

COMMITTEE REPORT

Date: 04.10.2018 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 18/00550/FULM
Application at: Savills (Uk) Limited, 48 Bootham, York YO30 7WZ
For: Conversion of existing office buildings at Nos. 46 and 48 Bootham to 13no. residential units with associated external alterations including erection of two storey rear extension, demolition of rear extension and erection of dwelling in rear car park with associated car parking and landscaping and access from Marygate along Galmanhoe Lane
By: The Bootham Syndicate
Application Type: Major Full Application (13 weeks)
Target Date: 9 October 2018
Recommendation: Approve

1.0 PROPOSAL

THE SITE

1.1 The application site comprises two three-storey terraced buildings (No. 46-48 Bootham) and associated land being the landscaped gardens and car park at the rear. The vehicle access along Galmanhoe Lane from Marygate is also included in the application site, although understood to be outside the ownership of the applicant. Nos. 46 to 48 Bootham are two substantial properties, built in the mid-20th century to a traditional design. They are constructed of dark brown brick with a clay rosemary tiled mansard roof, with timber sliding sash windows, and three entrances from the street. At the rear, No.48 has a slim three storey offshoot extending 1m in depth beyond the main rear elevation. However this offshoot is read from Marygate as extending 4.4m beyond the rear of No.46 as the depth of the property is less than No.48. There is also an existing single storey flat roofed rear offshoot to No. 48 extending a total of 10m beyond the main rear elevation and 6m in width.

1.2 The buildings are both currently in use as offices, although not fully occupied. The car park provides space for parking for 18no. cars and 8no. bicycles in a semi-enclosed timber shelter. Residential properties adjoin the site on all sides, with St Mary's Abbey Walls, the Museum Gardens and Art Gallery positioned to the south-east of Marygate. The site contains two trees; a holly and a cherry of moderate size. However there are two large mature trees, a cherry in the garden of No.14 Marygate and a horse chestnut in the garden of No.50 Bootham, whose canopies extend over the site and are visible from outside the public realm as well as private gardens and thus are relevant to the application.

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1.3 The site is within the Central Historic Core Conservation Area, the City Centre Area of Archaeological Importance and is within the setting of St. Mary's Abbey precinct walls; a scheduled monument and Grade 1 listed building. It is also within the wider setting of the Grade II listed telephone kiosk next to St Mary's Tower. It is within flood zone 1 (low risk of flooding).

PROPOSAL

1.4 The planning application is for the conversion of the existing office buildings at Nos. 46 and 48 Bootham to 13no. residential units with associated external alterations. A new separate dwelling is also proposed in the south-west of the site close to Galmanhoe Lane bringing the total number of units to 14. In total, 3no. one-bedroom units are proposed and 11no. two bedroom units.

1.5 Since the original submission, amendments have been made to the proposals including reducing the overall number of residential units proposed from fifteen to fourteen in total, a reduction in height and length of the rear extension and a reduction in height of the separate dwelling. There has been an increase in car parking spaces and a reduction in the size of the communal garden. Balconies have been removed from the scheme to be replaced by dormer windows. The rest of this report therefore relates to the final scheme presented for consideration.

1.6 The scheme for the existing buildings, No. 46 and 48 Bootham, includes the demolition of the slim three storey rear offshoot and longer single storey flat roofed offshoot and the erection of a new two storey rear extension to No. 48 Bootham. The extension is designed to reflect the design of the host building and would be 7.5m in length and 6.0m in width, and 9.6m to the eaves and 12.0m to the ridge. Windows are positioned on the south-west elevation and on the south-east elevation but only on the ground floor of the north-west elevation. To facilitate conversion of the roof space of the main buildings into two flats, two traditionally designed dormers at the front, and three at the rear are proposed. An orangery is proposed at the rear of No. 46 Bootham for the ground floor apartment (unit 1).

1.7 The separate dwelling is designed in the context of the domestic scale two storey residential dwellings on Galmanhoe Lane. It is set back from the lane and sits adjacent to its neighbour to the west 'The Old Stables'. The dwelling would be one and a half storeys in height, and constructed of traditional materials; brick with a pitched slate roof, timber windows and doors and lead clad oriel window at first floor on its north-east elevation.

1.8 The existing entrance to the car park from Galmanhoe Lane comprises a brick wall 2m in height with inward opening timber gates, and small planting beds. This wall, beds and the gates are to be removed. The proposals show the entrance into the car park repositioned to the right adjacent to No.14 Marygate with a low linear planting

bed, marked by timber bollards within the site and framing the parking space for the cottage. The new entrance would be 5m in width. A further 8no. car parking spaces for the flats will be provided north of the new dwelling. A communal brick built cycle store will provide storage for 10no. cycles. Refuse is in a timber refuse store in the car park and within the garden of the new dwelling.

1.9 The three ground floor flats would benefit from private gardens bounded by metal railings and hedging. Individual secure cycle storage will be provided in the gardens for the three ground floor flats. A small landscaped communal garden for residents is provided. The existing cycle store is to be demolished and the two trees within the site removed; the cherry and a holly. The existing mature horse chestnut in the garden of No.50 is to be crown lifted of branches overhanging the application site.

