



CITY OF
YORK
COUNCIL



Notice of a public meeting of Area Planning Sub-Committee

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

Date: Thursday, 5 September 2019

Time: 5.30 pm

Venue: The George Hudson Board Room - 1st Floor West
Offices (F045)

AGENDA

1. Declarations of Interest

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

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

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

2. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is at **5.00 pm Wednesday 4 September**.

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3. Plans List

To determine the following planning applications:

- a) **Block H Joseph Terry Grove York** (Pages 1 - 20)
[18/01934/FULM]
Erection of four storey block of 34 apartments with associated parking and landscaping (revised design of Block K, previously named Block H) **[Micklegate]** [site visit]

- b) **2 St Aubyns Place York YO24 1EQ** (Pages 21 - 44)
[19/00557/FUL]
Erection of replacement dwelling (resubmission). **[Micklegate]** [site visit]

**c) Club Salvation George Hudson Street York (Pages 45 - 52)
YO1 6JL [19/00837/LBC]**

Internal alterations to Nos 27-31 George Hudson Street involving the removal of existing partitions and the installation of new partitions and doorways to facilitate conversion of the properties to serviced apartments. **[Micklegate]** [site visit]

**d) Club Salvation George Hudson Street York (Pages 53 - 76)
YO1 6JL [19/00836/FULM]**

Conversion of first, second floor and third floors and roof level extension to create 17no. serviced apartments (C1 use), change of use of 23 and 25 Tanner Row ground floor and basement to restaurant (class A3) with ancillary accommodation along with ground floor and basement to 31 George Hudson Street to amenity space for serviced apartments above (c1 use) (revised scheme) **[Micklegate]** [site visit]

4. Planning Enforcement Cases - Update (Pages 77 - 80)

The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

5. Urgent Business

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

Democracy Officer:

Michelle Bennett

Contact details:

- Telephone – (01904) 551523
- Email michelle.bennett@york.gov.uk

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 **(01904) 551550**

COMMITTEE REPORT

Date: 05/09/19
Team: Major and Commercial Team
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 18/01934/FULM
Application at: Block H Joseph Terry Grove York
For: Erection of four storey block of 34 apartments with associated parking and landscaping (revised design of Block K, previously named Block H)
By: David Wilson Homes
Application Type: Major Full Application (13 weeks)
Target Date: 15 July 2019
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Outline planning permission for the redevelopment of the former Terrys factory site was granted under permission number 09/01606/OUTM. Planning permission ref:14/01716/FULM was granted for the residential re-development of the northern section of the site with a residential scheme of apartments and townhouses. This included a four storey apartment block identified as Block H at its south western boundary adjacent to the retained Former Liquor Store and the Former Headquarters' Building. The developers have subsequently re-titled block H as block K.

1.2 Planning permission is now sought for erection of a four storey apartment block providing a total of 34 apartments on the block K site. The apartment block has a consolidated footprint and a 0.5 metre reduction in roof height compared with the earlier permission. The scheme was initially submitted with a fifth penthouse storey which contained three additional apartments. That element of the scheme was subsequently withdrawn to address conservation and design concerns. .

1.3 The site lies within the Terry's/Racecourse Conservation Area and the setting of a number of Listed Buildings from the former Chocolate Works including the former Headquarters' Building, the Liquor Store, the Clock Tower and the former Multi-Storey Factory (all Grade II listed).

1.4 The application was deferred at the 8 August 2019 meeting because Members wished to have full details of any s106 requirements for education and outdoor sport provision before making their decision.

2.0 POLICY CONTEXT

2.1 Publication Draft Local Plan (2018) Policies:

D1 Placemaking
D4 Conservation Areas
D5 Listed Buildings
H10 Affordable Housing
DM1: Infrastructure and Developer Contributions

2.2 Development Control Local Plan (2005) Policies:

CYGP1 Design
CYH2A Affordable Housing
CYHE2 Development in historic locations
CYHE3 Conservation Areas
CYHE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection in principle to the proposal subject to the submission and approval of a scheme of noise insulation to safeguard the amenity of prospective residents in respect of the approved cafe/delicatessen in the adjacent Liquor Store, together with the submission and approval of a CEMP (Construction Environmental Management Plan) and the remediation of any remaining contaminated land issues.

Housing Services

3.2 Seek the provision of 5 social rented and 1 discount sale apartment in this scheme plus a commuted sum equivalent to 0.2 of a discount sale apartment with the affordable units integrated throughout the scheme. The size and type of homes should be a pro-rata mix. If Registered Provider partners judge that the affordable housing cannot be successfully delivered on site, an off-site commuted sum representing the full value of the affordable housing may be considered.

Design, Conservation and Sustainable Development (Design)

3.3 Objected to the original proposal on the grounds of impact of the additional bulk height over and above the approved scheme on the visual amenity of the wider street scene, together with the impact of the additional height and bulk upon the setting of the adjacent Listed Buildings.

Highway Network Management

3.4 Initially raised concerns in respect of the level of car parking allocated to the development and the layout and numbers of cycle parking provision. Following further clarification the arrangements for vehicle and cycle parking are now felt to be acceptable. If permission is given a commuted sum payment is sought for sustainable transport comprising £400 per dwelling for cycling/bus pass provision and £200 per dwelling as a car club contribution.

Flood Risk Management

3.5 Both foul and surface water are connected to the previously agreed main drainage infrastructure. In terms of surface water there is no significant change in the proposed connected impermeable area which is attenuated and discharged at the agreed rate for the whole site to manhole SWDC-15 & SWMH-214 as shown on the Proposed FW & SW Sewer Infrastructure (Phase 2) Drawing No. D50044 P4 dated 26.10.2016 by Cooper Consulting.

Education

3.6 The education contribution of £750,008.00 requested for 14/01716/FULM is still required

Community Sports Development Manager

3.7 If the original development Block H has only increased by 1no. bedroom then the Section 106 contribution would increase by £213 to cover this.

EXTERNAL

York Civic Trust

3.8 Object to the original proposal on the grounds of harm to the setting of the adjacent Listed Buildings and the character and appearance of the Terry's/Racecourse Conservation Area by virtue of the additional height and angular massing of the proposed additional storey over and above what has previously been approved. Concern is also expressed in respect of the relationship of the proposed pattern of fenestration to that adopted in the adjacent Listed Buildings.

Yorkshire Water Services

3.9 Raise no objection to the proposal.

Micklegate Planning Panel

3.10 Object to the proposal on the grounds of harm to the setting of the adjacent Listed Buildings by reason of the additional height and density when compared with the previously approved scheme.

The Ainsty (2008) Internal Drainage Board

3.11 Raise no objection to the proposal.

North Yorkshire Police Designing Out Crime Officer

3.12 Raise no objection to the proposal.

Historic England

3.13 Object. Additional height of proposed block H could intrude upon and compromise the iconic view of the Clock Tower from the Grade 1 listed Goddards. If this view is blocked or compromised the historical association would be harmed, the setting of Goddards compromised and the historic narrative of this important house would be disrupted. Recommend that the council ensures that heights are reduced to protect these views and to ensure that the prominence of the Clock Tower is maintained.

The National Trust

3.14 Object to the proposal because of the harm it would cause to the setting of the Grade I Listed Goddard's House Tadcaster Road, the historic residence of the Terry family. The site of Goddards' was chosen to be in sight of the factory. There remains a gap between the racecourse stands with the Clock Tower remaining in view from Goddards, allowing the significance of both to be understood. The proposed increase in height from the original approval has the potential to impact on this view and on the setting of the heritage assets.

Publicity and Neighbour Notification

3.15 Fifty nine letters of representation have been received raising the following issues:-

- Objection to the impact of the proposal upon the setting of the adjacent Listed Buildings;
- Objection to the impact of the proposal upon the character and appearance of the Terry's/Racecourse Conservation Area;
- Impact upon the residential amenity of neighbouring properties by virtue of loss of light, privacy and overlooking;
- Objection to the over-development of the site;

- Concern in respect of the impact of the proposal upon the safety and convenience of highway users on the local network;
- Concern in respect of the impact of the proposal upon the availability of parking spaces in the locality;
- Concern in respect of the impact of the proposal upon local infrastructure.

Additional Comments following amendments to reduce height

3.14 Following on from the amendment to the proposals a further consultation/publicity exercise has been undertaken and further responses from the Civic Trust, the Planning Panel and 7 letters of representation have been received raising the following planning issues:

- Objection to the design of the building on the grounds of poor architectural merit and poor visual relationship to the adjacent Listed Buildings.
- Objection to the impact of the revised scheme upon the setting of the Multi-Storey Factory.
- Objection to the impact of the proposal upon the residential amenity of neighbouring properties by virtue of over-dominance.
- Objection to an over-supply of apartments within the wider scheme;
- Objection to the lack of vehicle parking space within the site and lack of support for sustainable transport measure.

York Civic Trust

3.15 Remain concerned about the impact on heritage assets of the former factory site. This sensitive heritage space requires a clever piece of architecture that while sympathetic is not a pastiche of the heritage assets. Fenestration remains at odds with the historic buildings. Consider that the visual height and angular massing might be better offset by the omission of one of the lower floors with the retention of a parapet and splayed upper floor.

Micklegate Planning Panel

3.16 The height of the proposal needs to be reduced

4.0 APPRAISAL

KEY CONSIDERATIONS INCLUDE

- Principle Of The Proposed Development
- Heritage Assets
- Impact Upon The Residential Amenity Of Neighbouring Properties
- Transport;
- Planning Obligations

- Affordable Housing

NATIONAL PLANNING POLICY FRAMEWORK

4.1 The NPPF sets out the Government's planning policies for England and how they should be applied.

LOCAL PLAN

4.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes – The Development Control Local Plan - was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

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

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.4 Section 5 of the NPPF contains the Government's objective of significantly boosting the supply of homes. Section 11 promotes the effective use of land. It states "Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions". It goes on to state that planning decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively".

4.5 The site currently is underused, previously developed land which is subject to an extant planning permission for a four storey block of 34 apartments. The city has

demonstrable housing need and this is an accessible, central, sustainable location. Policy is in favour of the proposed re-use of the site in principle.

4.6 Policy H2 requires an appropriate density of development on sites to ensure the efficient use of land. Policy H3 states that "proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people". The housing mix proposed is 11 x 1 bed, 22 x 2 bed and 1 x 3 bed apartments. Consequently the proposals do not conflict with the approach proposed in policy H3.

4.7 Affordable housing will be secured in accordance with policy H10 and this is discussed later on in the report.

HERITAGE ASSETS

4.8 Section 16 of the NPPF contains policies for conserving and enhancing the historic environment. Paragraph 193 advises 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. Paragraph 194 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." Paragraph 196 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....." Paragraph 200 advises 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.

The Proposal

4.9 The scheme proposes the construction of a single apartment block. The building would be approximately 41 metres in depth (north south axis), would present a 31metre wide frontage to The Boulevard to the south and an 18 metre wide frontage to Joseph Terry Grove to the north. The building would be about 12.5 metres high. The land slopes slightly from north to south. The building would be clad in brick with dry cast stone detailing to the window surrounds. Recessed balconies would have glazed balustrades. Car parking is proposed to the north of the Liquor Store and along the east side of the building. Formal tree planting is

proposed in the parking areas. The building would be almost 17 metres from the rear elevation of the former Headquarters Building and 8.5 metres from the flank of the Liquor Store. The proposed building is a storey higher than the Liquor Store. The proposed building would be set back about 1.6 metres back from the building line created by the southern elevations of the former Headquarters Building and the Liquor Store. Prior to the closure of the factory and demolition the application site comprised a flat roofed three storey commercial building, dating from the 1970s, attached by a bridge to the multi-storey factory building.

Impact Upon The Setting Of Listed Buildings

4.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council 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." As a statutory duty, any harm to the listed building or its setting must be afforded significant weight when considered in the planning balance and this is outlined below. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. The presumption in favour of sustainable development set out at Para 11 of the NPPF would not apply in these circumstances.

4.11 Asset Significance - The former Terry's complex comprises a large former chocolate and confectionary manufacturing complex in operation from the 1920s through to 2006. The complex is designed to a simple Neo Classical metaphor characteristic of the early 1920s with each building constructed in brick with stone detailing. The former Headquarters' Building is aligned on Bishopthorpe Road with a short length of separate drive way to give the impression of a small to medium size Neo-Classical villa. The remainder of the complex is aligned on the former principal access, now The Boulevard, with prominent Art Deco detailing in stone on the Factory, Clock Tower and Liquor Store. The complex is a strong group in architectural terms, presenting a unified style which reflects the strength and importance of the corporate image of Terry's chocolate firm. The buildings also have a strong historic interest, representing the most complete surviving expression of the importance of the confectionary business in York, and confirming, on a national scale, York's high status in this business.

