavated.

5.47 There are other subterranean features that form part of the proposal (such as the attenuation tank and lightwell) that are located within areas that have not been archaeologically evaluated, but where Roman archaeology is expected to survive at higher levels than where it was noted truncated by the construction of the 18<sup>th</sup> century cellars.

5.48 Whilst the significance of the archaeological interests is high, it is concluded that harmful impacts upon archaeological deposits could be mitigated, through the use of planning conditions requiring foundation plans, watching briefs, archaeological monitoring and hand excavation.

5.49 The scale of harm to the significance on archaeological features and deposits is considered to result in less than substantial harm. The scheme would add to the overall housing stock as well as making effective use of land and on the whole will protect historic environment and therefore these are considered to represent a public benefit that justifies this harm. The proposals are not considered to conflict with paragraphs 194, 196 and 199 of the NPPF and draft policy D6 of the 2018 Local Plan.

### Impact on Neighbouring Uses

5.50 Paragraph 127 (f) of the NPPF sets out that a design criteria for new developments is to create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

5.51 The application site is surrounding on both sides by built development, forming the Premier Inn Hotel. The site to the rear, formerly being part of the curtilage to the application site is currently in use as a car park. Hotel developments are considered differently to residential developments, given the more transient nature of the guests. The Hotel has objected to the proposals on overlooking, however, windows in the proposed new residential building are primarily contained in the north eastern facing elevation, looking into the site and thus would not result in any detrimental overlooking, given the extent of boundary treatment to the north eastern side boundary. Rooflights are indicated in the north western roofslope, with that elevation remaining blank and would therefore not cause a concern for overlooking.

5.52 The owners of the Hotel chain have also cited an objection on the impact of overshadowing to their property. The Hotel building abutting the site to the south west of the site is a 'T' shaped building, with the frontage extending along Blossom Street. The narrow extension to the rear is set in 9m (approx.), and the area adjacent to the siting of the new residential building appears to contain a number of plant and machinery equipment. The ground floor rooms appear to serve back-of house functions however the first – third floors contain bedrooms (each served by a window). Due to the land levels across both sites, and that the residential building will be set below 1-2m below ground level, its height will be no higher than the first floor of the Hotel. Additionally, the orientation of the buildings would mean that overshadowing would be limited and the new building would not result in a significant level of overshadowing or oppressiveness to warrant refusal of the application.

5.53 It is not considered that the scale, siting and orientation would restrict appropriate development within the car park to the rear of the application site. No windows are proposed in the northern rear elevation of the new residential building, preserving the privacy of any future users at this adjacent site. There are no proposals that the LPA is aware of for the development of this land; there is no extant permissions in place and any future development proposals would have to consider the surrounding site characteristics. Therefore the objection in this respect can only be given limited weight in the assessment of the application.

5.54 The hotel owners have requested restrictions in place in respect to building works, including no construction at weekends. There are specific controls outside planning legislation and other legislation that can appropriately manage construction impacts, particularly in a commercial area such as this where there are no residential neighbouring properties. Additionally, a separate condition restricting hours of operation would not be appropriate, given that the Council's standard work

hours conditions permits some work at weekends, this would not satisfy the objector's concerns.

### Living Conditions of Future Occupants

5.55 In terms of the proposed flats within both the existing building and the new rear residential building, these are considered to be of an adequate size (studios measuring between 29.8-33sqm, one bedroom flats 38-43sqm and 2 bedroom flats between 48 -77sqm) noting that there is no relevant current local plan policy relating to space standards.

5.56 The flats within the new residential building all have single aspect outlook, which is over the rear garden of the application site. Within the existing building, half of the flats are maisonettes, with the two flats split over the lower and ground floor levels being dual aspect, as well as flat identified as 'AP6' split over the second and third (attic) floors. However, the remaining maisonette identified as 'AP8' has an outlook over the rear, with the two bedrooms contained within the third floor attic being served by a dormer to front and a rooflight. Overall, the internal arrangement is considered to provide a suitable living accommodation across the development, which would provide additional housing to contribute to the overall housing stock, whilst also achieving flatted accommodation whilst appreciating the historic plan form of the listed building.