RELEVANT PLANNING HISTORY

Application site

1.10 On 17.08.2017, permission was granted for the change of use of Nos. 46-48 Bootham from offices to 11no. dwellings (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 as amended (reference 17/01541/ORC).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
Conservation Area GMS Constraints: Central Historic Core CONF

2.2 Policies:

York Local Plan Publication Draft (February 2018)

DP3 Sustainable communities
EC2 Loss of employment land
D1 Placemaking
D4 Conservation areas
D5 Listed buildings
D10 City walls and St Marys Abbey
D11 Extensions and alterations

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

GP1 Design
GP10 Infill development

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HE2 Development in historic locations
H4a Housing windfalls
E3b Existing and proposed employment sites

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 The updated memo advises on the relative weight which should be attributed to the NPPF 2018, and the draft and emerging local plans. The application should principally be addressed against the NPPF 2018. Some limited weight can be afforded to draft policies in the 2005 Draft Local Plan where consistent with the revised NPPF 2018. The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018 and can be afforded weight due to its stage, the level of unresolved objections to relevant policies and the degree of consistency of policies with the NPPF 2012.

3.2 However the emerging affordable housing policy H10 in the 2018 Draft Plan is not applicable as the Council has concluded it is only to be applied for applications received after 25th May 2018. This is because it is considered unreasonable and unfair to require a contribution from developers who submitted a pre-application planning enquiry and would have undertaken feasibility work based on the planning policy documents of the time prior to submission of the 2018 Draft Plan. The Council's interim affordable housing targets should therefore be used and in the case when less than 15 units, a contribution is not required. No objections to the loss of employment space as this has been established through the GDPO 2015 and approval reference 17/01541/ORC.

Design, Conservation and Sustainable Development (Conservation)

3.3 The original scheme submitted was not supported by conservation officers. The length and height of the proposed rear extension combined to produce a scale that would be alien to the character of the south-west side of Bootham. The height would block views of the treed backdrop. The area of blank wall above the first windows is uncharacteristic and bulky and the number of rooflights excessive. The applicant was advised to reduce the height of the extension to 1.5 storeys or 2 storeys if the length was reduced and the ridge line should follow the stringer course of the host building. The proposed dormers on the front elevation to Bootham were overly dominant and their scale should be reduced. The lift shaft/chimney feature should be reconsidered, it may not be necessary for a modern lift installations. The inset balconies at the rear should be omitted in favour of rear dormers. Existing windows should be retained and upgraded with discrete secondary glazing. Close boarded fencing is incongruous and finer metal estate type fencing should be considered, reinforced with native hedge

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planting. The design of the proposed new cottage is generally sympathetic and appropriate, however the proposed height sits uncomfortably in relation to the much lower converted Stables building adjacent and both the eaves and ridge should be reduced.

3.4 Following revisions, all of the recommendations above have been incorporated and the scheme can be supported subject to conditions.

Design, Conservation and Sustainable Development (Archaeology)

3.5 The site lies in the central Area of Archaeological Importance and in an area that has produced archaeological features and deposits that are of national, regional and local archaeological significance. The site has the potential to contain archaeological deposits dating from all periods. The earliest features may be covered by garden soil 1-2m thick. Intrusive evaluation trenching must be carried out to confirm the depth of the post-medieval garden soils and whether the proposals will have any impact upon earlier archaeological deposits. This can be conditioned.

3.6 An evaluation trench will also need to be dug in the footprint of the proposed dwelling to the rear of the site. The results of this will inform whether any further mitigation measures are required through monitoring or excavation. A further trench should be dug on the site of the orangery to ascertain the depths of the soils in that area or this can be covered through a watching brief. This can be negotiated between the archaeologist and developer. An archaeological watching brief will be required for the foundation works for the new extension following demolition of the existing. Three conditions are advised.

Design, Conservation and Sustainable Development (Landscape)

3.7 The applicant has submitted a detailed tree survey, and an Arboricultural Impact Assessment (AIA). The mature cherry (T2) and horse chestnut (T5) outside the site but whose canopy and root zones will extend into the site are worthy of TPOs but are protected by being in the conservation area. They, together with other trees, are visible in views from the public art gallery balcony and from Marygate. Whilst crown lifting of the horse chestnut is proposed, it should only be to 2.5m as there will be no large construction vehicles on site. The latest proposal does not pose an unreasonable threat to the retention of the trees. An Arboricultural Method Statement is advised as a condition which should be compiled in collaboration with the contractor to protect the cherry and horse chestnut which extend into the site. The hard and soft landscaping proposals submitted are supported. Some improvements to the design are advised including the planting of two additional trees.

Design, Conservation and Sustainable Development (Ecology)

3.8 An initial ecology survey undertaken in March 2018 found the building to have features suitable for use by roosting bats, including gaps beneath ridge tiles on the roof, and below lead flashing. Overall it was assessed as having low suitability to support roosting bats and no direct evidence of bats were found. One dusk emergence survey was undertaken on 20th July 2018. Very low numbers of common pipistrelle bats were recorded foraging and commuting around the site but no bats were seen to emerge from the building and therefore it is concluded that it is unlikely to support a bat roost. Taking a precautionary approach to works on the building is recommended, and a condition for the provision of bat boxes on the new extension advised.

Highway Network Management

3.9 The applicant has submitted revised plans showing the proposed swept path of a large car. Highways officers have no objections in principle to the development from offices to residential. Indeed, the change of use has already been approved in the application 17/01541/ORC and is of similar impact to this proposal in highway terms. The location is particularly sustainable being so close to central York. Cycle and car parking is proposed as part of this application, and is acceptable in terms of our CYC Appendix E cycle parking standards.

3.10 Officers have some concerns regarding the construction of the proposed development, particularly as the applicant does not appear to have full support of the use of Galmanhoe Lane. This lane has restricted width and concerns relate to the type of construction vehicles expected; however this is a private matter. Highways officers cannot support any construction activity affecting the highway such as footpath closures, construction deliveries, skips etc on Bootham or Marygate. The applicant should be made aware that construction access from Galmanhoe Lane, should it be arranged privately, would be supported by Network Management.