4.12 Assessment Of Impact - The proposal envisages a consolidation of the approved pattern of development into a single block with the pattern of car parking arranged in two blocks to the north west and to the east. The location of the parking to the north west provides a more open setting to the Clock Tower and Liquor Store, tree planting will help to mitigate the appearance of car parking in this area. Previously a residential building was proposed in this location. Prior to demolition a three-storey commercial building was located on the site. More significant concern was expressed in respect of the design and layout of the fifth floor with the additional height that would be created. It was felt that the design and material chosen for the proposed fifth floor would render it highly prominent within the wider street scene

and that the visual intrusion of the proposal, which is not of the scale and massing of the previously approved scheme, would cause significant harm to the setting of the adjacent listed buildings. In order to address the concerns the scheme was amended to remove the fifth floor ensuring that the scheme more closely aligned with the scale and massing of that previously approved. The parapet level is now proposed to be approximately 0.5 metres below that of the previous approval. Medium and long distance views of the listed buildings would be retained and the proposed building would not harm these views. It is felt that the scale and layout of the revised proposal would result in a scheme that would not harm the setting of the listed buildings.

4.13 The application site also lies within the setting of the County Stand a Grade II* Listed Building within the curtilage of the Racecourse complex. As a consequence of the alignment of the building and its surroundings it is felt that the proposal would not give rise to any material harm to its setting.

Setting Of Goddards And Its Registered Historic Park And Garden

4.14 Concerns have been raised by objectors in respect of the impact of the proposals on the setting of Goddards the Grade I Listed former home of the Terry family with its historic park and garden on the north side of the Racecourse. The original factory complex was constructed to be clearly inter-visible with the family residence and as such forms part and parcel of its wider setting. Objector's contended that the proposed apartment block would cause less than substantial harm to the setting of Goddards and its garden when taken cumulatively with other developments undertaken at the site and the adjacent racecourse and that no clear public benefit that would outweigh the harm had been put forward as required by Central Government planning policy as outlined in paragraph 196 of the NPPF.

4.15 Goddards lies in landscaped grounds accessible from Tadcaster Road to the north west of the site beyond the Racecourse. The principal views that remain of the former factory from Goddards are of the Clock Tower. The proposed apartment block is set back significantly from the Clock Tower compared with the approved scheme and has been reduced in scale to four storeys. Whilst it is acknowledged that there has been harm to the visual relationship between Goddard's and the former Chocolate Works by virtue of developments on the Racecourse, it is considered that the revised proposals would not harm the setting of Goddards or of its garden.

Impact Upon The Terry's/ Racecourse Conservation Area

4.16 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council "to have special regard to the desirability of preserving and enhancing the character and appearance of Conservation Areas. As a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a

strong presumption against the grant of permission. Policy D4 of the Publication Draft Local Plan is also relevant in this context. This indicates that development proposals will be supported if designed to conserve and enhance the Conservation Area whilst leaving its essential qualities unchanged.

4.17 Asset Significance - The Terry's/Racecourse Conservation Area encompassed the retained buildings of the former chocolate works complex together with racecourse complex. It is characterised by agglomerations of comparatively high buildings some of which such as the Multi-Storey Factory and the Clock Tower have iconic status in terms of the wider City skyline. The former Terry's factory character area includes all the early buildings of the complex. Its special interest is a result of the consistent high-quality design approach, the layout of the factory buildings on a rectilinear grid arranged around two axis and the generally inward looking nature of the site. The key spaces are the forecourt to the head office, the main access road and the garden in the south east corner of the site.

4.18 Assessment Of Impact - The scheme as amended envisages the erection of a four storey block within a consolidated foot print from that previously approved. It maintains the grid pattern established for the factory and the subsequent redevelopment and provides for an appropriately scaled built northern boundary to the key space of the main access road. The building's south elevation would be set back from the listed building's building line. The proposed block would provide appropriate spacing to the key buildings and with the previously proposed fifth storey removed would respect the character and appearance of the conservation area terms of its pattern of scale and massing. Medium and long distance views would be retained. The development would not harm the character and appearance of the Conservation Area and as such would comply with the statutory test outlined in Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act and the policies of the NPPF and the draft local plan.

IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

4.19 NPPF paragraph 127 indicates that planning decisions should create places with a high standard of amenity for all existing and future users. Policy D1 (Placemaking) of the Publication City of York Local Plan indicates that new development should pay close attention to the residential amenity of neighbouring properties.

4.20 Concern has been expressed by objectors in terms of the impact of the proposal upon the residential amenity of neighbouring properties notably the apartments within the former multi-storey factory (The Residence) by virtue of loss of light, privacy and over-bearing impact. The proposed scheme as amended differs from that previously approved by virtue of consolidating the built footprint of the previously approved scheme into a single unit with slight variations in siting and overall height. The location, scale and massing of the amended scheme would closely match that previously approved and would not be over-dominant in respect

of its relationship with The Residence. The distance between the buildings would be about 26 metres, which is slightly greater than with the approved scheme. Whilst balconies are proposed, it is considered that the separation distances would mitigate against significant overlooking. To the north planning permission exists for townhouses and a current planning application 18/02329/FULM retains townhouses directly to the north of block K. The relationship between the proposed townhouses and the proposed apartment block would not be materially different to that previously approved and would provide for appropriate living conditions for future residents.

TRANSPORT

4.21 The NPPF seeks to ensure that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up, safe and suitable access to the site can be achieved for all users and any significant impacts on the transport network or on highway safety can be cost effectively mitigated to an acceptable degree. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.22 Local bus routes link the site to the city centre and railway station, although these are not high frequency routes. The site is close to cycle links to the city centre and more local shopping and leisure facilities.

4.23 Concern has been raised by objectors in respect of the level of vehicle parking to be provided in respect of the proposal. The level of car parking to be provided at 35 spaces which is in line with the previously approved scheme and the Car and Cycle Parking Standards. Concern has however been expressed in terms of an absence of visitor parking spaces with the potential for over-spill parking within the surrounding area. It is however felt that the numbers of spaces proposed are consistent with what has previously been approved. As such the arrangements are felt to be acceptable.

4.24 The previously approved scheme for the wider site was subject to a Section 106 Agreement which allowed for the payment of commuted sums to secure sustainable transport improvements, and further commuted sums are sought in respect of a Section 106 Agreement in respect of the current proposal should approval be forthcoming. In terms of cycle parking 40 spaces are proposed within a single store with the use of Sheffield-style stands predominating. It is felt that the numbers and layout of the proposed cycle parking are appropriate taking account of what was previously approved.

4.25 Concern has been raised by objectors in respect of the impact of the levels of additional traffic upon the safety and convenience of highway users. The amended scheme would however generate a similar volume of traffic to that previously approved. The impact would be neutral.

IMPACT UPON LOCAL INFRASTRUCTURE

4.26 Concern has been raised by objectors in respect of the impact of the proposal upon local infrastructure such as schools and doctor's surgeries. The proposal as amended is however identical in terms of numbers to that previously approved. The impact would be neutral.

PLANNING OBLIGATIONS

4.27 Policy DM1: Infrastructure and Developer Contributions states that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the Vision, Spatial Strategy and Objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site.

4.28 Financial contributions in terms of provision of an annual bus pass/cycling contribution of £400 per apartment together with a financial contribution of £200 per apartment towards the City Car Club is sought in order to promote the development of sustainable means of transport in the local area which may be secured by means of Section 106 Agreement. With respect to Education a contribution of £750,008.00 was secured by means of Section 106 on the original consent towards educational facilities for nursery, primary and secondary school places within 1.5 miles of the development or such other facilities that in the opinion of the council best serve the Development. Education Services have confirmed that this figure would still apply. In addition a contribution of £275,976.00 towards procuring the provision of or improvements to sport facilities on the Knavesmire or within 1km from the Development was secured as part of the original Section 106 and CYC Community Sports Development Manager has confirmed that this figure would need to be increased by £213 to cover the additional bedroom that has been incorporated into the scheme.

Affordable Housing

4.29 The proposal falls to be considered against the requirements of Policy H10 of the Publication Draft Local Plan. The policy has a target of 20% affordable housing for brownfield sites within the urban area. Six units would be provided on site with a financial contribution of the equivalent of the market value of 0.8 of a dwelling at a standard valuation for the development. The provision and contribution can be secured by means of a Section 106 Agreement.

4.30 The proposed obligations are considered to comply with Regulation 122 of the 2010 CIL Regulations, in that the obligations are;

(a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development,

Contributions also comply with Regulation 123 in respect of pooling restrictions.

5.0 CONCLUSION

5.1 The application proposes a development of 34 apartments on previously developed land in a sustainable location. The proposal provides for a mix of smaller apartments including affordable housing. Planning permission has exists for an apartment block on the site. The scale and design of the scheme would not harm the character and appearance of the conservation area nor the setting of adjacent and nearby listed buildings. The scale and design of the proposal would not harm the living conditions of existing residents. Parking provision is provided to the standards set out in the DCLP and traffic generation, compared with the extant permission would be neutral. It is considered that the proposal as amended complies with the statutory provisions in terms of heritage assets, and is in accordance with the NPPF, the Submission Draft Local Plan and the Development Control Local Plan.

COMMITTEE TO VISIT

6.0 RECOMMENDATION:

- (i) Permission granted subject to:
 - a) Prior completion of a legal agreement to secure the following obligations:
 - **Affordable housing** – provision of six units on site with a financial contribution of the equivalent of the market value of 0.8 of a dwelling at a standard valuation for the development (index linked) or alternative provision as set out in paragraph 3.2 of the officer's report
 - **Sustainable Travel** – Payment to the first occupier of each residential unit of a an annual bus pass or non-transferable voucher of £400 to be used to purchase a bicycle
 - **Car Club** payment of £6800 (index linked)
 - **Education Contribution** of £750,008.00 was secured by means of Section 106 on the original consent towards educational facilities for nursery, primary and secondary school places within 1.5miles of the development or such other facilities that in the opinion of the council best serve the Development.
 - **Sports Contribution** of £276,189.00 towards procuring the provision of or improvements to sport facilities on the Knavesmire or within 1km from the Development
 - b) The conditions outlined below

- (ii) The Assistant Director for Planning and Public Protection be granted delegated powers to finalise the terms and details of the s106 agreement
- (iii) The Assistant Director for Planning and Public Protection be granted delegated powers to determine the final detail of the planning conditions.

Schedule of conditions:

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs: 2362-PL-K002D ; 2362-PL-K011B ; 2362-PL-K012B; 2362-PL-K053D ; 2362-PL-K100F; 2362-PL-K101E ; 2362-PL-K102F ; 2362-PL-K103B; 2362-PL-K400F ;2362-PL-K401E .

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

- 3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences beyond foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties

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

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

Reason: So as to achieve a visually cohesive appearance

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

foundation level. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

- 6 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 7 Prior to the commencement of the development a scheme for the provision of electric vehicle charging points within the development shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and shall retained thereafter.

Reason: To provide facilities for the charging of electric vehicles in accordance with Central Government Policy as outlined in the NPPF along with City of York Council's Low Emissions Strategy.

INFORMATIVE: All electrical circuits/installations shall comply with electrical requirements of BS 1671: 208 As well as conform to the IET Code of Practise on Electrical Vehicle Charging Equipment Installations (2015)

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

Reason:- To safeguard the residential amenity of neighbouring properties

- 9 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on

Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason. To protect the amenity of local residents

- 10 The covered and secure cycle parking facilities and storage facilities shall be provided in accordance with the approved plans prior to first occupation of the development hereby approved. The cycle storage shall have lockable doors and the internal space shall have facilities for locking cycles (using Sheffield type stands or similar). The cycle storage area and stands shall be retained thereafter.

Reason: In the interests of visual and residential amenity and to promote sustainable travel in accordance with paragraphs 108 and 127 of the NPPF.

- 11 The building shall not be occupied until the approved the bin storage area has been provided in accordance with the approved drawings and retained thereafter.

Reason To safeguard the residential amenity of neighbouring properties and to secure compliance with paragraph 127f) of the NPPF.

- 12 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed hard and soft landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which 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 approved in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

- 13 The foul and surface water drainage system shall be constructed in accordance with the Proposed FW & SW Sewer Infrastructure (Phase 2) Drawing No. D50044 P4 dated 26.10.2016 by Cooper Consulting unless an alternative proposal has been approved in writing by the local planning authority.