5.57 A daylight and sunlight assessment has been submitted in order to demonstrate that the proposed development would provide satisfactory living conditions for future occupiers. In terms of the proposed flats within the existing building, the lower ground floor bedrooms fall below BRE (Building Research Establishment) targets for Average Daylight Factor (ADF), which assesses the level of light inside a building. However as BRE targets are met in the ground floor living accommodation and the BRE guidance states that bedrooms have a lesser expectation of daylight and thus the level of daylight across the flats is considered acceptable. The initial scheme sought to provide two self-contained dwellings within the lower ground floors, and the incorporation of these into the ground floor accommodation results in space within this historic building to be used more effectively, especially as this would help to meet an identified housing need and increase the size of dwellings provided within the development. A condition is recommended to control the arrangement of flats AP1 and AP2.

5.58 In respect to the new residential building, the majority of windows and habitable rooms meet the BRE targets in terms of Average Daylight Factor (ADF). In terms of ADF the living room window (identified as R8) falls marginally short of the target by 0.02%, however this is a one bedroom flat and as the bedroom meets the target there is a good level of daylight throughout the flat.

5.59 With the exception of Flats AP1 and AP2, the flats would all have access to a communal external amenity space located to the north western corner of the site. Flats AP1 and AP2 will have private external access to patio areas created in the lightwell, to the rear of the building. The external areas will be a particular benefit and create a positive environment for future occupiers in this city centre location.

5.60 NPPF paragraph 180 (Section 15) consider that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

5.61 Blossom Street is heavily trafficked throughout the day and night, and contains a number of late-night entertainment uses. There is a concern that the conversion of the building fronting Blossom Street could result in noise disturbance to prospective occupiers.

5.62 The site is located within the Air Quality Management Area (AQMA), declared on the basis of exceedances of the health based annual mean nitrogen dioxide objective. Draft Local Plan policy ENV1 covers Air Quality, which states that development will only be permitted if the mechanisms are in place to mitigate adverse impacts and prevent future exposure to poor air quality, helping to protect human health.

5.63 An indicative ventilation strategy has been produced without detrimental harm to the historic fabric of the building, whilst also enabling the windows to habitable rooms facing Blossom Street to be non-openable. The scheme allows all the rooms to the Blossom Street facade to be mechanically ventilated. A condition shall secure a full ventilation strategy to be submitted and approved. Therefore, whilst located within an Air Quality Management Area, the scheme is considered to mitigate the adverse impacts of this and prospective occupiers would be prevented from unacceptable levels of poor air quality and noise disturbance.

5.64 The new rear residential building will be fitted with double glazing, and given its orientation, it is anticipated that prospective occupiers will be sufficiently protected from external noise sources, including Blossom Street and the external garden within the application site.

### Climate Change

5.65 It is set out in section 14 of the Framework, that the planning system should support the transition to a low carbon future in a changing climate. This includes encouraging the reuse of existing resources, including the conversion of existing buildings and support renewable and low carbon energy and associated infrastructure (para. 148 of NPPF).

5.66 Publication draft (2018) plan policies CC1 and CC2 seek to encourage the use of renewable and low carbon energy generation and high standards of sustainable design and construction. Both policies are applicable to the new residential building, however only Policy CC2 is relevant to the conversion of the existing building to residential.

5.67 The applicant has confirmed that the principles of policies CC1 and CC2, the minimisation of greenhouse gas emissions and the use of resources efficiently will be employed during the construction of the development, where they can be applied in a manner consistent with the appropriate conservation of the heritage assets. The applicant has agreed to a condition requiring details to be submitted that sets out how the design and construction of the development will achieve the requirements of policies CC1 and CC2.

### Accessibility and parking

5.68 Paragraph 103 of the Framework advises that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

5.69 Blossom Street is a key arterial traffic route which offers cycle routes and is a major route for public transport. The train station is in close proximity to the site. The site is considered to be a sustainable location which can promote walking, cycling and use of public transport. The development is designed as a car-free scheme as it has no existing off-street car parking provision and is landlocked. There is limited public car parking options for any prospective resident and surrounding streets are either private or are included within residential parking zones. Additionally, Blossom Street has waiting restrictions in place.

5.70 Measures to incentivise sustainable transport have been sought and agreed with the applicant, on the basis of £200/dwelling contribution towards cycle provision and £200/dwelling towards car club (£400 in total per dwelling). The contribution to cycle provision and car club is appropriate given that the application site is well served by cycle links, which means there is a strong potential for occupiers to switch from cars with the right incentives, and as the development and surrounding areas offers no or very limited parking, there is a requirement to avoid additional demand for on-street parking. Publication draft policy T7 identifies the need for mitigation, or other measures in order to reduce the number of trips generated by the particular development.