3.11 This is a particularly restricted site and thus a Method of Works condition is advised to ensure minimum impact on the highway during construction.

Flood Risk Management

3.12 The submitted drainage information is not approved as site specific infiltration testing is required to support the proposed permeable paving, attenuation may be required and there are no details of how foul water will be disposed of. However a revised scheme and details can be agreed by condition.

Public Protection

3.13 PP have reviewed the application considering noise, dust, light, odour, land contamination, air quality etc. and have no objections subject to conditions. These include noise insulation for the residential properties to protect them from noise from

the road, restriction on construction hours and the requirement for investigation for land contamination and subsequent remediation if required, due to the past industrial uses of the site. One electric vehicle charging point for the flats, and one for the cottage is also required.

Lifelong Learning and Leisure

3.14 No comments received.

Educational Planning Officer

3.15 No comments received.

Housing Services

3.16 Initially suggested an affordable housing contribution would be required but following amendments to the scheme to reduce the total number of units to 14 in total, agreed that a contribution was not required.

EXTERNAL

Guildhall Planning Panel

3.17 No objections, although Unit 7 (original submission) is very small.

Yorkshire Water

3.18 No response received.

Ouse and Derwent Internal Drainage Board

3.19 The Foss IDB responded stating that the site sits outside of the Board's drainage district and that there are no Board maintained watercourses in the vicinity.

North Yorkshire Police -Designing out crime

3.20 The police officer highlighted the relatively high level of crime and anti-social behaviour in the area which could impact upon the security of the scheme. Whilst not objecting to the proposals, recommendations are made to improve security.

Neighbours/interested parties

3.21 Eleven neighbours/organisations have objected to the application on the following grounds:

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- Loss of employment floorspace for two existing business who have occupied the building in part since 1995 and do not wish to relocate. There is a severe shortage of office space in the city centre as a result of 'permitted development' and despite indications to the contrary, it is believed there is a healthy demand for city centre offices. The loss of office space and conversion to other uses, including short term holiday lets, is having a negative impact on the city centre and particularly 'hen and stag party' culture.
- Overdevelopment of the site with 14 dwellings.
- Ownership of Galmanhoe Lane should have been established prior to the application being submitted and discussions held with the owners regarding access.
- Objections to the proposed cottage, siting, design and height. There is inadequate separation distance to Galmanhoe Mews.
- The proposed cottage will block sunlight to the solar panels on the roof of The Old Stables and to neighbours at Galmanhoe Mews.
- Safety concerns for people using Galmanhoe Lane and property bordering it, both during construction and following occupation. This is based on past experience. The issues over safety and access on the private lane are not outside the planning process but should be considered in the application.
- The swept path does not show how larger vehicles will access the site; construction vehicles, delivery vehicles and refuse vehicles. Galmanhoe Lane is very narrow and visibility poor onto Marygate.
- Refuse should not be stored and collected from Galmanhoe Lane.
- Galmanhoe Lane is privately owned. Whilst the owner has a right of access, what is proposed goes beyond these rights and this issue has not been resolved. The removal of the party wall into the site has not been agreed, nor the shrub beds. New drainage connections have not been agreed. Damage during construction and post occupation should be repaired. Maintenance costs should be agreed.
- Construction access should be from Marygate or Bootham if possible.
- Combined and cumulative impact with harm to residents amenity as a result of the proposed development as well as the various schemes to the south of Galmanhoe Mews at the Post Office Social Club recently approved or in the pipeline.
- Increased air pollution which should be monitored.
- Loss of privacy for residents at No.50 Bootham and No.14 Marygate. Overbearing impact on resident's gardens.
- The extension and cottage will have an over-bearing impact on the neighbours at No.50 Bootham. The rear extension will obstruct views of the Minster and the cottage will block views of the sky.

- The gap between The Old Stables and No.14 Marygate is an important feature in the street scene and the dwelling would infill this gap, comprising town cramming and harming the conservation area.
- The proposed extension harms the conservation area. The revised extension design looks contrived and relates poorly to the host. The revised plans for the cottage introduce further opportunities for looking into No. 14 Marygate from the second bedroom window.
- Loss of light to the rear of the Old Stables.
- Objections to the crown lifting of the horse chestnut by the owner (neighbour).
- Drainage proposals are unclear.
- Noise, dust and traffic during the construction period.
- Insufficient car parking for 14 new dwellings on site.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are:

- Principle of development
- Loss of employment floorspace
- Impact on heritage assets and design
- Residential amenity
- Highways and access
- Drainage

The National Planning Policy Framework (July 2018)

4.2 The revised National Planning Policy Framework was published on 24 July 2018 (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. Paragraph 7-10 explains that the purpose of planning is to contribute to achieving sustainable development. 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 (such as designated heritage assets), or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. As such therefore in this case, as the site is in a conservation area and

within the setting of listed buildings, the presumption in favour of sustainable development may not apply if it is considered that any harm to heritage assets are identified in which case the more restrictive policies are applicable.

4.4 Section 16, conserving and enhancing the historic environment, states that the significance of heritage assets should be sustained and enhance with 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 assets conservation (and the more important the asset the greater the weight should be). This is irrespective of the level of harm from any proposal. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (paragraphs 193-4). New development within conservation areas and within the setting of heritage assets should enhance or better reveal their significance. Proposals which preserve those elements which make a positive contribution to the asset should be treated favourably (paragraph 200).

4.5 Section 5 on housing at paragraph 68 highlights how small and medium sizes sites can make an important contribution to the housing requirement of an area, giving support to windfall sites. The revised NPPF is silent on the loss of office space, with section 6 generally supporting a strong and competitive economy.