Reason:

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 (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:

- i) Sought clarification of the proposed numbers and layout of cycle and vehicle parking;
- ii) Sought the removal of the proposed fifth penthouse storey from the development.

Contact details:

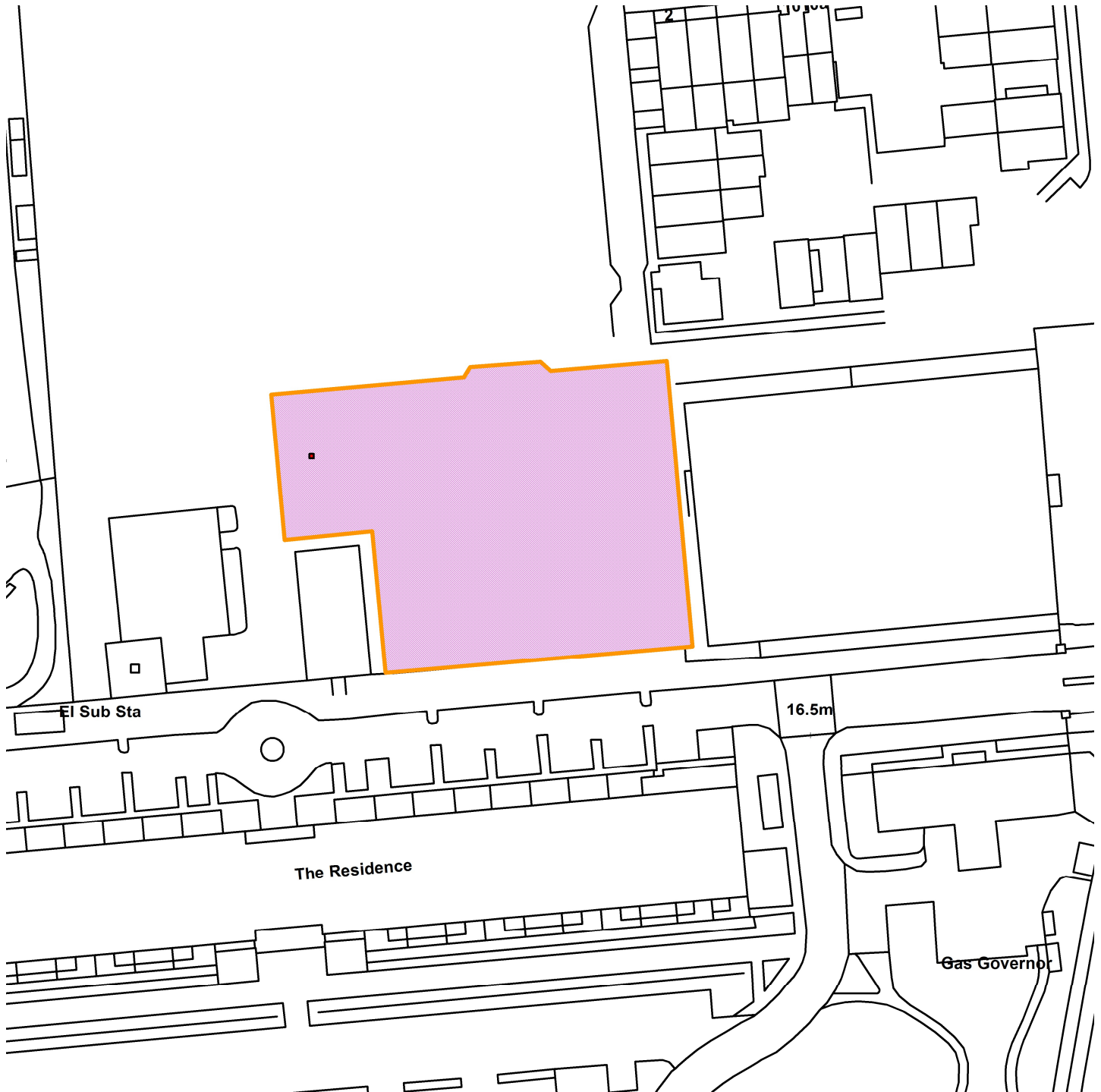
Author: Erik Matthews Development Management Officer

Tel No: 01904 551416

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18/01934/FULM

Block H Joseph Terry Grove



Scale : 1:970

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	28 August 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 08.08.2019
Team: West Area
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 19/00557/FUL
Application at: 2 St Aubyns Place York YO24 1EQ
For: Erection of replacement dwelling (resubmission)
By: The Handa Family
Application Type: Full Application
Target Date: 12 September 2019
Recommendation: Approve

1.0 PROPOSAL**THE SITE**

1.1 The application site comprises a corner plot at the junction of St Aubyns Place and the foot of The Mount; a main route into the city centre from the south. Currently it is occupied by a 1930s dormer bungalow of period design, constructed from red/brown brick with two symmetrical projecting bays and front dormer window. The three-bedroom bungalow has been extended to provide a kitchen and garage to the side and conservatory at the rear. Off-street parking is provided from a drive accessed from St Aubyns Place and a terraced garden is to the front and side of the property. Within the application site are elements which originated from the grounds of the adjacent Grade II* listed Elmbank Hotel. These include balustraded stone steps with plinth. As they join the Hotel they are also considered to be listed.

1.2 The site is not in a Conservation Area, but directly borders both the Tadcaster Road Conservation Area and the Central Historic Core Conservation Area. It is within the City Centre Area of Archaeological Importance. It is in flood zone 1 (low risk of flooding).

1.3 The application has been called in for determination at planning sub-committee by the local councillor for Micklegate Ward.

PROPOSAL

1.4 The application is for the demolition of the existing bungalow and the erection of a replacement two storey 4-bedroom dwelling with integral garage. The building is intended to be of a subtle modernist design, whilst referencing the context of the adjoining conservation areas, setting of the Elmbank Hotel (Grade II*) and St

Aubyns Place dwellings. The building would be constructed of a red clay handmade brick generally laid in a Flemish bond with sections of vertical lain brick to add variation and detail. The roof will be a shallow dual-pitched standing seam matt grey zinc roof set partly behind a low parapet. Windows will be light grey aluminium framed. The main entrance to the property will be at first floor, via external stairs. A new shallow ramped access will also be created from The Mount. Vehicle access, will be as existing from St Aubyns Place with a secondary entrance into the ground floor of the property from the driveway. Also proposed is a small area of timber cladding on the front elevation, with timber garage and entrance doors.

1.5 Whilst there is some reforming of the site to accommodate the dwelling, the terraces and ground levels at the boundaries remain the same. The northern half of the ground floor is set into the incline, and at the rear, a new courtyard is excavated to allow daylight and outlook for the ground floor bedrooms. The greatest depth of excavation and changing of levels will be in this area, with the courtyard set 0.9m below existing with part of the ground floor set a maximum of 1.4 below existing levels. Raised planters will soften the space. The garden to the north of the site will be reformed into a set of terraces and the existing staircase and balustrade, attached to the hotel, will be retained. A small modern store will be removed.

1.6 The low brick wall boundaries will be retained as existing on the street frontages. As the existing bungalow and attached garage will be demolished, the boundary to the neighbour at No.4 is altered. It is proposed that the existing height of the brick wall will be continued at the rear.

RELEVANT PLANNING HISTORY

1.7 Planning permission was refused on 03.05.2018 for the erection of a replacement two-storey dwelling by the same applicant (reference 17/02891/FUL).

1.8 Since then, the applicant has sought pre-application planning advice and worked positively with the local planning authority prior to submission of the current planning application.

2.0 POLICY CONTEXT

2.1 Policies:

York Local Plan Publication Draft (February 2018)

D4 Conservation areas
D5 Listed buildings
DP3 Sustainable communities
D1 Placemaking

City of York Draft Local Plan (incorporating 4th set of changes, April 2005)

GP1 Design
GP9 Landscaping
HE2 Development in historic locations
HE4 Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (conservation and design)

3.1 The site forms part of the setting of the Elmbank Hotel and makes an important contribution to its significance for various reasons (aesthetic, evidential and historic). To a lesser extent, the site, as part of their setting, affects the significance of the Conservation Areas.

3.2 The modernist approach to the design is supported as it reflects the prevailing character of changing fashions. When considering the design approach a subservient building is now proposed that respects the dominance of the Elmbank Hotel. A simple palette of materials has been chosen, reflecting the prevailing Conservation Area character. When reviewing the topography of The Mount it appears that many buildings have been 'cut' into their sloping sites and the proposal continues this tradition. The entrance on the first floor also reflects the Conservation Area character of raised ground floors over excavated basement.

3.3 To conclude the current proposal is now supported as it has responded to previous comments in a successful way. The approach now respects the setting of the hotel and the setting of the Conservation Areas.

Planning and Environmental Management (archaeology)

3.4 St Aubyns Place lies within the Central Area of Archaeological Importance. It is situated along the line of a Roman road approaching York from the south-west from Tadcaster, Calcaria. Roman cemeteries are found along these approach roads. At Trentholme Drive opposite, a Roman inhumation and cremation cemetery is known to exist. It is possible that groundworks associated with this proposal may reveal or disturb archaeological features particularly relating to the Roman period. As a precaution it will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. Should it become clear that the construction of the extant building has removed any archaeological deposits that may have existed on the site the watching brief can be halted. A condition is advised.

Public Protection

3.5 Public Protection requested that a noise survey be submitted to assess the impact of noise from the road traffic and kitchen ventilation/extraction system on the future occupiers of the proposed dwelling. Following submission of the report, the officer confirmed support for the proposals subject to the minimum glazing specifications outlined in the noise report being used and that the noise levels in the bedroom and family room on the first floor would be in line with the guidance levels in the World Health Organisations community noise guidance levels. The potential for contaminated land on site is considered to be low. Conditions are advised.

Highway Network Management

3.6 Officers advise they have no objections to the proposed development from a highway point of view. The applicant is to utilise the existing access and driveway. The access, car and cycle parking are acceptable. A standard informative on protecting the grass verge is advised.

Flood risk management

3.7 Initially the officer advised that the use of soakaways should be considered and site specific infiltration testing should be undertaken. Consideration should be given to discharging to the nearest watercourse if suitable. If not, then peak run-off must be attenuated to 70% of the existing rate and accommodate a 1:30 year storm with no surface flooding and surface run off from the site in a 1:100 year storm.

3.8 The officer witnessed the soakaway testing and due to the subsoil conditions being predominantly clay with boulders to a depth 2.0m below ground level it was confirmed that soakaways as a means of surface water disposal are not suitable in this location. Therefore the proposed separate piped drainage for storm water and foul water drainage shown on the plans is considered acceptable in principle and details should be controlled by proposed conditions.

EXTERNAL

Yorkshire Water

3.9 The site shall be developed with separate systems of drainage for foul and surface water on and off-site. Separate connections should be made to existing sewers in the street.

Micklegate Planning Panel

3.10 No response.

Publicity

3.11 Site notice expired 23.05.2019. Press notice expired 08.05.2019. Twenty-five neighbours / interested parties have objected to the proposals as follows:

- The applicant should confirm the relationship to the hotel as there are concerns the building will be used by the hotel for visitor accommodation.
- Objections to demolition of the bungalow.
- The house will block views of the Elmbank Hotel and harm its setting. The Elmbank Hotel is listed Grade II* and the significance of its architecture should not be harmed by a very modern, individual and stand-out property.
- The proposals would cause harm to the conservation area due to inappropriate design; it does not complement the street scene. It does not preserve or enhance the character and appearance of the conservation area.
- There are no public benefits of the proposals to outweigh the harm to the conservation area and listed building.
- The new house will cause visual blight for neighbours.
- The proposed dwelling will detract from a beautiful uninterrupted approach into York. It is a prominent and highly visible site.
- The design does not reflect the houses on St Aubyns Place which are traditional in character.
- Extensive excavation is required to keep the two storey building below the current ridge height.
- The proposal is overdevelopment.
- The proposed design is out of character with the area with inappropriate materials (extensive timber cladding, aluminium framed windows, zinc roof), complex modern form, small, minimal and irregularly placed windows. The linear form and horizontal emphasis is incongruous in The Mount area.
- The zinc roof will reflect sunlight and cause a traffic hazard.
- The handrail is poor design.
- The layout is unsuitable for a wheel chair user.
- The new dwelling will sit too far forward in the site.
- The excavation and construction work will be disruptive to neighbours, parking and traffic flows. The pavements should remain accessible and no vehicles should park on the deep grass verge. Construction materials will have to be stored on the public highway. Construction / delivery vehicles will cause safety issues for pedestrians and vehicles as it is a narrow cul-de-sac.
- St Aubyns Place benefits from being a resident parking zone. Builders and trades people will have to park on the verge which is not acceptable.
- Loss of privacy for No.4 St Aubyns Place during construction and once completed. The family room at first floor is of particular concern. Consideration should be given to frosted glazing or high-level windows.