5.71 In line with the Council's cycle parking standards (Appendix E), cycle parking spaces should be provided at a ratio of 1 cycle space per residential flat. The plans indicate that 16 cycle parking spaces shall be provided to the rear of the site, extending along the north eastern boundary. The cycle parking shall be provided by

Sheffield stands, which would accommodate two bikes per stand, which is more user friendly than the previously proposed semi-vertical bike stands. The plans do not at this stage provide indicative enclosure, however it is acknowledged that the details can be secured through condition. Emphasis however will be placed upon the design of the enclosure, given the historic environment, but also in respect to how bicycles would be secured and accessed.

#### - Bin and waste stores

5.72 The new residential building sited to the rear contains an attached bin and waste store. The waste services team will be able to access the bin store. A condition will ensure that the bin store is provided prior to occupation and maintained for this use for the lifetime of the development.

#### Drainage and Flood Risk

5.73 The site is in Flood Zone 1 where there is a low risk of flooding. The site is partly covered by existing buildings or areas of hardstanding which is similar to the proposed scheme. There is an existing private combined water sewer connection which shall be used for foul water. The existing building positively connects to the existing private combined system and will allow surface water to discharge to it. The Lead Local Flood Authority (LLFA) do not raise any objections to the development in principle and it is considered that conditions can be imposed to ensure that a drainage scheme can be agreed to development commencing.

#### Landscaping and Trees

5.74 There are a group of mature Sycamore trees on site that are protected under a Tree Preservation Order (CYC253-G1). It is acknowledged that the proposed development will have an impact upon the root protection areas of this grouping, however this impact has been calculated as 10%, which is considered to be within tolerable levels.

5.75 Given the deficit of trees on Blossom Street and that the grouping of the trees within the site are visually important, it is considered that conditions shall be imposed in order that they are protected during the demolition and construction phases of the development.

5.76 Other opportunities to enhance the natural environment of this site are limited to the lawned communal garden area. However the plans indicate that the cycle store(s) and bin store will have green roofs, which is welcomed in terms of enhancing biodiversity in this city centre location and the quality of the development.

#### Affordable Housing / Vacant Building Credit

5.77 Publication draft policy H10 seeks affordable housing provision for residential developments where 11 or more homes (or a residential floorspace of 1000sq.m) will be provided. Paragraph 63 of the NPPF provides an incentive for brownfield development on sites containing vacant buildings. The vacant building credit applies a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the LPA calculates any affordable housing contribution which will be sought. NPPF Footnote 28 states that this does not apply to vacant buildings that have been abandoned.

5.78 In considering how the VBC should apply to a particular development, regard should be given to the intention of national policy and guidance states that it may be appropriate for authorities to consider:

- whether the building has been made vacant for the sole purposes of re-development
- whether the building is covered but an extant or recently expired planning permission for the same or substantially the same development

5.79 There is substantial information provided by the applicant in respect to the cessation of the New York Club and Institute operating from this premises, in section 'loss of community facilities' above. The applicant sets out that the Club was struggling to survive, with dwindling existing membership and custom and lack of new memberships, as well as the financial burden of maintaining the building. Assets, such as the rear yard have been sold off in order to raise revenue. As the Club is run by its Members, there is evidence that they were involved in the decision to close the Club and ultimately vacate the premises, although it does appear that there have been no attempts to market the premises for other commercial uses. On balance, the LPA does not have any evidence to the contrary that would suggest it was made vacant for the sole purposes of redevelopment.

5.80 There are no extant or recently expired planning permissions relating to this application site, and therefore it is considered that vacant building credit can be applied to this development.

5.81 Independent validations have been undertaken to give a unit market value and the affordable housing commuted sum based on a 16 apartment scheme has been calculated as £53,940.

### Provision of Off-Site Open Space

5.82 The Council's Open Space and Green Infrastructure update (2017) which is part of 2018 Draft Plan's evidence base sets out that within the Micklegate Ward there is sufficient open space, however there is a shortage of play provision. As the development seeks 2 x 2 bedroomed units there is the opportunity to provide a contribution towards off-site play equipment within 300m of the application site at Scarcroft Green Play area. A contribution of £526 is requested by the Council's



Public Health Programme Officer for this provision to improve off-site play equipment in the locality.