4.6 Section 9 promotes sustainable transport and in determining applications, appropriate opportunities to promote walking, cycling and public transport use should be taken up, safe and suitable access to the site should be achieved for all users and any significant impact from the development on the transport network or on highway safety should be mitigated. Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the impact on the road network would be severe. Development should create places that are safe, secure and attractive which minimises scope for conflict between pedestrians, cycles and vehicles.

4.7 Section 11 on making effective use of land gives substantial weight to the value of using suitable brownfield land in settlements for homes and promotes and supports the development of underutilised land and buildings especially for housing. Planning decisions should reflect changes in the demand for land. Support should be given for development that makes efficient use of land in the context of maintaining an area's character and setting and the importance of securing well-designed, attractive and healthy places.

4.8 Section 12 underlines the importance of good design stating that the creation of high quality buildings and places is fundamental to planning. Paragraph 127 states that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture,

layout and landscaping, are sympathetic to local character and history, establish and maintain a strong sense of place and use appropriate materials.

York Local Plan Publication Draft (February 2018)

4.9 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).

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

4.11 The site lies just outside the city centre boundary and is unallocated on the proposals map. Policy EC2 states that proposals which involve the loss of employment land/buildings will be required to demonstrate that the existing buildings are demonstrably not viable in terms of market attractiveness, business operations, condition or compatibility with other uses or that the loss of the site would not harm the ability to meet employment needs over the plan period.

4.12 The emerging affordable housing policy H10 is considered to carry moderate weight in accordance with NPPF (2018) paragraph 48, as it is backed up by robust evidence base and has not been subject of unresolved objections. However, the Council has concluded that this policy applies to applications received after 25 May 2018. This is because it is considered unreasonable and unfair to require a contribution from developers who submitted a pre-application planning enquiry and would have undertaken feasibility work based on the planning policy documents of the time prior to submission of the 2018 Draft Plan. The Council's interim affordable housing targets should therefore be used in determining the application, as they reflect the Council's position and evidence at the time the application was submitted. In the context of interim targets, the Council would not require an affordable housing contribution from this development as it is only applicable should the scheme have provided 15 units or more.

4.13 Policy DP3 Sustainable communities, sets out general principles including respecting the historic character of York, delivering high quality design and appropriate density layout and scale, whilst ensuring appropriate building materials are used. Policy D1 Placemaking (read together with the schedule of minor modifications 25.05.2018) states that development proposals that fail to make a positive design contribution or cause damage to the character and quality of an area will be refused. Design should consider residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.

4.14 Policy D11 extensions and alterations, supports proposals that respond positively to their immediate architectural context and local character in terms of use of materials, detailing, scale, proportion and landscape design. The significance of heritage assets and their setting and the character and appearance of conservation areas should be sustained. The amenity of current and neighbouring occupiers should be protected. Trees that are desirable for retention should be.

4.15 Policy D4 conservation areas supports proposals which preserve or enhance the special character and appear and of the conservation area and which would enhance or better reveal its significance and respect important views. Changes of use will be supported where the proposed new use would not harm the conservation area and the primary use of the building can no longer be sustained. Policy D5 explains that proposals which affect the setting of a listed building will be supported where they preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting. Policy D10 conserves and enhances the values and significances of York City Walls and St Mary's Abbey Walls and protects their setting.

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

4.16 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.

4.17 Policy HE2 states that within conservation areas proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. Policy GP1 Design requires development to be of an appropriate scale and design, compatible with neighbouring buildings and using appropriate building materials. Residential amenity should be protected. Policy GP10 states that permission will only be granted for infill development where this would not be detrimental to the character and amenity of the local environment.

4.18 Policy H4a states that housing windfalls will be granted planning permission providing the site is within the urban area and is underused, involves infilling, redevelopment or conversion, it has good accessibility, is of an appropriate scale and density and would not have a detrimental impact on existing landscape features.

4.19 Policy E3b protects existing employment sites stating that permission for other uses will only be given where there is a sufficient supply of employment land to meet immediate and longer term requirements, unacceptable environmental problems exist or the development of the site for other appropriate uses will lead to significant benefits to the local economy.

CONSIDERATION

Principle of development: Loss of employment floorspace and provision of housing

4.20 Current planning policy, set out in the NPPF 2018, is clear that housing development is given strong support by government. The site is close to the city centre and its range of facilities, and comprises conversion of an underused building.

4.21 Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 as amended allows for the change of use of an office building to residential providing that there are no objections on the grounds of transport and highways impact, contamination, flooding or noise from commercial premises. Whether the building is occupied or not, is not a consideration. On 17.08.2017, permission was granted for this change of use through the prior approval process and thus this is the fall back position. The loss of employment floorspace on this site has already been permitted.

4.22 The current application is for planning permission for the change of use as well as more intensive use of the building with subsequent operation development (eg dormer windows, part demolition and extension and new detached dwelling). As a planning application, it must now be determined against the planning policy context which requires evidence of marketing and details of why the space is no longer viable as office space. Clearly the above approval is a material consideration.

4.23 Nos. 46 to 48 Bootham were occupied by Savills who have now relocated within the city centre. No.46 has been sub-let to Taikoo Books and Stapleton Waterhouse for the last 25 years and they are considered long-term tenants of the building, although the latter's lease is due to expire in July 2019. Brownslow Wilson now occupy the ground floor of No.48 on a short lease. The middle floor of No.46 is currently vacant as are the first and second floors of No. 48.