- The shared boundary with No.4 should remain intact and have a maximum height of 2.5m to ground level for No.4. The raised planters and planting should be restricted to 2.5m in height to avoid loss of light for the neighbours.

4.0 APPRAISAL

KEY ISSUES

- 4.1 - Principle of development, any
- Impact on designated heritage assets,
 - Neighbour amenity
 - Impact of noise from traffic and commercial premises on future occupiers.

Legislative context

4.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of conservation areas. Sections 16 (2) and Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

4.3 The revised National Planning Policy Framework was updated and republished in February 2019 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

4.4 The NPPF sets out the Government's overarching planning policies. Paragraphs 7-11 explain that the purpose of planning is to contribute to achieving sustainable development through three overarching objectives; economic, social and environmental. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Permission should not be granted where any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

4.5 Section 16 states that the significance of heritage assets should be sustained and enhanced. New development should make a positive contribution to local character and distinctiveness. 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. New development should make a positive contribution to local character and distinctiveness.

4.6 Section 12 underlines how the creation of high quality buildings and places is fundamental to planning and key to sustainable development. Developments should function well and add to the overall quality of the area, be visually attractive, sympathetic to local character and history whilst not preventing or discouraging appropriate innovation and change. A strong sense of place should be maintained or supported, using the arrangement of streets, spaces, building types and materials to create attractive and distinctive places, optimising the potential of the site to accommodate an appropriate amount and mix of development, and creating places that are safe, with a high standard of amenity for existing and future users (paragraph 127). Permission should be refused for development of poor design that fails to improve the character and quality of an area. Where the design accords with clear expectations in plan policies, design should not be a valid reason to object to development (paragraph 130). In determining applications, great weight should be given to outstanding or innovative designs which promote sustainability or help raise the standard of design, providing they fit with the overall form and layout of their surroundings (paragraph 131).

York Local Plan Publication Draft (February 2018)

4.7 The Publication Draft Local Plan 2018 was submitted for examination on 25th May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.8 Policy D4 explains that development proposals within or affecting the setting of conservation areas will be supported where they are designed to conserve and enhance the special character and appearance of the conservation area, leave qualities intrinsic to the wider context unchanged, and respect important views. Policy D5 states that proposals affecting the setting of a listed building will be supported where they protect its setting, including key views, approaches and aspects of the immediate and wider environment that are intrinsic to its value and significance.

4.9 Policy DP3 'Sustainable communities' sets development principles including respecting and enhancing the historic character of York, delivering high quality design, layout and scale, ensuring appropriate building materials are used. Development should create a high quality, locally distinctive place which relates well

to the surrounding area and its historic character, promoting sustainable modes of travel and for development not to contribute to flooding.

4.10 Policy D1 'Placemaking' (read with May 2018 minor modifications) requires development to enhance, respect and complement the historic arrangement of street blocks, plots and buildings, demonstrate that it is of an appropriate density and does not dominate other buildings particular those of historic interest. Development should not be a pale imitation of past architectural styles, use appropriate materials and demonstrate best practice in contemporary urban design and placemaking, creating active frontages to streets. Design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

Other material considerations

Tadcaster Road Conservation Area - Appendix B, DCLP (2005)

4.14 The Tadcaster Road Conservation Area follows the main York to London Road from the Mount, past the former gallows through the settlement of Dringhouses. For much of its passage it is lined by mature trees with views across the Knavesmire. In the 1840's the terrace of townhouses on Mount Vale were completed and later the suburban villas and semi-detached properties. The main elements of the character and appearance of the area are the linear form of the original village, the mature trees, long views out across the Knavesmire, and the large villas in their own grounds along Tadcaster Road.

Central Historic Core Conservation Area Appraisal (2011)

4.15 The Conservation Area Appraisal (adopted by Planning Committee 2011) identifies The Mount as character area 24, which borders the site. It is defined as a Victorian suburb, comprising large 19th century villas and interwar suburban semi-detached housing. The Elmbank Hotel is identified as a landmark. There are no detracting buildings in the area. This area largely comprises 19th century development with little modern intrusion. In general, most houses are two or three storey and would have been occupied by the middle-classes. Brick is the dominant material, usually red or buff, although cream stucco appears occasionally as does white brick. Each street is stylistically different from one another on account of the varied ages and changing fashions throughout the century.

CONSIDERATION

Principle of development

4.16 The site borders two conservation areas but these boundaries have been specifically drawn to exclude the 1930s housing on St Aubyns Place, including the application site. As such, planning permission is not required for demolition of the bungalow, but is required for any replacement structure. It is noted that many neighbours have objected to the loss of the bungalow but this cannot be prevented. Therefore in terms of the principle of development, the replacement dwelling can be supported as it re-provides a single residential dwelling on a brownfield site, in a sustainable location within walking and cycling distance of the city centre and other local facilities. As a four bedroom dwelling with attached garden, it will provide family accommodation; the Strategic Housing Market Assessment 2016 identifies a need for 55.7% of new market housing between 2012 and 2032 to be for three- plus bedroom dwellings (ie family accommodation).

Heritage assets and design

4.17 The application site borders both Tadcaster Road Conservation Area and the Central Historic Core Conservation Area as well as being in the setting of a Grade II* listed building. The site is in a prominent location, being set on a corner, following the building line around from the two-storey semi- and detached residential properties of St Aubyns Place. Its primary relationship is to The Mount rather than the side street; a key route into and out of the city. This position is defined further by being at the foot of the incline up to Blossom Street and by being set in front of the Elmbank Hotel, which as the Conservation Area appraisal confirms, is a landmark in the area. It immediately draws the eye in the street scene by virtue of its architecture, scale, distinctive tower, position on the incline and white brick. However, the building's interior is of the most interest being represents the only extensive example of Art Nouveau decor in York and is one of the finest and most complete surviving in England. The hotel was originally a house and St Aubyns Place was built in the grounds. The garden to the application site is bounded to the north by the staircase and balustrade which once related to these gardens; being attached they form part of the listing. No changes are proposed to these structures other than the removal of a modern timber shed at the bottom of the stairs and this is supported.

4.18 The previous scheme was refused planning permission as it was assessed as being an unduly prominent and incongruous element in the streetscene, causing harm to the character and appearance of the Conservation Area and the setting of the Grade II* listed Elmbank Hotel. A second reason was the lack of noise assessment to assess noise from the traffic and hotel ventilation/extraction equipment. (One has been prepared and submitted for the current application). Since this time the application has entered into pre-application discussions with the Local Planning Authority before submitting the current application.

4.19 The proposed dwelling is part single and part two storey, set into the incline with a partially sunken landscaped courtyard at the rear. The terraced garden is

reformed into more angular sets of terraces. A new entrance through the front boundary is proposed from The Mount with vehicle access maintained in the same position as is, to an integral garage. The house will be constructed from a handmade red clay brick (similar in colour to St Aubyns Place dwellings) mainly laid in Flemish bond with bands of vertical brick in soldier bond at first floor and at the roof, one inlaid section at the front and two at the rear of the property. The roof will be a hipped and pitched standing seam zinc roof in grey colour. Windows will be light grey aluminium framed with an embossed panel between the double height bay window to the front and in line panel at the rear. The main entrance into the property is at first floor from both a ramped shallow incline and up a flight of stairs. The entrance is generous and defined by a canopy. The principal entrance to the property and secondary door at ground level will be timber, as will the garage doors and recessed panels to the integral bin storage area to the main elevation.

4.20 The modernist approach to the design is supported here as it reflects the prevailing character of changing fashions. Neither Conservation Area is homogenous but contains a variety of different buildings of different periods, styles and materials. The existing roof and its ridge of the bungalow are higher than the proposed and obscure views of the listed building. The lowering of the overall height of the building was encouraged and, therefore, the removal of the roof terrace and reduction of the parapet height has achieved this. This is an enhancement to the setting of the Listed Building.

4.21 The proposals now respect the topography and respond to the changes in level and increasing incline towards the Hotel and up the slope; a defining character of this part of the street. When reviewing the topography of The Mount it appears that many buildings have been 'cut' into their sloping sites and the proposal continues this tradition. The entrance on the first floor also reflects the prevailing Conservation Area character of raised ground floors over excavated basement.

4.22 The proposed dwelling will be viewed as a correctly subservient building, respects the dominance of the Elmbank Hotel. A simple palette of materials has been chosen, reflecting, the prevailing Conservation Area character and St Aubyns Place. The choice of brick colour will reflect and be similar to those on St Aubyns Place which will aid in keeping the differentiation between the domestic scale residential dwellings on the suburban street and the white brick of the Hotel. Windows are predominantly vertically proportioned and the window to wall ratios is generous. It is important with any modernist design, however, that the quality of materials and of the detailing is of the highest quality and additional detail has been provided by the applicant in the supplementary document to the Design and Access Statement which can be referenced in any approval. The detail in this document is supported by officers as it continues the high quality of the design.

4.23 The elegant silhouette and the introduction of a shallow roof pitch reflects not only the Elmbank Hotel but St Aubyns Place too. Modern design cues, from an

assessment of the surrounding building styles, have been applied including strong parapets, bay windows, chimneys, canopies over doors, and window proportions. The 'stepping down' character from the hotel to St Aubyns Place, which is currently distinctive, is retained and enhanced by the proposed stairs approach to the new dwelling at first floor.

4.24 The proposals now positively reflect key aspects of the local vernacular including this raised primary entrance, double height bay windows, brick detailing, shallow pitched hipped roofs set behind a low parapet wall and chimneys. Officers believe that the scheme is very well considered, proposing a building that successfully responds to many defining characteristics of the area whilst not being pastiche but a clear contemporary interpretation. No harm is identified to designated heritage assets.

4.25 It is noted that Roman remains have been found nearby, and the site is in an area of archaeological importance. Advice from the city archaeologist is that a watching brief is appropriate on groundworks and this can be secured by condition.

Neighbour amenity

4.26 The proposed new dwelling is set in a similar position to the bungalow with the primary relationship and orientation to The Mount, whilst following the corner round into the side street. However as the proposed ground floor plan shows, the new dwelling is brought forward within the site to meet the line of the immediate neighbour, No.4 St Aubyns Place. This is appropriate and the benefit is that this allows a greater separation between the rear boundary shared with this same neighbour and the rear elevation of the new dwelling. This is important as the accommodation is laid out with the main habitable space at first floor. As initially proposed, the window above the kitchen units was just 5.5m from the boundary at the closest point. At the request of officers, this window has been moved to the side (west) elevation thus still maintaining natural light into this part of the room without affording any opportunities of overlooking /loss of privacy for neighbours. The window now looks out over the single storey garage of the new dwelling towards the side elevation of the neighbour which has two small obscure glazed windows to a bathroom and over the front driveway from height. The separation and outlook will not harm neighbour amenity.

4.27 The second window from this main habitable space is set at first floor at a distance of 8m from the boundary. No.4 is already overlooked at the rear (north) by the imposing Elmbank Hotel with bedroom accommodation overlooking the garden from height. The existing terraced garden to the bungalow also permits views from within the north part of the garden into the neighbours (and vice versa). For residents living in an urban area, it cannot be expected that there is no overlooking of properties. With already reduced levels of privacy, and with a large imposing structure on the boundary of the garden, the addition of a window to a dining area at

a distance of 10m to the central part of the garden is considered acceptable. Moreover, already the neighbours have dense planting on the boundary, including a mature apple tree and other shrubs. The proposed courtyard for the new house also proposes landscaping in raised planters on the boundary. Proposed landscaping and existing mature planting will reduce any impact further. The neighbours have asked that a restriction on the height is put on the vegetation on the boundary for the dwelling; this is not considered reasonable or necessary.

4.28 Currently the single storey garage attached to the bungalow forms a high boundary for the neighbours at the immediate rear of their property. Here the land is at its lowest point before it rises up towards the hotel. The boundary will necessarily be rebuilt, to a lower level to follow the height of the boundary wall from the middle of the garden. This maintains a sense of enclosure for the neighbours, although reduced from 4.2m to 3.0m in height. However at 3.0m this height still prevents opportunity for overlooking from the neighbouring new sunken courtyard. It is not considered therefore that there is any unacceptable loss of light or privacy as a result of the proposals. The scheme does not impact on any other neighbours in terms of amenity.