## **6.0 CONCLUSION**

6.1 The site is previously developed land, sustainably located close to the city centre and on a key arterial route with access to public transport and other means of travel other than the car. The NPPF promotes the effective use of land in meeting the need for homes and other uses, in addition to the Government's objective of significantly boosting the supply of homes. The flats to be provided will provide an acceptable standard of residential amenity for the prospective occupiers in terms of daylight and sunlight and a condition to develop further a ventilation strategy will ensure that occupiers are not exposed to poor air quality. Whilst the development will be car free, there will be adequate cycle parking, external amenity spaces and bin storage areas.

6.2 The loss of the use of the building as a community facility is on balance acceptable; due to the cessation of the Club, the level of disrepair within the building and that the operation of the Club is no longer financially viable. Its loss would not be so detrimental to the long term vitality and viability of the local centre or the provision of community facilities.

6.3 The proposal has been revised to enhance the significance of the setting of the listed building and the character and appearance of the York Central Historic Core Conservation Area. There will be less than substantial harm to designated heritage assets and considerable importance and weight is given to the desirability of avoiding harm to the designated heritage assets in accordance with the statutory duties. There is also less than substantial harm to assets of archaeological interest. The public benefits of the proposal are considered to outweigh the less than substantial harm to these heritage assets. In more general design terms, the new residential building is considered to respond appropriately to local character and history, in terms of built form whilst forming a more modern building.

6.4 The application, subject to appropriate conditions satisfies other aspects in terms of archaeology, impact on protected trees and environmental quality and climate change. It is considered that there are no protective policies within the NPPF which provide a clear reason for refusal and that the proposed scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the NPPF taken as a whole, taking into account the details of the scheme and any material planning considerations. The proposal is thus sustainable development for which the NPPF carries a presumption in favour. Accordingly, the recommendation is one of approval subject to a Section 106 Agreement to provide a financial contribution towards off-site open play provision and to secure affordable housing provision. The obligations set out in the report are considered to be necessary to make the development acceptable in

planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

## **7.0 RECOMMENDATION:**

i That delegated authority be given to the Assistant Director for Planning and Public Protection to APPROVE the application subject to

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

- Sustainable travel - £200/dwelling contribution towards cycle provision and £200/dwelling towards car club (£400 in total per dwelling)(Index linked)
- Affordable housing - £53,940 contribution towards off-site provision (index linked)
- Off-site play provision - £526 (index linked)

b. the conditions set out below.

ii The Assistant Director be given delegated authority to finalise the terms and details of the s106 Agreement

iii The Assistant Director be given delegated powers to determine the final detail of the planning conditions.

1 TIME2 Development start within three years

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

105 P02 Proposed Site Plan; 109 P01 Proposed Lower Ground Floor Plan; 110 P02 Proposed Ground Floor Plan; 111 P02 Proposed First Floor Plan; 112 P02 Proposed Second Floor Plan; 113 P02 Proposed Third Floor Plan; 120 P01 Proposed Site Section A; 121 P01 Proposed Site Section B; 122 P01 Proposed Site Section C; 130 P02 Proposed Elevations Front Elevation 01 (SE); 131 P01 Proposed Elevations/Sections Rear Elevation 02 (NW); 132 P01 Proposed Elevations/Sections Rear Elevation/Section 03 (NW); 133 P01 Proposed Elevations/Sections Rear Elevation 04 (NW); 134 P01 Proposed Elevations/Sections Section 05 (NW); 135 P01 Proposed Elevations/Sections Side Elevations 06 (NE); 136 P01 Proposed Elevations/Sections Side Section/Elevations 07 (NE); 137 P01 Proposed Elevations/Sections Side Section/Elevation 08 (NE); 138 P01 Proposed Elevations/Sections Side Section 09; 139 P01 Proposed Elevations/Sections Side Elevation 10 (SW); 140 P01 Proposed Elevations Side Elevation 11

Reason: For the avoidance of doubt and to ensure that the development is carried

out only as approved by the Local Planning Authority.