4.24 The applicant has submitted a statement supporting the change of use. Officers are advised that the property has been marketed for over six months and has not been fully let. The offices are classed as 'Grade B', being in need of some

modernisation, are cellular in nature and lacking in facilities such as lifts and air conditioning. The 2016 Employment Land Review states that there is an over-supply of Grade B office space in the city centre. Additional Grade A space has only been provided in purpose built accommodation for specific end users. It is unlikely that the building will be upgraded as no occupier for the full use of the buildings has been found.

4.25 The desire of existing occupiers of No.46 Bootham to remain in the building is noted, and of the reported difficulty in securing alternative accommodation. However, unfortunately it has been government policy to allow this change of use from office to residential without full consideration of the impact of so doing. It is clear that the building has not been fully let for some time, and the risk for any tenant on any lease is that it may not be indefinitely renewed. Whilst officers are sympathetic to the objection of existing occupiers, as the change of use has already been permitted, there can be no objection to the change of use proposed in the current application.

Impact on Heritage Assets, Design and Neighbour Amenity

4.26 Nos. 46 to 48 are mid 20th century buildings, constructed to a traditional design. Whilst in the Central Historic Core Conservation Area they are not listed. To the rear of No. 48 are a slim three storey offshoot and a larger single storey flat roofed offshoot. These together with an external metal fire escape staircase are to be removed. The revised plans in this application propose a two storey extension of reduced length and this has been agreed as a 1.5 storey extension would require an uncharacteristic number of dormer windows/rooflights to provide acceptable living space. The plans show a design and layout that prevents unacceptable overlooking of neighbours property at No. 50 Bootham and No. 14 Marygate. The north-west elevation of the extension has no windows at first floor, but the mass is broken up through mock recessed window openings. The boundary wall prevents any overlooking between ground floor windows and garden areas of No. 50 Bootham. The extension only becomes visible at a distance of 10m and this separation is considered acceptable. The loss of a view (of the Minster and St Mary's Tower) from the garden is not a planning consideration as views are not protected, only a reasonable loss of outlook, which is not the case here.

4.27 The length of the extension has also been reduced from the original submission such that separation distance between the south-west elevation and the garden boundary wall of No.14 Marygate of 3.6m is achieved. Layout has been altered so that the extension is separate from the main building with principle habitable space (lounge, dining and kitchen) at ground floor and bedrooms at first floor. A small window at first floor to the second bedroom would have some oblique views over the northern end of the garden of No.14 Marygate but are not considered to result in a sufficient loss of privacy to warrant an objection to the scheme. In coming to this view, the design and layout of the house and garden have been considered. No.14 benefits from an unusually large garden for a city centre property and an unusually high level

of privacy to date. The back of the house borders the application site and has very few windows. Those that are provided are secondary windows to the kitchen and first floor bedroom and to a long corridor joining the first floor rooms. The main garden spaces are to the south-east of the house, which the lounge opens out on to a formal patio and lawn area. The character of the north-eastern half of the garden is mature with planting beds and mature trees. The proposed extension will be visible in this part of the garden but overlooking will be oblique and from bedrooms at an angle. The existing buildings have been occupied as offices for some time with potential for overlooking of the garden, especially in winter months when the trees are without leaves. The building has been occupied as offices for some time and the conversion to residential is not considered to introduce harmful overlooking of neighbouring property.

4.28 The applicant was advised that the ridge height of the extension should follow the stringer course and that dormers should be small paired side-hung casement windows under a flat lead roof with modest projecting cornice detail. These amendments have been made to the design.

4.29 The extension to would be visible from public viewpoints in the conservation area including from Marygate, and from the balcony of the Art Gallery and its garden at the rear. In this context the proposals are seen in the backdrop of St. Mary's Abbey precinct walls; a scheduled monument and Grade 1 listed building. The height now proposed now enables the treed backdrop to be appreciated and the traditional design to match the host building preserves the character of this part of the conservation area.

4.30 To the south-west of the site, a new one and a half storey dwelling is proposed. The context for this dwelling is the smaller scale, domestic proportioned mews types dwellings on Galmanhoe Lane. Nos. 1 to 4 Galmanhoe Mews are relatively new dwellings (planning permission granted in 2010) to a high quality design. The lane also includes terraced properties along Marygate and converted stables which originally formed ancillary structures to the large properties on Bootham.

4.31 The scale of the dwelling has been reduced since submission so that it is more in keeping with surrounding properties on the lane in terms of design, choice of materials and scale. Whilst the ridge is 0.8m higher than the Old Stables, this is offset back the placing of the dwelling 4.0m from the lane. Whilst the neighbours objection is noted about the solar panels on the south-west roof slope and potential loss of sunlight, it is not considered that the new dwelling would have notable impact at all, or at most for a short period in the very early morning when light is at its weakest. The eaves height match the Old Stables. Greater weight would be given to loss of daylight on neighbour amenity. It is not considered there is any harm to neighbour amenity for residents of the Old Stables nor No.50 Bootham as a result of the introduction of the new dwelling. The position of the dwelling with 12m separation to Galmanhoe Mews does not cause any loss of amenity, outlook or loss of daylight for residents.

4.32 Consideration has been given to the impact of the new dwelling on occupants of No.14 Marygate at a distance of 4m. As explained above, the house is designed to face south-east towards the garden and Marygate. The new dwelling would be a change, particularly to the outlook from the second window to the kitchen but as there are other windows to the same room and a partial low wall restricting outlook and beyond which is the wall of The Old Stables anyway, there is minimal harm which are outweighed by the wider benefits of the scheme. At first floor, the long corridor is a feature of the house with outlook to the north and west but the new dwelling would not restrict this unduly. The dormer bedroom window in the new dwelling is not a main habitable space and its impact is considered acceptable on residents of No. 14 Marygate.