Noise

4.29 The Mount/Mount Vale is a heavily trafficked road and Public Protection requested a noise assessment to be undertaken to ensure residents of the new property would not be unduly disturbed and any design implications for reducing potential noise could be addressed prior to determination. The assessment also included monitoring of an extraction unit on the kitchen of the hotel. The Environmental Health Officer was satisfied with the results of the report, but requested a condition to ensure the building envelope would be constructed to meet noise insulation requirements and that double glazing was used.

Drainage

4.30 The site is at low risk of flooding (flood zone 1). The plans show separate systems of foul and surface water drainage. The Council's flood risk engineer has witnessed the percolation test on site and confirms the site is not suitable for soakaways being heavy boulder clay. The drainage details can be agreed by condition but the principle of piped discharge of surface and foul water as shown on the plans is acceptable in principle.

Highways and Access

4.31 The existing vehicle access from St Aubyns Place is maintained thus providing space for the parking of one vehicle off street and / or a vehicle within the garage. Plans also show two spaces for the parking of bicycles which is considered

acceptable. A condition is advised to ensure that the energy distribution board can accommodate charging of an electric vehicle.

Other

4.32 Neighbours have raised concerns that the new dwelling would be used by the hotel as visitor accommodation. The application is for a replacement dwelling, ie use class C3 (residential) and planning permission would be required to change the use to a hotel.

5.0 CONCLUSION

5.1 The application is for the demolition of the bungalow at No.2 St Aubyns Place and replacement with a two storey four bedroom dwelling. The site is in a prominent position at the foot of The Mount, and adjacent to two Conservation Areas and within the setting of the Elmbank Hotel; a Grade II* Listed Building. The new dwelling is of a modernist design, but elegant and having a simple palate of materials with appropriate detailing. It is seen as a positive addition to the area, successfully responding to key elements in the conservation areas and local streets, whilst reinterpreting it to an appropriate, contemporary design, but also subservient and muted in the street scene. There is no harm to the setting of designated heritage assets and no harm to neighbour amenity. There scheme is acceptable in all other respects.

5.2 The proposals are therefore found to be in complete accordance with planning policies in the National Planning Policy Framework 2019, particularly at Section 16: Conserving and enhancing the historic environment, section 5 on housing and 12 on good design. It is also found to be in accordance with relevant emerging policies in the York Local Plan Publication Draft (February 2018) D4 Conservation areas, D5 Listed buildings, DP3 Sustainable communities and D1 Placemaking. The application is therefore recommended for approval subject to the attachment of the following conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Site location plan, 15036-EDA-A-XX-XX-DR-A-1000 revision P00, received 20.03.2019;

Ground floor plan as proposed, 15036-EDA-XX-GF-DR-A-2000 revision P02,

received 08.07.2019;

First floor plan as proposed, 15036-EDA-XX-01-DR-A-2001 revision P02, received 26.07.2019;

Roof plan as proposed, 15036-EDA-XX-XX-DR-A-2002 revision P00, received 20.03.2019;

Elevation 01 as proposed, 15036-EDA-XX-XX-DR-A-2020 revision P02, received 26.07.2019;

Elevation 02 as proposed, 15036-EDA-XX-XX-DR-A-2021 revision P01, received 18.04.2019;

Elevation 03 as proposed, 15036-EDA-XX-XX-DR-A-2022 revision P01, received 18.04.2019;

Elevation 04 as proposed, 15036-EDA-XX-XX-DR-A-2023 revision P02, received 26.07.2019;

Elevation 01 as proposed (line drawing), 15036-EDA-XX-XX-DR-A-2024 revision P01, received 26.07.2019;

Elevation 02 as proposed (line drawing), 15036-EDA-XX-XX-DR-a-2025 revision P00, received 18.04.2019;

Elevation 03 as proposed (line drawing), 15036-EDA-XX-XX-DR-A-2026 revision P00, received 18.04.2019;

Elevation 04 as proposed (line drawing), 15036-EDA-XX-XX-DR-A-2027 revision P01, received 26.07.2019;

Section AA as proposed, 15036-EDA-XX-XX-DR-A-20130 revision P02, received 26.07.2019;

Landscaping plan as proposed, 15036-EDA-XX-XX-DR-A-2090 revision P00, received 20.03.2019;

Levels sections, as existing and proposed, 15036-EDA-XX-XX-DR-A-2700 revision P00, received 20.03.2019;

Levels sections, as existing and proposed, 15036-EDA-XX-XX-DR-A-2701 revision P00, received 20.03.2019;

Levels sections as existing and proposed, 15036-EDA-XX-XX-DR-A-2702 revision P00, received 20.03.2019;

Levels sections as existing and proposed, 15036-EDA-XX-XX-DR-A-2703 revision P00, received 20.03.2019;

Boundary treatment 01 as proposed, 15036-EDA-XX-XX-DR-A-2700 revision P00, received 20.03.2019;

Boundary treatment 02 as proposed, 15036-EDA-XX-XX-DR-A-2701 revision P00, received 20.03.2019; and

Boundary treatment 03 as proposed, 15036-EDA-XX-XX-DR-A-2702 revision P00, received 26.07.2019.

Design, Access and Heritage Statement, dated 19.03.2019;

Design, Access and Heritage Statement - additional information including materials, brick course, larger scale details of the double height bay window; and Blue Sky Acoustics, Noise Impact Assessment; dated 31.05.2019

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

3 No groundwork 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 any below ground work commences (but can be agreed following demolition of above ground elements of the bungalow). Thereafter the works shall be implemented in accordance with these approved details.

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

4 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to erection on site. Thereafter, they shall be fabricated and installed in accordance with these approved details.

Windows 1:20

Doors 1:20

Railings 1:10

Reason: So that the Local Planning Authority may be satisfied with these details to ensure they remain consistent with the approved drawings and design intent.

5 The materials shall be as generally specified in the Design, Access and Heritage Assessment - additional information dated 08.07.2019 and as on the approved drawings. Prior to any above ground construction, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials. Samples shall include but not be limited to: bricks, external roofing materials, aluminium framed windows, external doors and hard landscaping.

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

Reason: So as to achieve a visually cohesive appearance in accordance with the approved scheme.

6 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs, retaining walls and levels. The details shall be in accordance with the approved landscape plan.

This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

7 The building envelope of the dwelling shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels shall be with the implementation of the mitigation work including the use of the glazing specifications as outlined in the noise report by Blue Sky Acoustics reference: 189/V01/2019 and with the windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before first occupation of the development.

Reason: To protect the amenity of future residents from externally generated noise.

8 The development should incorporate sufficient capacity within the electricity distribution board for one dedicated radial AC single phase connection to allow the future addition of an Electric Vehicle Recharge Point (minimum 32A) within the garage space (or parking area) if desired.

Reason: To ensure future electric vehicle charge points can be easily added to the property in line with the NPPF and CYC's Low Emission Strategy.

Notes: Any future Electric Vehicle Charging Points need to be professionally installed. The installation process routinely involves wall mounting a charge point on an exterior wall or garage and connecting it safely to the mains electricity supply. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

In the UK, there is a government-grant scheme available to help reduce the cost of installing a home EV charge point. For more information on the scheme see the OLEV website <https://www.gov.uk/government/collections/government-grants-for-low-emission-vehicles>

The above requirement does not preclude the installation of an Electric Vehicle Charge Point from the outset, if desired.

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

10 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

11 Prior to first occupation of the development, the site boundaries shall have been erected in complete accordance with the approved plans.

Reason: To protect neighbouring residential amenity.

12 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.

13 Prior to, or following demolition of the bungalow, but before any below ground work commences, details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to for approval in writing by the Local Planning Authority.

Design considerations: As infiltration methods have been proven to be unsuitable then in accordance with City of York Council's Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

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

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

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

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

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

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

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

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

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 (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:

Requested line drawings of the proposals for clarify, requested further information in a format that could be referred to in any decision on proposed materials and other detailing, requested the kitchen window be moved from the rear to side elevation, advised that a soakaway test was required before the proposed piped drainage scheme could be supported, and requested a noise assessment be submitted to assess the impact of noise from traffic and hotel ventilation systems.

2. INFORMATIVE: CONSTRUCTION

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 manufacturer's instructions.

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

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

(f) There shall be no bonfires on the site

3. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

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

the Council website for further details, associated fees and the application form.

Contact details:

Author: Sophie Prendergast Development Management Officer

Tel No: 01904 555138

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19/00557/FUL

2 St Aubyns Place



Scale : 1:970

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	28 August 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 05/09/19
Team: Major and Commercial Team
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 19/00837/LBC
Application at: Club Salvation George Hudson Street York YO1 6JL
For: Internal alterations to Nos 27-31 George Hudson Street involving the removal of existing partitions and the installation of new partitions and doorways to facilitate conversion of the properties to serviced apartments
By: Mr Brown
Application Type: Listed Building Consent
Target Date: 9 September 2019
Recommendation: Approve

1.0 PROPOSAL

Application Site

1.1 The application site comprises a series of existing multi storey buildings located adjacent to the junction of George Hudson Street and Tanner Row; the site is occupied by a number of land uses including a night club, retail premises and resident units. Club Salvation (No 23/25 Tanner Row) comprises a Night Club dating to the early 1980s situated within a three storey brick built Victorian terrace at the junction of George Hudson Street and Tanner Row which was partially lowered in the 1950s. Adjoining the building to the south west in George Hudson Street is a development of three storey brick built shops with flats above comprising Nos 27, 29 and 31 which are Grade II Listed.

1.2 To the rear of the application site is a multi storey car park.

Proposals

1.3 Listed Building Consent, together with a parallel application for Planning Permission (19/00836/FULM) is sought for the conversion of the first, second and third floors and a roof level extension to create 17 no serviced apartments (C1 Use), the change of use of No.23 and 25 Tanner Row at ground floor and basement levels to form a restaurant (Class A3) with ancillary accommodation along with the change of use ground floor and basement to 31 George Hudson Street to form amenity space for the serviced apartments.

1.4 This current application is a resubmission of a previously withdrawn scheme (18/01867/LBC). The earlier scheme was withdrawn by the applicant as a result of

Officer concerns with regard impact the proposals would have had upon the Listed Building and the loss of historic fabric that the proposals would have resulted in.

1.5 In seeking to address the concerns raised in the earlier application this current proposal has amended the design of the proposed roof which has resulted in a reduction in to number of proposed apartments (previously 19.no) and a reduction in the number of proposed dormer windows (previously 7.no).

2.0 POLICY CONTEXT

2.1 Publication Draft City of York Local Plan (2018)
D4 Conservation Areas

2.2 York Development Control Local Plan (2005)
CYGP1 Design
CYHE2 Development in Historic Locations
CYHE3 Conservation Areas

2.3 National
National Planning Policy Framework (NPPF) (2019)
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

3.0 CONSULTATIONS

3.1 The application has been advertised via Site Notice, Local Press Notice and by. The advertisement period expired on 3rd July 2019.

3.2 INTERNAL:
Design, Conservation and Sustainable Design (Conservation): No objections subject to conditions.

3.3 EXTERNAL:
Mickelgate Planning Panel: No comments or representations have been received.

3.4 No representations, comments or objections have been received from neighbours, members of the public or interested third parties.

4.0 APPRAISAL

Key Considerations

- Impact upon the Historic Character and Significance of the Listed Buildings

LOCAL PLAN

4.1 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 as revised in July 2018, although the weight that can be afforded to them is very limited.

4.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

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

IMPACT UPON THE HISTORIC CHARACTER AND SIGNIFICANCE OF THE LISTED BUILDINGS

4.3 Section 16(2) of the 1990 Planning (Listed Buildings and Conservation Areas) Act creates a statutory presumption for the Local Planning Authority to have special regard to the desirability of preserving the Listed Building or its setting and any special historic or architectural features it possesses. As this is a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Central Government Planning Policy as outlined in paragraph 192 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. Policy D5 of the Publication Draft Local Plan is of particular relevance in this context. This indicates support for proposals affecting Listed Buildings where accompanied by a clear evidence based justification and where the significance and heritage value of the building is maintained.

4.4 Nos 27, 29 and 31 George Hudson Street comprises a development of three storey brick built shops with dwellings above built to a simplified Georgian form circa 1860. Their special interest arises from their simple form and group value as integral shop units with living accommodation for the shop owner above with the survival on upper floors of original features including partitions on the upper floors with the result that the historic plan form largely remains.

4.5 In contrast to the previously withdrawn scheme these current proposals utilise more of the existing historic plan layout of the Listed Building. Some works are still proposed which will see an existing rear elevation opening blocked up and removed

and the new internal partitions that are proposed will be scribed around existing features of the building.