3 LC1 Land contamination - Site investigation

4 LC2 Land contamination - remediation scheme

5 LC3 Land contamination - remedial works

6 LC4 Land contamination - unexpected contam

7 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. The information shall include site specific details of:

i. the flow control device manhole, the means by which the surface water discharge rate shall be restricted to a maximum rate of 1.14 (one point one four) litres per second, and

ii. the attenuation tank, the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved

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

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

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

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

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

The development shall be carried out in accordance with the approved foundation design and statement of working methods.

Reason: The site lies within an Area of Archaeological Importance which contains significant archaeological deposits. No foundation design has been included within the application and it is important that the development preserves 95% of the archaeological deposits within the footprint of the building(s). This is to comply with Section 16 of the National Planning Policy Framework and Draft Policy D6 of the City of York Publication Draft Local Plan (2018).

9 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief and where appropriate excavation is required.

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

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

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

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

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction. This is to comply with Section 16 of the National Planning Policy Framework and Draft Policy D6 of the City of York Publication Draft Local Plan (2018).

10 A programme of archaeological building recording, specifically a written description and photographic recording of the standing (existing) building to Historic England Level of Recording 2 is required for this application.

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

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

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

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

Reason: The buildings on this site are listed and are of archaeological interest and must be recorded prior to alteration or removal of fabric. This is to comply with Section 16 of the National Planning Policy Framework and Draft Policies D5 and D6 of the City of York Publication Draft Local Plan (2018).

11 Prior to the commencement of development, an energy statement shall be submitted to and approved in writing by the Local Planning Authority. The energy statement shall set out how the design and construction of the proposed development will minimise greenhouse gas emissions and the use of resources in line with the requirements of policies CC1 and CC2 of the Publication Draft Local Plan (2018). The measures outlined in the energy statement shall be incorporated into the design and construction of the development and shall be operational for the lifetime of the development.

The requirements of Policy CC1 is applicable to both the conversion of the existing building to residential and the new residential building.

The new residential building should [seek to] achieve:

- At least a 19% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013).

- A water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

- A reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

The conversion of the existing building to residential should aim to achieve BREEAM domestic refurbishment 'very good'.

As the existing building is grade II listed, the extent to which the requirements of Policies CC1 and CC2 can be applied to the building in a manner consistent with its appropriate conservation shall be demonstrated.

Reason: In the interests of sustainable design and in accordance with Section 14 of the National Planning Policy Framework and policies CC1 and CC2 of the Publication Draft Local Plan 2018.

12 Notwithstanding what is shown on the approved plans, prior to any demolition, site clearance or building work, a method statement explaining the measures you will take to protect the trees on the site during all demolition and construction shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved method statement. If any of the trees dies or becomes seriously damaged or diseased within a period five years of the substantial completion of the development, it shall be replaced in the next planting season with a replacement tree of a similar size and species, unless the Local Planning Authority approves an alternative in writing.

Reason: To safeguard the protected trees during construction works that are integral to the visual amenity of the site and surrounding area.

13 Prior to the commencement of development (excluding demolition) of the existing building, details of the ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The approved ventilation strategy shall be installed and operational prior to first occupation of any of the residential flats contained within this building and shall thereafter remain operational for the lifetime of the development.

The ventilation strategy should incorporate heat recovery (MVHR) and be designed to meet current building regulations with respect to the provision of fresh air and the extraction of stale air. The system should be designed to provide continuous mechanical supply and extract to the rear of the building and for all windows facing Blossom Street to be non-opening.

Details should be provided of the location and specification of all new services (where they terminate externally), including flues, extracts and vents. Scaled cross sectional drawings should be provided to demonstrate the routing of the ventilation

system internally. You are advised to avoid features of special architectural or historic interest.

Reason: The site is located within an Air Quality Management Area (AQMQ), where pollution levels are currently exceeding health based standards. The ventilation strategy will ensure that prospective occupiers of this building will have reduced exposure to poor air quality, whilst also protecting the special architectural or historic interest of this listed building. This is to comply with Section 15 and 16 of the National Planning Policy Framework and Policy ENV1 of the City of York Publication Draft Local Plan (2018).

14 Prior to the commencement of development (excluding demolition) to the existing building, details of the location and specification of all new services where they terminate externally (other than those required for the ventilation system) including flues, extracts or vents shall be submitted to and approved in writing by the Local Planning Authority and thereafter constructed only in accordance with the approved plans.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework.