4.33 In terms of potential impact on archaeological deposits, the Council's heritage project officer is satisfied that this can be controlled by condition. A number are recommended as it is thought to be a medium-high risk of significant deposits being encountered in this location.

4.34 It is noted that there have been recent planning permissions at the rear of Galmanhoe Mews associated with Post Office Club and car park. A current planning application being considered is for five units. The proposals for 46-48 Bootham, including the new dwelling are not considered to harm openness or outlook from the front of the mews and thus the proposals at the rear must be considered on their own merits. In terms of disruption and construction noise impact, it is not possible to limit the number of developments occurring at any one time nor the phasing of them. Conditions can be advised on construction hours and informatives on best practice.

4.35 In summary, the proposals are found to maintain and enhance the character of this part of the Central Historic Core Conservation Area and preserve the setting of St Marys Abbey Precinct Walls. Any impact on archaeological deposits that may or may not be identified within the site can be protected by an agreed method for archaeological evaluation, recording and watching brief as necessary. As such the proposals can be supported from both heritage perspective and protection of neighbour amenity.

Highways and access

4.36 The proposal is for 14no. new dwellings within the site through conversion and new build. The scheme provides 8no. car parking spaces for the flats plus one for the separate dwelling. In this city centre location this level of provision is considered acceptable and together with secure cycle storage should encourage more sustainable modes of travel for residents. There is one secure communal store for 10no. bicycles. Individual cycle stores will be provided within the gardens of the ground floor apartments. Refuse storage is in a semi-enclosed timber store close to

the new dwelling. There are direct and attractive walking routes close to the site, for example through the Museum Gardens and along the river.

4.37 Pedestrian access will be from the Bootham frontage with a secondary access from Galmanhoe Lane. Vehicles will enter the site from Galmanhoe Lane. Galmanhoe Lane is not a new entrance and also serves a number of other residential properties, as well as the offices to date. It is likely vehicle movements will be reduced from existing. The existing access into the car park will be altered through the removal of the wall and erection of shrubbery and timber bollards.

4.38 The applicant has provided swept paths to show how the altered access into the car park and from the lane and Marygate could be achieved. Whilst the width of the lane is restricted (3m at its narrowest point) the swept paths illustrate that the car park is accessible. It is noted that there are concerns over conflict between vehicles and pedestrians along this lane, however it has provided access to residential properties as well as the offices on Bootham for some time. Whilst the use of the lane by new residents of the development may be at different times to office workers, overall there is likely to be a similar level of movement, or in fact a reduction with the reduced availability of parking provision (currently 18, reducing to 8 spaces in the proposals for the flats and one for the dwelling). As previously, as a lane bounded by mews type residential properties, care must still be taken to avoid conflict between pedestrians and vehicles, including for more vulnerable users such as children. The bollards in place should prevent encroachment onto the small forecourts in front of the mews.

4.39 Many of the objections from neighbours focus on the rear access to the site from Galmanhoe Lane and Marygate, both during the construction period, and post occupation from refuse lorries and delivery vehicles. At an early stage and in the previous application, highways officers have advised that all construction activity must be from this lane and not from Bootham or Marygate due to the likely disruption and impact on highway safety. Any vehicles parked for skips/ deliveries outside the development would interfere with the flow of vehicles, cyclists and pedestrians and sightlines from Marygate. Permanent skips would not be allowed on Bootham or Marygate. Marygate is used to access a 325 space Local authority car park with a steady flow of cars throughout the day. No vehicles will be able to park on Marygate without obstructing it, due to its restrictive width. These matters during construction are covered by other legislation and the highways officer has proposed a suitable condition to agree method of works during construction to minimise impact on neighbours and highway users.

4.40 Concerns have been raised by neighbours over private ownership of the lane and access rights. Access and ownership is a private legal matter and is for resolution between owners and the developer. Any planning permission does not over ride property rights. Planning permission therefore may not be implementable if the developer does not have rights of access along the lane. This relates to both residents of the new dwelling and during construction. Highways officers have advised that

access and parking for construction vehicles from Bootham and Marygate will not be permitted. Construction vehicles would thus need to either access the site from Galmanhoe Lane (subject to access rights) and/or bring in materials in small vehicles/wheeled from eg. Marygate car park. As part of discussions with the developer, (assuming access is agreed), neighbours have been advised to agree a dilapidation survey before and after any development takes place to ensure that any damage to the private lane by the developer can be rectified. However, the local planning authority cannot condition this on private land.

Other matters

4.41 The drainage details have not been agreed prior to determination and the applicant has agreed to the drainage conditions proposed by the Council's drainage engineer. The request for last minute changes to landscaping; the addition of two trees is not considered fundamental to the scheme and has not been pursued. Adequate refuse storage is provided within the site. The applicant has advised that a commercial waste company will collect the bins from Marygate and will thus not access Galmanhoe Lane.

5.0 CONCLUSION

5.1 The application is for the conversion and extension of Nos. 46 to 48 Bootham and erection of a detached dwelling at the end of the car park. The proposals would not harm heritage assets and the proposals are considered to preserve and enhance this part of the Central Historic Core Conservation Area and the setting of St Marys Abbey Precinct Walls. The site is in a sustainable location close to the city centre and range of facilities. It will provide much needed residential accommodation in an underused office building. It is of an appropriate design and will not cause undue harm to neighbour amenity. Whilst the entrance into the site is widened but relocated closer to the property boundary, submitted swept paths show that adequate space is provided for turning into the site and back out onto Marygate. As such the application is found to be in accordance with relevant sections of the NPPF 2018 including section 16 on conserving and enhancing the historic environment, and section 11 on making effective use of land. It is also found to be in accordance with emerging policies in the Publication Draft 2018 including DP3 Sustainable communities, D1 Placemaking, D4 Conservation areas, D5 Listed buildings, D10 City walls and St Marys Abbey and D11 Extensions and alterations.