4.6 On the ground floor of No.31, the opening that would be in-filled is a modern opening and at the same time the rear portion of this floor would be portioned off to form a refuse area. This floor has been gutted and consequently introducing the partition does not harm the significance of the building. And the closing of the modern opening in effect reinstates the original form.

4.7 On the first and second floors, only minor changes to some kitchen and bathroom layouts are indicated. On the third floor of No's 27 and 31 partitions would be inserted to form a lobby for fire separation and to provide bathrooms. Given the low status of these spaces the alterations would not result in any harm to the significance of the assets.

4.8 Given the above the Conservation Officer has not raised any objections to the proposals. They have however noted that it will be necessary to ensure that the routing of services and ventilation is handled sensitively (precluding any venting through the front elevation or roof slope). As a result of this it will be necessary in the event of granting Listed Buildings Consent to condition that details of service routings within the building be submitted to and approved in writing by the LPA.

4.9 The proposal envisages a re-organisation of the existing internal layout to create a development of serviced apartments that would be used as short term, primarily holiday lets. The proposals in contrast to the previously withdrawn scheme result in a scheme which is considered to sit more comfortably within the fabric of the existing building and retain the existing historic character and fabric with features such as chimney stacks and fireplaces retained.

4.10 The submitted Design and Access statement has referenced the inclusion of secondary glazing within the scheme. However no precise details of such works have been submitted and the works are not included on the submitted drawings. Therefore such works are not considered to form part of the proposals and have not been assessed. Should the developer wish to undertake such works in the future it would require the benefit of Listed Buildings Consent in their own right.

4.11 The significance of the buildings in terms of their survival as mid 19th Century shop units with integral living accommodation would therefore be conserved. Central Government Planning Policy in terms of Listed Building Control as outlined in paragraph 193 of the NPPF indicates that when considering the impact of a development upon the significance of a Designated Heritage Asset then great weight should be afforded that asset's conservation with the more important the asset the greater the weight should be. The requirement occurs irrespective of the level of harm identified.

5.0 CONCLUSION

5.1 The proposals would result in conversion of the first, second and third floors and a roof level extension to create 17 no serviced apartments (C1 Use), the change of use of No.23 and 25 Tanner Row at ground floor and basement levels to form a restaurant (Class A3) with ancillary accommodation along with the change of use ground floor and basement to 31 George Hudson Street to form amenity space for the serviced apartments.

5.2 The proposed works to the Listed Buildings are, within the context of the development as whole; which included non listed buildings, relatively minor in their nature. The works consist of new partitioning of the internal space and the closing up of a non historic opening. Overall it is considered that these works do not give rise to significant levels of harm being caused to the overall character, setting and amenity of the Listed Building. It is therefore recommended that Listed Building Consent be granted.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

Existing and Proposed Ground Floor Plans - Drawing No. 210 Rev P00

Existing and Proposed First Floor Plans - Drawing No. 211 Rev P00

Existing and Proposed Second Floor Plans - Drawing No. 212 Rev P00

Existing and Proposed Third Floor Plans - Drawing No. 213 Rev P00

Proposed Section - Drawing No. 141 Rev P00

Proposed Section - Drawing No. 140 Rev P00

Proposed Elevations - Drawing No. 131 Rev P00

Proposed Elevations - Drawing No. 130 Rev P00

Proposed Roof Plan - Drawing No.120 Rev P00

Proposed Basement Floor Plan - Drawing No.109 Rev P00

Proposed Ground Floor Plan - Drawing No. 110 Rev P00

Proposed First Floor Plan - Drawing No. 111 Rev P00

Proposed Second Floor Plan - Drawing No. 112 Rev P00

Proposed Third Floor Plan - Drawing No.113 Rev P00

Proposed Fourth Floor Floor Plan 25 Tanner Row accessed from third floor 23 Tanner Row - Drawing No. 113.5 Rev P00

Proposed Fourth Floor Plan - Drawing No. 114 Rev P00

Proposed Demolition Basement Floor Plan - Drawing No. 049 Rev P00
Proposed Demolition Ground Floor Plan - Drawing No. 050 Rev P00
Proposed Demolition First Floor Plan - Drawing No. 051 Rev P00
Proposed Demolition Second Floor Plan - Drawing No. 052 Rev P00
Proposed Demolition Third Floor Plan - Drawing No. 053 Rev P00
Proposed Demolition Fourth Floor Plan - Drawing No. 054 Rev P00

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

3 Prior to the commencement of intrusive construction works full details of all drainage and other service runs including locations and trunking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in strict accordance with the approved details prior to the development being first brought into use.

Reason: To safeguard the architectural and historic interest of the listed building.

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 (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Author: Mark Baldry Development Management Officer

Tel No: 01904 552877

19/00837/LBC

Club Salvation George Hudson Street



GIS by ESRI (UK)



Scale : 1:970

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	28 August 2019
SLA Number	Not Set

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COMMITTEE REPORT

Date: 05/09/19
Team: West Area
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 19/00836/FULM
Application at: Club Salvation George Hudson Street York YO1 6JL
For: Conversion of first, second floor and third floors and roof level extension to create 17no. serviced apartments (C1 use), change of use of 23 and 25 Tanner Row ground floor and basement to restaurant (class A3) with ancillary accommodation along with ground floor and basement to 31 George Hudson Street to amenity space for serviced apartments above (c1 use) (revised scheme)
By: Mr Brown
Application Type: Major Full Application (13 weeks)
Target Date: 9 September 2019
Recommendation: Approve

1.0 PROPOSAL

Application Site

1.1 The application site comprises a series of existing multi storey buildings located adjacent to the junction of George Hudson Street and Tanner Row; the site is occupied by a number of land uses including a night club, retail premises and residential units. Club Salvation (No 23/25 Tanner Row) comprises a Night Club dating to the early 1980s situated within a three storey brick built Victorian terrace at the junction of George Hudson Street and Tanner Row which was partially lowered in the 1950s. Adjoining the building to the south west in George Hudson Street is a development of three storey brick built shops with flats above comprising Nos 27, 29 and 31 which are Grade II Listed.

1.2 To the rear of the application site is a multi storey car park.

Proposals

1.3 Planning permission, together with a parallel application for Listed Building Consent (19/00837/LBC) is sought for the conversion of the first, second and third floors and a roof level extension to create 17.no serviced apartments (C1 Use), the change of use of No.23 and 25 Tanner Row at ground floor and basement levels to form a restaurant (Class A3) with ancillary accommodation along with the change of use ground floor and basement to 31 George Hudson Street to form amenity space for the serviced apartments.

1.4 This current application is a resubmission of a previously withdrawn scheme (18/01866/FULM). The earlier scheme was withdrawn by the applicant as a result of Officer concerns with regard to the scale, mass and design of the proposed roof extension which utilised a mansard roof form and associated dormers. Concerns also existed with regard to the proposed design of the shop front to No.25 Tanner Row.

1.5 In seeking to address the concerns raised in the earlier application this current proposal has amended the design of the proposed roof which has resulted in a reduction in to number of proposed apartments (previously 19.no) and a reduction in the number of proposed dormer windows (previously 7.no).

2.0 POLICY CONTEXT

2.1 Publication Draft City of York Local Plan (2018)

SS3 York City Centre

D1 Place Making

D4 Conservation Areas

D5 Listed Buildings

EC4 Tourism

2.3 National

National Planning Policy Framework (NPPF) (2019)

Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)

3.0 CONSULTATIONS

3.1 The application has been advertised via Site Notice, Local Press Notice and by neighbour letter. The advertisement period expired on 3rd July 2019.

3.2 INTERNAL:

Public Protection: No objections subject to conditions.

Housing Services: Policy H10 of the submitted Local Plan sets out the affordable housing provision which is required in respect of this application. 19 use class C3 apartments are proposed and the site is brownfield.

20% of the total should be provided as affordable (Table 5.4) the equivalent of 3.8 units.

80% of the affordable housing should be social rent and 20% for Discount Sale (paragraph 5.64).

If there is a use restriction which would cause affordable housing provision on the site to be unfeasible, a commuted payment may be made. The sum "will be calculated as the difference between the transfer price and the market value of the specific home(s) on that site." Which are identified for affordable housing on a pro rata, representative basis (paragraph 5.70).

Design, Conservation and Sustainable Design (Conservation): No objections subject to conditions.

3.3 EXTERNAL:

Micklegate Planning Panel: No comments or representations have been received.

York Civic Trust: The trust welcomes any sensitive redevelopment of the site that helps restore the balance of the building's facade and improve the streetscape of the Conservation Area.

The Trust continues to consider that the initial scheme of the 18/01867/LBC application successfully remodelled the building to the previous height of the Great Northern Hotel, and that this is preferable to the later revised designs. However, and whilst the Trust is unable to support this application in its current form, we acknowledge that the treatment of a reduced number of dormer windows in the latest scheme is more sympathetic than the mansard roof and modern dormers of its predecessors.

No representations, comments or objections have been received from neighbours, members of the public or interested third parties.

4.0 APPRAISAL

Legislative context

4.1 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of conservation areas. Sections 16 (2) and Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

4.2 The revised National Planning Policy Framework was updated and republished in February 2019 (NPPF) and its planning policies are material to the determination of

planning applications. It is against the NPPF (as revised) that this proposal should principally be assessed.

4.3 The NPPF sets out the Government's overarching planning policies. Paragraphs 7-11 explain that the purpose of planning is to contribute to achieving sustainable development through three overarching objectives; economic, social and environmental. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Permission should not be granted where any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

4.4 Section 16 states that the significance of heritage assets should be sustained and enhanced. New development should make a positive contribution to local character and distinctiveness. 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. New development should make a positive contribution to local character and distinctiveness.

4.5 Section 12 underlines how the creation of high quality buildings and places is fundamental to planning and key to sustainable development. Developments should function well and add to the overall quality of the area, be visually attractive, sympathetic to local character and history whilst not preventing or discouraging appropriate innovation and change. A strong sense of place should be maintained or supported, using the arrangement of streets, spaces, building types and materials to create attractive and distinctive places, optimising the potential of the site to accommodate an appropriate amount and mix of development, and creating places that are safe, with a high standard of amenity for existing and future users (paragraph 127). Permission should be refused for development of poor design that fails to improve the character and quality of an area. Where the design accords with clear expectations in plan policies, design should not be a valid reason to object to development (paragraph 130). In determining applications, great weight should be given to outstanding or innovative designs which promote sustainability or help raise the standard of design, providing they fit with the overall form and layout of their surroundings (paragraph 131).

York Local Plan Publication Draft (February 2018)

4.6 The Publication Draft Local Plan 2018 was submitted for examination on 25th May 2018. The emerging Draft Local Plan policies can be afforded limited weight at this stage of preparation, and subject to their conformity with the NPPF. The evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.7 Policy D4 explains that development proposals within or affecting the setting of conservation areas will be supported where they are designed to conserve and enhance the special character and appearance of the conservation area, leave qualities intrinsic to the wider context unchanged, and respect important views. Policy D5 states that proposals affecting the setting of a listed building will be supported where they protect its setting, including key views, approaches and aspects of the immediate and wider environment that are intrinsic to its value and significance.

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

4.8 Policy D1 'Placemaking' (read with May 2018 minor modifications) requires development to enhance, respect and complement the historic arrangement of street blocks, plots and buildings, demonstrate that it is of an appropriate density and does not dominate other buildings particular those of historic interest. Development should not be a pale imitation of past architectural styles, use appropriate materials and demonstrate best practice in contemporary urban design and placemaking, creating active frontages to streets. Design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

Other material considerations

Central Historic Core Conservation Area Appraisal (2011)

4.9 The Conservation Area Appraisal (adopted by Planning Committee 2011) identifies the site as being located within character area 21 (Micklegate). Activity within the area is diverse with uses ranging from vibrant independent shops in Micklegate to small-scale industrial and office use to the north of the area.

KEY ISSUES:

The key issues for consideration are:

- The principle of development;
- The visual impact of development, including impact upon heritage assets;
- Amenity of surrounding occupants and land uses;
- Highways and servicing of the premises;

PRINCIPLE OF DEVELOPMENT

4.10 The application site is located within the defined City Centre as designated in the emerging plan. Policy SS3 of the Draft Local Plan (2018) states that York City Centre is the economic, social and cultural heart of York and that it is vital to the character and future economic success of the wider city.

4.11 York City Centre is identified as a priority area for a range of employment uses and is fundamental to delivering the plans economic vision. Policy SS3 goes on to state that Hotels (C1) are, amongst others, an acceptable development type within the City Centre. Other acceptable uses include Retail (A1) and Food and Drink (A3,A4,A5).