15 All windows to the Blossom Street facing facade within the existing building will be fixed shut and non-openable and shall be permanently retained as such.

Reason: In order to protect prospective residents of the flats within this building from poor air quality and noise disturbance and to accord with Section 15 of the National Planning Policy Framework, specifically paragraphs 180 and 182 and Policies ENV1 and ENV2 of the City of York Council Publication Draft Local Plan (2018).

16 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 for the new residential building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials and thereafter retained.

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

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

their sensitive location and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

17 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details shall be submitted to illustrate the colour, texture and bonding of brickwork and mortar treatment to be used for the infill areas to the rear elevation prior to the commencement of the demolition of the 20th century extensions on the existing building shall be submitted to and approved in writing by the Local Planning Authority. The infill works to the rear elevation shall be carried out using the approved details and thereafter retained.

Note: We would accept a sample panel of brickwork to be erected on 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 that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

18 Notwithstanding what is shown on the approved drawings, prior to the commencement of the demolition of the 20th century extensions on the existing building, scaled elevations and cross sections of all new windows including the dormer window shall be submitted to and approved in writing by the Local Planning Authority and installed only in accordance with the approved details and thereafter retained.

i. elevation and vertical cross section through all new windows (scale 1:5) illustrating inter alia window head, windows and sills.

ii. cross section through windows (scale 1:1) illustrating inter alia frames, glazing bars, spacers, and gaskets and fixers for single glazed units.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework, specifically section 12 and Policy D1 of the City of York Publication Draft Local Plan (2018).

19 Notwithstanding what is shown on the approved plans and prior to works



commencing on site (excluding demolition) to the existing (standing) building, full details (scaled drawings and sections) including design and materials of the new (one) rooflight shall be submitted to and approved in writing by the Local Planning Authority and installed only in accordance with these approved details and thereafter retained.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to protect the special architectural or historic interest of this listed building and to comply with the National Planning Policy Framework.

20 Prior to the occupation of any residential property hereby permitted, scaled details of the proposed cycle store enclosure to accommodate 16 cycles using Sheffield stands shall be submitted to and approved in writing by the Local Planning Authority. The cycle enclosure shall be installed as shown on the approved plans and maintained in the approved form for the lifetime of the development and shall be solely used for this and no other purpose.

Reason: To ensure that the visual appearance of the enclosure is appropriate in this sensitive location and to promote use of cycles thereby reducing congestion on the adjacent roads, in the interests of highway safety.

21 The bin store attached to the new residential building as shown on drawing No. 110 P02 Proposed Ground Floor Plan shall accommodate adequate space for the storage of 2,880litres of refuse and 2,640litres of household recyclable materials. This area shall be kept clear at all time and used solely for such purposes.

Reason: In order that the communal area has adequate waste and recycling facilities to serve the development.

22 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 first occupation 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 46dB(A) LA90 1 hour during the hours of 07:00 to 23:00 or 38dB(A) 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area and to accord with Section 15 of the National Planning Policy Framework and Policy ENV 2 of the City of York Publication Draft Local Plan (2018).

23 Prior to the occupation of any residential property hereby permitted, scaled details including its design and materials of the gates to Blossom Street shall be submitted to and approved in writing by the Local Planning Authority. The gates shall be installed before occupation of any residential property and in the approved form as shown on the approved plans and maintained for the lifetime of the development.

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

Reason: In order to that the development is secured, to prevent obstruction to other highways users and to ensure that the visual appearance of the gate is appropriate in this part of the York Central Historic Core Conservation Area.

24 The arrangement of the flats titled 'AP1' and 'AP2' as shown on the approved plans Drawing No. 109 P01 Proposed Lower Ground Floor Plan and 110 P02 Proposed Ground Floor Plan shall be maintained as two separate maisonette apartments.

Reason: Due to the unsatisfactory light levels within the lower ground floor, independent accommodation at this level this would not form an acceptable standard of accommodation in line with Paragraph 127 of the National Planning Policy Framework and Policy D1 of the City of York Publication Draft Local Plan (2018).

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

- Negotiation in respect to heritage issues, discussion of air quality issues and strategy, transport mitigation and daylight and sunlight assessment.

## 2. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

### **Contact details:**

**Case Officer:** Lindsay Jenkins

**Tel No:** 01904 554575