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:-

Location Plan, 001 rev. P03

Proposed demolition site plan, 045 rev. P03

Proposed demolition section, 090 rev. P01

Proposed demolition elevations, 080 rev. P01

Proposed demolition elevations, 081 rev. P01

Proposed demolition section, 090 rev. P01

Proposed site plan - extension and new cottage, 105, rev. P10

Proposed site plan - extension and new cottage, 106, rev. P05

Proposed ground and first floor plan - Renovation and extension, 110 rev P10

Proposed second and third floor plan - Renovation and extension, 111 rev. P10

Proposed ground and first floor plan - new cottage, 112 rev. P08

Proposed elevations - renovation and extension, 131 rev. P10

Proposed elevations - renovation and extension, 130 rev. P10

Proposed elevations new cottage, 132 rev. P08

Proposed section - renovation and extension, 140 rev. P06

Hard landscape proposals - main building, 2808/4 rev. D

Hard landscaping proposals - cottage, 2808/5 rev. D

Detailed soft landscape proposals, 2808/6 rev. B

Colour plan, 2808/7 rev. A

Proposed plans and elevations -Cycle store and refuse store, 133 rev. P01

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 commencement of built development hereby approved samples of the proposed bricks and roofing materials shall be submitted for the written approval of the local planning authority. Thereafter the development shall be carried out and maintained in accordance with the details so approved.

Any infill brickwork in the host building shall be matching in terms of colour, size and surface finish to the satisfaction of the local planning authority.

Reason: To preserve the character of the conservation area and to protect visual amenity.

4 Prior to commencement of the hard landscaping works in the development hereby approved samples of the proposed surface treatments shall be submitted for the written approval of the LPA. Thereafter the development shall be carried out and maintained in accordance with the details so approved.

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Reason: To preserve the character of the conservation area and to protect visual amenity.

5 Prior to commencement of the development hereby approved and notwithstanding the details within the application, sectional drawings shall be submitted at a scale of 1:5 or 1:10 as appropriate of the following details for the written approval of the local planning authority:

- Details of the existing windows and doors where relevant illustrating the proposed arrangement of the proposed slim double glazing units to be retro-fitted.
- Details of all new windows to the development (to the main building and the separate cottage).
- Details of the dormer window construction.

Thereafter the development shall be carried out and maintained in accordance with the details so approved.

Reason: To preserve the character of the conservation area and to protect visual amenity. The details are required prior to commencement so that the full details can inform construction of the scheme from the outset.

6 The windows and doors will have a painted finish in white or off-white colour and maintained as such for the lifetime of the development, unless otherwise agreed with the local planning authority.

Reason: To preserve the character of the conservation area.

7 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 development is first occupied. They shall be in accordance with the details on the approved plans, ie. metal railings and hedging. Thereafter, they shall be provided in accordance with the approved details before the development is first occupied.

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

8 Prior to commencement of the development hereby approved and notwithstanding the details within the application, product details including sizes of the proposed conservation rooflights shall be submitted for the written approval of the local planning authority. Thereafter the development shall be carried out and maintained in accordance with the details so approved.

Reason: To preserve the character of the conservation area. The details are required prior to commencement so that the full details can inform construction of the scheme

from the outset.

9 Prior to commencement of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s) if required.

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

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

10 Prior to commencement of development, following the investigation, if required a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act

1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. The assessment must be undertaken prior to the construction commences so that necessary remediation can be undertaken before any structures are erected on site.

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

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

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

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

13 Before the occupation of the development 1no. communal Electric Vehicle Recharging Point shall be provided in the shared parking area to a position and to a specification to be first agreed in writing by the Council. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

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

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Framework (NPPF).

Notes

- Communal Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket.
- Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future.
- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

14 Prior to occupation, the parking space adjacent to the cottage shall incorporate a suitably rated electrical socket to allow 'Mode 2' charging of an electric vehicle using a standard 13A 3 pin socket and a 3m length cable.

Reason: To provide facilities for charging electric vehicles in line with the NPPF and CYC's Low Emission Strategy.

Notes:

- Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to the standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request.
- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

15 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential from externally generated noise has been submitted to and approved in writing by the Local Planning Authority so that the development can be constructed in accordance with the required measures. This shall be informed by a noise assessment to be undertaken within the site. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period in bedrooms. These noise levels shall be observed with all windows shut in the habitable room and other means of ventilation provided.

16 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

17 Prior to first occupation, full written details of crime prevention measures to be incorporated into the development shall be submitted for approval in writing by the Local Planning Authority in consultation with North Yorkshire Police. These measures should include consideration of, but not be limited to:

- External lighting for the car park, refuse and cycle stores;
- Security lighting for the communal entrances; and
- Gated access to the car park.

Thereafter these measures should be fully implemented prior to occupation.

Reason: To satisfy Section 8 National Planning Policy Framework 2018 and Policy HW7 Healthy Place in the City of York emerging local plan Publication Draft 2018.