4.12 Policy EC4 seeks to support and promote tourism within the city noting the contribution it makes the economy of the city. Paragraph 4.13 states that 'Hotels are defined as town centre use and they play an important role in supporting the economic well being and vibrancy of York's city centre. Appropriately located accommodation is important. Further, the city centre is a sustainable location which is accessible by a range of transport modes. This policy supports the roles of the city centre as the primary location for hotels'.

4.13 The applicant has indicated that they envisage the proposed C1 use would likely require 5-6 full time employees covering functions such as reception staff, housekeeping and back office/administrative functions. Further employment will be generated by periodic maintenance. This would make a modest contribution towards economic development. The proposed A3 use will also generate employment opportunities.

4.14 Comments have been received from the Councils Housing section with regard to the provision of affordable housing. However in this particular case affordable housing provision is not considered to be required as the proposed development proposes a use that would fall within Class C1. Affordable housing provision and/contributions would only be required instances where a C3 use (Residential Dwellings) was proposed. Any future change to a C3 use would require further assessment by the LPA as other material considerations, such as affordable housing would become pertinent. Given these circumstances it is considered appropriate, in the event of granting planning permission, to condition that the use of the habitable accommodation is restricted to a use falling within Class C1.

4.15 The proposals would result in the provision of 17.no C1 units, a new Restaurant (A3) unit and retention of 2.no Retail (A1) Units; all of which are considered to be acceptable uses within the City Centre. It is therefore considered that the proposals are acceptable, in principle, subject to all other material considerations being satisfied.

VISUAL IMPACT, INCLUDING IMPACT ON HERTIAGE ASSETS

4.16 The application site is located within the Central Historic Core Conservation Area whilst part of the application site (No.27, 29 and 31 George Hudson Street) is designated as a Grade II Listed Building.

4.17 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State 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.'

4.18 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising any functions under the Planning Acts with respect to any buildings or other land in a Conservation Area, special regard shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

4.19 There is a presumption against development which would fail to accord with these objectives or which would lead to significant harm or loss being caused.

4.20 Policy D4 (Conservation Areas) states that proposals will be supported where they:

- i. are designed to preserve or enhance the special character and appearance of the Conservation Area and would enhance the special character and appearance of the Conservation Area and would enhance or better reveal its significance;
- ii. respect important views; and
- iii. are accompanied by an appropriate evidence based assessment of the Conservation Area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.

4.21 The Central Historic Core Conservation Area in the vicinity of the proposal is characterised by a mix of shop units with living accommodation above with larger grander formally residential properties dating from the late 18th Century onwards stretching back from the property frontages at a high density. The application site is situated adjacent to a main vehicle and pedestrian route with a mix of small scale retail, food and drink and leisure uses. Directly to the north the pattern, density and scale of buildings increases with a number of office developments and a hotel dating from the 20th Century.

4.22 The proposed development will result in the introduction of a third and fourth floor to No.23 Tanner Row. The accommodation at fourth floor level will be provided within the roof structure of the building.

4.23 The provision of these additional floors will reinstate floor levels which were previously removed (believed to be in the 1960s). This would restore the proportions of the building to a level similar to those when the building was in use a hotel.

4.24 The proposals utilise a more sympathetic roof form in comparison to the mansard roof which was proposed in the previously withdrawn scheme. The proposals also detail the provision of 3.no flat roof dormers to the roof. The result of this is a simpler less congested roof plane.

4.25 In the previously withdrawn scheme changes were proposed to the ground floor shop front of No.25 Tanner Row. At the time Officers held concerns that that this element of the proposals would create harm by virtue of the jarring appearance the upper floors. In this current scheme the ground floor frontage to No.25 would remain as it is at present. As a result the existing clear distinction between the ground floor commercial premises and more traditional upper floors will be retained.

4.26 The Council's Conservation Officer has reviewed the proposals and notes:

'The principle of the construction of additional floors to No. 23 and the change of use to No.'s 23 and 25 has been supported by the planning authority at officer level. The revised dormer details are a little crude, both the frame design and the casements appearing visually too heavy. The version shown on the elevation drawings has a somewhat lighter appearance. Revised details could be agreed by attaching an appropriate "notwithstanding" condition. At the same time, the large scale dormer drawing could be amended to remove the reference to sash windows. There are no substantive alterations to the basement floor of the listed buildings. On the ground floor of 31, a modern opening in the rear wall would be in-filled and at the same time the rear portion of this floor would be partitioned off to form a refuse area. This floor has been gutted and consequently introducing the partition does not harm the significance of the building, and closing off the modern opening in effect reinstates the original form. On the first and second floors, only minor changes to some kitchen and bathroom layouts are indicated. On the third floor of No's 27 and 31, partitions would be inserted to form a lobby for fire separation and to provide bathrooms.'

'Bearing in mind the low status of these spaces, the alterations would not result in any harm to the significance of the assets, providing the routing of services and ventilation can be handled sensitively (precluding venting through the front elevation or roof slope). The proposed alterations insofar as they are indicated on the application drawings result in no harm to the significance of the listed buildings, preserving their character and their setting.'

4.27 Paragraph 193 of the NPPF requires that in considering the impact of a development on the significance of a designated heritage asset then great weight

should be given to the asset's conservation. This applies irrespective of whether substantial harm, total loss or less than substantial harm occurs. Paragraph 196 indicates that in the case of less than substantial harm to the significance of a designated heritage asset than any harm should be weighed against the public benefit that would be generated by the proposal. Policy D4 of the Publication Draft City of York Local Plan (2018) requires that within Conservation areas development would be supported where the proposals preserve and/or enhance the character and significance of the Conservation Area.

4.28 As is outlined above the provision of the third and fourth floors would reintroduce a historic feature to the building along with it returning to a C1 use. The proposed roof form is also considered to be more sympathetic and in keeping with the area in comparison to the previously withdrawn scheme. The proposed internal works required to facilitate the development will result in the removal of non-historic features whilst new internal partitions can be suitably accommodated within the building without harming the historic fabric. The ground floor A3 use is not considered to give rise to harm to the Conservation Area or the setting of the Listed Building, particularly given the existing nightclub use at the site.

4.29 Overall it is considered that the proposals would not give rise to significant adverse harm to the character, setting and appearance of the Conservation Area. Nor will it result in the substantial harm or loss of designated heritage assets. The proposals would preserve the existing character and setting of the Conservation Area.

4.30 However to ensure that this remains the case it would, in the event granting planning permission, be appropriate to secure the following by condition:

- Samples of all external materials to be submitted and agreed in writing by the LPA prior to the commencement of the development of the additional floors.
- Sample 1m x 1m panels of the exterior brickwork to be constructed on site prior to the commencement of the development of the additional floors.
- Cross sections (at 1:5) be submitted showing the wall heads (indicated as brick corbelling on proposed plans) and stone string course in situ.
- Large details (1:5 scale) showing elevation and cross sections of the new windows.
- New window heads to match exactly the existing details on the front elevation.
- Notwithstanding the proposed dormer details shown on drawing 17073-300 P00, elevation and section drawings to be submitted and 1:5 and agreed in writing by the local planning authority.
- Full details of the location, scale, materials and design of all external vents and flues.
- Details, elevations and cross sections at a scale of 1:5 of any proposed secondary glazing.

4.31 The application site is located within a designated area of Archaeological Importance. Therefore is therefore the possibility that beneath ground features and artefacts of archaeological interest may be present at the site. The proposed works do

not proposed significant new ground works, such as new foundations or subsurface parking. However the proposals do include works and alterations to the basement level, including the installation of a service lift. No formal consultation comments have been received from the Councils Archaeologist in respect of the proposals. However it is noted that on the earlier withdrawn application comments had been received which sought to include a condition for a watching brief to be placed on the development and a written scheme of investigation. This would allow the works to proceed however still provide a mechanism by which in the event of the works uncovering archaeological features of interest suitable measures can be taken to deal with these with regard to recording and/or preserving. In assessing this current application it would be justified to adopt a similar stance and condition that a watching brief be placed on any future development.

AMENITY OF OCCUPANTS, SURROUNDING OCCUPANTS AND LAND USES

4.32 The application site is located within the city centre adjacent to a busy vehicular and pedestrian route; including a bus interchange area.

4.33 Policy D1 (Placemaking) states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

4.34 At present the existing neighbouring buildings consist of commercial premises at ground floor level with varying residential type accommodation at upper floors. The proposals will continue this theme by retaining the existing ground floor retail and introducing a new A3 use.

4.35 The proposals will result in the overall height of the building increasing. However given the nature of the proposed works the existing separation distances to neighbouring properties will be maintained. The submitted plans also demonstrate that the proposals would, in terms of overall height, be in keeping that of the surrounding buildings and maintain the general hierarchy which presently exists.

4.36 Overall given the design, scale and nature of the proposals relative to neighbouring properties it is not considered that the proposals would give rise to significant levels of overlooking or overshadowing which would be detrimental to the amenity of the area.

4.37 It should also be noted that the proposals would remove the existing night club premises and introduce a ground floor restaurant use. The nature of the proposed restaurant use in comparison to the existing night club would likely be a slight

improvement in amenity terms as it would not operate to the late hours of the morning. However the extent of this benefit could be limited the proximity of other licensed premises within vicinity.

4.38 As part of the assessment of the proposals input has been sought from the Councils Public Protection team. The Public Protection team have commented on the following areas.

Noise and Odour

The proposed site is a conversion to residential accommodation within a commercial area of the centre of York. As such there are various noise sources that need to be taken into account to ensure that the existing noise levels do not adversely impact on the future occupants of the dwellings.

Noise from traffic, deliveries, commercial use, plant and machinery will need to be considered within a noise assessment to ensure that the recommended noise levels from BS8233:2014 can be achieved within the dwellings. In addition the site will have commercial uses (A3) on the ground floor and basement therefore there needs to be adequate sound insulation installed between the ground floor and first floor to minimise sound transmission from the commercial use to the residential use.

The proposed A3 use will need to be designed to ensure that noise and odour from the odour extraction system does not cause any adverse impact to the future residents of the dwellings.

The development will also involve some demolition works on each floor and construction works therefore controls should be put in place at the demolition and construction phases to minimise noise, vibration and dust emissions.

4.39 As a result of the risks associated to noise an odour issues Public Protection recommend the use of conditions which would require:

- The submission of a detailed scheme of noise insulation measures for protecting the approved C1 use from externally generated noise.
- The submission of a detailed scheme of noise insulation measures to protect the approved C1 use from the approved A3 use and a restriction that prevents the A3 use from commencing until such time compliance with the approve noise insulation scheme has been achieved.
- Facilities will be provided for the treatment and extraction of cooking odours, details of which will be required to be submitted to and approved in writing by the LPA; along with the provision of a ongoing maintenance schedule.
- Construction works, including demolition shall not take place at any time other than between the hours of 08:00-18:00 Monday to Friday and 09:00-13:00 on Saturdays.

Air Quality

All aspects of the development are located within the boundary of City of York Council's Air Quality Management Area (AQMA), based on exceedences of the health based annual mean nitrogen dioxide objective. Public Protection undertake monitoring of nitrogen dioxide directly outside the proposed development on George Hudson Street and this has indicated that levels of nitrogen dioxide in this area are currently well above the health based annual mean objective of 40ug/m³.

Diffusion tube reference '110' (located on the signpost in between 23 Tanner Row and 31 George Hudson Street) monitored levels of nitrogen dioxide of 47ug/m³, 46ug/m³, 46ug/m³ and 44 ug/m³ in 2015, 2016, 2017 and 2018 respectively. Concentrations of nitrogen dioxide have therefore been above the health based annual mean objective levels at this location for a number of years. This long-term monitoring site is located close to the facade of the proposed development and results from this site would be directly applicable to the rooms to the George Hudson Street elevation. It is also considered that the results would be applicable the corner of George Hudson Street and Tanner Row (directly above the entrance to Club Salvation). Regarding the facades of 23 and 25 Tanner Row, whilst concentrations of nitrogen dioxide are likely to fall off slightly compared with the George Hudson Street elevation, in the absence of site specific monitoring, Public Protection would recommend a precautionary approach with respect to mitigation.

City of York Council's existing monitoring is undertaken at approximately 3m above ground floor level. Whilst it is generally acknowledged that pollutant concentrations may fall off with height, it is considered that there is still the possibility of the annual mean nitrogen dioxide objective being breached at the first and second floor levels at the proposed development. As there are no official DEFRA guidelines on how nitrogen dioxide concentrations fall off with height, unless the applicant can demonstrate through site-specific monitoring that annual mean levels of nitrogen dioxide are below health based standards (40ug/m³), a precautionary approach is recommended with respect to mitigation. Public Protection recommends that measures to reduce exposure of future residents of the apartments are implemented for all habitable rooms (living areas and bedrooms) up to and including second floor level to both the George Hudson Street and Tanner Row Facades.

4.40 It is therefore considered necessary to condition the submission of a ventilation strategy for all habitable rooms facing onto George Hudson Street/Tanner Row up to an including second floor level; with clean air being drawn from a location to be agreed with the LPA. It will also be necessary for a full maintenance schedule to be provided.

4.41 In the interests of public health it is also considered necessary to condition that the window openings to all habitable rooms facing George Hudson Street and Tanner Row at first and second floors be non-opening unless it can be demonstrated through

site specific air quality monitoring that concentrations of nitrogen dioxide at the building facades are below health based objective levels. The scope and duration of any monitoring will need to be agreed with Public Protection prior to their implementation.

4.42 Overall it is considered that given the city centre location of the proposed development and the nature of the proposed development it is considered that risks do exist in relation noise and odour from the existing environment and the proposed A3 use. The proposed C1 use also presents concerned in respect of exposing future occupants to air which is know to exceed acceptable levels. However it is considered that these risks can be suitably mitigated through the use of conditions which will secure measures to address possible noise disturbance and the risks associated to exposure to poor air quality. These should allow for a suitable level of residential amenity to be achieved which will safeguard future occupants of the building. Nor is it considered that the proposals would give rise to significant adverse impacts which would be detrimental to the amenity of existing neighbouring properties and land uses.

Highways and Servicing of the Premises.

4.43 The NPPF advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic, cyclists and pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Allow for the efficient delivery of goods and access by service and emergency vehicles.

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

4.45 The application site lies within the inner Urban Area and has no on site parking; and this would remain the case under the current proposals. However there are public parking facilities within the immediate vicinity of the site. In addition to this the application site is within walking distance of both the Central Bus interchange on Rougier Street and York Railway Station. As such the application site would be considered to be in a highly sustainable location with various opportunities to easily access public transport. As such it is not considered that the lack of parking provision for both motor vehicles and pedal cycles would provide a substantive reason to refuse planning permission.

4.46 Access to and from the site would remain unchanged from the existing situation.

4.47 The applicant has provided additional information in respect of how the proposed development is to be serviced. The existing nightclub is serviced via Tanner Row. It is expected that the proposed A3 use would also be serviced in this manner. The proposed C1 use is intended to be serviced from George Hudson Street.

4.48 The servicing of the premises from the main road is, given the location of the site, unavoidable. The proposed servicing of the A3 use from Tanner Row would also likely be very similar in terms of frequency, amount and nature as the existing Nightclub use. The applicant has advised that the servicing of the C1 use is envisaged to take place from George Hudson Street.

4.49 However it is noted that in practice this may not be feasible given existing highway features such as the pedestrian crossing and railings and the presence of double yellow lines. In practice it is more likely that the premises would also be serviced from Tanner Row. In these circumstances it would be appropriate to condition the submission of a servicing strategy prior to the development being brought into first use. In any event the existing nightclub premises will already have servicing needs which may not be too dissimilar from those of associated to the use that is being proposed.

4.50 Overall it is considered that the proposed development would not give rise to significant or severe highway safety issues; to a greater degree than currently exist at the site. Nor is it considered that proposals would unduly impact the safe and efficient flow of traffic on the surrounding highway network.

5.0 CONCLUSION

5.1 The proposed development will result in the provision of 17 no C1 serviced apartments and the provision of a A3 Restaurant use. The principle of the proposed development is considered to be acceptable given the city centre location.

5.2 The proposed development would not give rise to significant harm being caused to the residential amenity of the area by way of overlooking or overshadowing. As is outlined above risks do exist in respect of the potential for adverse impacts to the residential amenity of the development by virtue of noise and odour from the associated A3 and other nearby commercial premises and the potential exposure to poor air quality. However it is considered that these risks can be suitably mitigated against via conditions to ensure that appropriate living conditions can be achieved.

5.3 The proposals would not result in significant harm being caused to the character, setting and amenity of the designated Conservation Area or the Listed Building. Nor would the proposals result in the irreplaceable loss of historic fabric. It is also considered that the proposals would not give rise to any highway safety concerns nor

would the proposals significantly impede the safe and efficient flow of traffic on the surrounding highway network.

5.4 It is therefore recommended that planning permission be granted subject to the conditions discussed above.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Existing and Proposed Ground Floor Plans - Drawing No. 210 Rev P00
Existing and Proposed First Floor Plans - Drawing No. 211 Rev P00
Existing and Proposed Second Floor Plans - Drawing No. 212 Rev P00
Existing and Proposed Third Floor Plans - Drawing No. 213 Rev P00
Proposed Section - Drawing No. 141 Rev P00

Proposed Section - Drawing No. 140 Rev P00
Proposed Elevations - Drawing No. 131 Rev P00
Proposed Elevations - Drawing No. 130 Rev P00
Proposed Roof Plan - Drawing No.120 Rev P00
Proposed Basement Floor Plan - Drawing No.109 Rev P00
Proposed Ground Floor Plan - Drawing No. 110 Rev P00
Proposed First Floor Plan - Drawing No. 111 Rev P00
Proposed Second Floor Plan - Drawing No. 112 Rev P00
Proposed Third Floor Plan - Drawing No.113 Rev P00
Proposed Fourth Floor Floor Plan 25 Tanner Row accessed from third floor 23 Tanner Row - Drawing No. 113.5 Rev P00
Proposed Fourth Floor Plan - Drawing No. 114 Rev P00
Proposed Demolition Basement Floor Plan - Drawing No. 049 Rev P00
Proposed Demolition Ground Floor Plan - Drawing No. 050 Rev P00
Proposed Demolition First Floor Plan - Drawing No. 051 Rev P00
Proposed Demolition Second Floor Plan - Drawing No. 052 Rev P00
Proposed Demolition Third Floor Plan - Drawing No. 053 Rev P00
Proposed Demolition Fourth Floor Plan - Drawing No. 054 Rev P00

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

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3 No development shall take place on the C1 element of the scheme until a detailed scheme of noise insulation measures for protecting the approved C1 use from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is necessary to ensure that the amenity of occupants of the proposed use is suitably protected from externally generated noise and to accord with the National Planning Policy Framework.

4 No development shall take place until a detailed scheme of noise insulation measures for protecting the residential accommodation above this proposed development from noise internally generated by the proposed A3 use has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works the A3 use shall not commence until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: A pre-commencement condition is necessary to ensure that the amenity of occupants above the proposed A3 use is suitably protected from internally generated noise and to accord with the National Planning Policy Framework.

5 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief on all groundworks and archaeological excavation of the lift pit is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

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

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

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

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

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

6 A programme of archaeological building recording, specifically a written description and photographic recording of the standing 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 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 archive deposition (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 and archive images shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

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

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

7 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the third and fourth floor extensions. The development shall be carried out using the approved materials.

Sample panels (1m x 1m) of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the construction of the envelope of the pertinent building. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: 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.

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

a) Cross Section through the wall head (indicated as 'brick corbelling' on the proposal plan) and stone string course in situ (scale 1:5).

b) Elevation and cross section drawings of new windows at 1:5 through window head, windows and sill including cross sections of joinery details at 1:1.

Reason: In the interests of the character and appearance of the conservation area.

9 The A3 use approved by this permission shall not commence until details of the extraction plant or machinery and any filtration system required has been 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 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/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

10 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason. To protect the amenity of local residents

11 All windows to habitable rooms (bedrooms / living areas) facing George Hudson Street and Tanner Row (up to and including second floor level) shall be non-opening, with ventilation provided through continuous mechanical supply and extract to the rear of the building. The continuous mechanical supply and extract ventilation system should incorporate heat recovery (MVHR), and should be designed to meet current Building Regulations with respect to the provision of fresh air and the extraction of stale air. Prior to the development being brought into use a scheme of maintenance shall be submitted to and approved in writing by the LPA. The proposals shall be carried out in accordance with the approved scheme.

Reason: To reduce exposure of future occupants of the apartments to pollution levels currently exceeding health based standards

12 Notwithstanding the proposed dormer details illustrated on drawing 17073-300 P00 prior to their construction elevation and cross section drawings at 1:5 scale shall be submitted to and approved in writing by the Local Planning Authority and the dormers will then be constructed in accordance with the approved details.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the details approved by the Local Planning Authority and in the interests of the character and setting of the Conservation Area.

13 The 17.no apartment premises shall be used as serviced apartments (Class C1) and for no other purpose, including any other purpose in Class C; 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 which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

14 All new window heads shall match the existing details on the front elevation in all respects including shape, colour, texture, finish and materials.

Reason: In the interests of the character and appearance of the conservation area.

15 Prior to the development being brought into first use a management plan shall be submitted to and agreed in writing by the Local Planning Authority and shall be implemented as agreed unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- a) Information relating to the management of deliveries and collections (such as waste and laundry) from the premises including the frequency and timing of such movements.
- b) Refuse and recycling facilities
- c) Maintenance

Reason: In the interests of the proper management of the premises and of highway safety to ensure that the development can be suitably serviced without significant risk to highway safety or the safe and efficient flow of the highway network.

7.0 INFORMATIVES:

Notes to Applicant

1. The developer's attention should also be drawn to the following

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.

https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

All plant and machinery to be operated, sited and maintained in order to minimise

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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.

There shall be no bonfires on the site.

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.

As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene and standards, health & safety, odour extraction etc.

2. 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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

Contact details:

Author: Mark Baldry Development Management Officer

Tel No: 01904 552877

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19/00836/FULM

FULM Club Salvation George Hudson Street



GIS by ESRI (UK)



Scale : 1:970

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	28 August 2019
SLA Number	Not Set

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Area Planning Sub-Committee

5 September 2019

Update on Planning Enforcement Cases

Summary

1. The purpose of this report is to provide Members with a continuing quarterly update on planning enforcement cases.

Background

2. Members have received reports on the number of outstanding enforcement cases within the Sub-Committee area, on a quarterly basis, since July 1998, this report continues this process for the period 1 April 2019 to 30 June 2019.
3. The lists of enforcement cases are no longer attached as an annex to this report. The relevant cases for their Ward will be sent to each Councillor by email as agreed by the Chair of the Planning Committee.
4. Section 106 Agreements are monitored by the Enforcement team. A system has been set up to enable Officers to monitor payments required under the Agreement.

Current Position.

5. Across the Council area 165 new enforcement investigation cases were received and 184 cases were closed. A total of 570 investigations remain open.
6. During the quarter 1 Enforcement Notice was served. This related to the erection of an extension without planning permission.
7. Across the Council area 0 Section 106 cases were closed. A total of 117, S106 investigations remain open.
8. A figure of £293'425 has been received from Section 106 payments. This was received in respect of 1 development for affordable housing.

Consultation.

9. This is an information report for Members and therefore no consultation has taken place regarding the contents of the report.

Options

10. This is an information report for Members and therefore no specific options are provided to Members regarding the content of the report.

The Council Plan

11. The Council priorities for Building strong Communities and Protecting the Environment are relevant to the Planning Enforcement function. In particular enhancing the public realm by helping to maintain and improve the quality of York's streets and public spaces is an important part of the overall Development Management function, of which planning enforcement is part of.

Implications

- Financial - *None*
- Human Resources (HR) - *None*
- Equalities - *None*
- Legal - *None*
- Crime and Disorder - *None*
- Information Technology (IT) - *None*
- Property - *None*
- Other - *None*

Risk Management

12. There are no known risks.

Recommendation:

13. That Members note the content of the report.

The individual case reports are updated as necessary but it is not always possible to do this straight away. Therefore if members have any additional queries or questions about cases on the emailed list of cases then please e-mail or telephone the relevant Planning Enforcement Officer.

Reason: To update Members on the number of outstanding planning enforcement cases and level of financial contributions received through Section 106 agreements.

Contact Details

Author:

Robert Harrison
Principal Development
Management Officer.

Tel. No: 553775

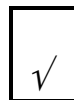
Directorate: **Economy
and Place**

**Chief Officer Responsible for the
report:**

Michael Slater

Assistant Director (Planning and Public
Protection)

**Report
Approved**



Date 28 August
2019

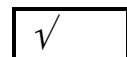
Specialist Implications Officer(s) *List information for all
Implications:*

Financial

Patrick Looker

Legal:

Wards Affected: *All Wards*



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