18 (A) No archaeological evaluation or development shall take place until a written scheme of investigation (WSI) for the trenching has been submitted to and approved by the local planning authority in writing to protect potential remains. The WSI should conform to standards set by the Chartered Institute for Archaeologists. The evaluation must include intrusive evaluation trenching to confirm the depth of the post-medieval garden soils and confirm whether the proposals will have any impact upon earlier archaeological deposits. An evaluation trench will need to be dug in the footprint of the proposed dwelling to the rear of the site, on the site of the proposed orangery and for the foundation works for the new extension following demolition of the existing.

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

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

E) No development shall take place until:

- details in D have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part D should be deposited with City of York Historic Environment Record within 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. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

19 A programme of post-determination archaeological mitigation, specifically an archaeological excavation, may be required on this site and will be confirmed through the site evaluation and assessment. If confirmed as being necessary, the archaeological excavation scheme shall comprise 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No development shall take place until a written scheme of investigation (WSI) for the excavation has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place

other than in accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists. This is to protect potential archaeological remains.

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

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

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.

20 No groundwork, including but not limited to any resurfacing of the car park, foundations for ancillary structures such as the cycle and refuse stores, installation of gates and railings (or other boundaries), planting etc. shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences to ensure that any potential archaeological remains are protected

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

21 Before the commencement of development including demolition, excavations, building operations, etc. an Arboricultural Method Statement (AMS) regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority to prevent damage to any trees on site. Amongst others, this statement shall include details and locations of protective fencing, ground protection, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles,

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locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times. The development shall be undertaken in complete accordance with the approved AMS.

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

22 Prior to first occupation or use of the development hereby approved an integral bat box must be installed in the new rear extension, or two woodcrete bat boxes (e.g. 1F Schwegler) must be installed on the building or in a nearby mature tree, under guidance from a suitably qualified ecologist.

Reason: In accordance with Paragraph 175 of the NPPF (2018) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

23 HWAY19 Car and cycle parking laid out

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

- a dilapidation survey jointly undertaken with the local highway authority
- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- how vehicles are to access and egress the site
- how pedestrians are to be safely routed past the site
- details of any implications to the highway of demolition and waste removal vehicle operation
- where contractors will park to avoid affecting the highway
- how vehicles will service the site
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

highway users prior to construction of the scheme.

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

Reason: In the interest of satisfactory and sustainable drainage.

26 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include existing and proposed drainage levels and calculations to Ordnance Datum and site specific details of:

- i) the means by which the surface water discharge rate shall be restricted to a maximum rate of 2.5 (two point five) litres per second, this will include the existing and proposed buildings, associated garages and driveways; and
- ii) the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and to agree details prior to construction to inform works undertaken.

Informative - Drainage

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 be attenuated to 70% of the existing rate based on 140 l/s/ha in the 1 in 1year storm.

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

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

28 Within a period of six months of the completion of the development, the approved landscaping scheme shown on the drawings 'Hard landscaping proposals main building' 2808/4 rev. D; 'Hard landscaping proposals cottage' 2808/5 rev. D; 'detailed soft landscape proposals' 2808/6 rev. B, shall be fully implemented. 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.

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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.

7.0 INFORMATIVES: Notes to Applicant

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

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

- Sought revisions to the submitted scheme including a reduction in length and height of the proposed extension to Nos. 46 and 48 Bootham, a reduction in height of the proposed cottage, removal of balconies and the addition of smaller dormer windows, metal railings and hedging rather than timber fencing and the addition of a more secure cycle store.
- Advised of the need for a supporting statement on the loss of employment floorspace.
- Request swept paths to evidence safe access and egress from the site.

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must

be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

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

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

(f) There shall be no bonfires on the site

3. CRIME PREVENTION

As the site lies in an area known to suffer crime and anti-social behaviour, you are advised by North Yorkshire Police to consider further 'secure by design' features to be incorporated into the detailed design stage including, but not limited to:

- Site security during construction to reduce the risk of theft of plant, equipment, materials, tools and diesel fuel.
- Planting should not obscure sight lines from the development to the car parking area;
- Secure locking mechanisms for the cycle stores as well as ground anchor points;
- All external doors, including those on the cycle and bin stores, should be illuminated with vandal resistant security lighting, operated by a photocell sensor with manual override switch and fitted at a height that makes them not easily accessible;
- The parking area should be illuminated, avoiding the use of bollard lighting (as up lighting distorts facial features and recognition, increasing fear of crime)
- Externally placed utility meters, or smart meters with automatic signalling
- External "through the wall" post system, with a lockable internal collection box for each apartment, or should be sited at the primary entrance point within an "airlock" access controlled entrance hall.
- The fitting of any communal entrance doors with an electronic door release mechanism connected to a videophone in each apartment. The door should also have a self-closing mechanism with a lock which engages automatically.

4. THE PARTY WALL ETC ACT 1996

The proposed development may involve works that are covered by the Party Wall etc Act 1996. An explanatory booklet about the Act is available at:

<https://www.gov.uk/party-wall-etc-act-1996-guidance>

Furthermore the grant of planning permission does not override the need to comply with any other statutory provisions (for example the Building Regulations) neither does it override other private property rights (for example building on, under or over, or accessing land which is not within your ownership). Legal advice should be sought,

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if not already done so, regarding access during construction and following occupation along Galmanhoe Lane, and in relation to the altered access into the car park and removal of the boundary wall with the car park and Galmanhoe Lane.

5. CONSTRUCTION IMPLICATIONS

Network Management are unable to support highway construction related activities such as footpath closures, construction deliveries, skips etc on Bootham, due to the traffic and pedestrian impact; or Marygate, due to restricted width. You are advised to consider other construction options that would avoid affecting the highway in these locations.

6. STATUTORY UNDERTAKERS EQUIPMENT:

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

Contact details:

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