



Notice of a public meeting of

Planning Committee B

To: Councillors B Burton (Chair), Hollyer (Vice-Chair), Baxter, Clarke, Melly, Orrell, Vassie, Warters and Waudby

Date: Tuesday, 18 July 2023

Time: 4.30 pm

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

AGENDA

1. Declarations of Interest (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]

2. Minutes (Pages 3 - 12)

To approve and sign the minutes of the last Planning Committee B meeting held on 14 June 2023.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Friday, 14 July 2023.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

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

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

a) Macmillan House, 60 York Road, Acomb, YO24 4NW [22/01840/FULM] (Pages 13 - 32)

Members will consider a major full application by Mr Christopher Goodman, for the conversion of building from 17 self-contained bedsit flats to 8no. self-contained flats; erection of 2no. bungalows to rear and associated car parking and cycle storage. [Acomb Ward]

b) Macmillan House, 60 York Road, Acomb, YO24 4NW [22/01841/LBC] (Pages 33 - 40)

Members will also consider an application by Mr Christopher Goodman for listed building consent at Macmillan House, 60 York Road, Acomb, York, YO24 4NW. [Acomb Ward]

c) Principal York, Station Road, York, YO24 1AY [22/02629 FULM] (Pages 41 - 94)

Members will receive a major full application by Mr Gregor McNaughton for the erection of 4 storey extension building to provide 41 bedrooms, reception/entrance space, reconfigured car parking and landscaping. [Micklegate Ward]

d) 129 Osbaldwick Lane, York YO10 3AY [23/00540/FUL] (Pages 95 - 104)

Members will consider a full application by Mr C Brown for a single storey rear extension and dormer to rear. [Osbaldwick and Derwent Ward]

e) 9 St Marys Grove, Osbaldwick, York, YO10 3PZ [23/00532/FUL] (Pages 105 - 120)

Members will receive a full application by Mr Nikolai Krasnov for the change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4). [Osbaldwick Ward]

5. Urgent Business

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

Democracy Officer:

Jane Meller

Contact details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) OR Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) OR Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	14 June 2023
Present	Councillors B Burton (Chair), Baxter, Clarke, Melly, Vassie, Warters, Waudby, Fisher (Substitute for Cllr Hollyer) and Fenton (Substitute for Cllr Orrell)
Apologies	Councillors Hollyer and Orrell

The Chair noted the apologies from Cllrs Hollyer and Orrell and asked for nominations for the Vice-Chair. Cllr Fenton proposed Cllr Fisher, this was seconded by Cllr Waudby and following a unanimous vote, Cllr Fisher was appointed Vice Chair for the meeting.

1. Declarations of Interest (4.35 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

In relation to item 4e (41, Milton Street, York, YO10 3EP) Cllr Clarke noted for transparency reasons that he jointly owned a property in the same street but he did not consider this prejudicial and he was not predetermined. On the same item, Cllr Fenton declared that the applicant was his Ward Council colleague, therefore he would not take part in the consideration of that item and would leave the meeting at that point. Cllr Fisher, together with several other members of the Committee, also noted that the applicant was a Councillor and therefore known to the Committee.

In relation to Items 4c and 4d (Mudd and Co, 5 Peckitt Street, York, YO1 9SF) in the interest of transparency, Cllr Melly noted that the Applicant had contacted her direct, she did not consider this to affect her ability to approach the Application with an open mind and did not feel that it created any conflict of interest.

2. Minutes (4.37 pm)

Resolved: That the minutes of the last meeting held on 13 April 2023 were approved as a correct record.

3. Public Participation (4.37 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

4. Plans List (4.38 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

5. 42 Bootham Crescent, York, YO30 7AH [22/02220/FUL] (4.39 pm)

The committee considered a full application by Mrs Mika Coulson for a single storey rear extension and internal alterations to increase from 7 to 8 bed House in Multiple Occupation at 42 Bootham Crescent, York, YO30 7AH.

The Development Manager gave a presentation on the plans and responded to questions from Members as follows:

- The applicant had provided a written response to objections and stated that rubbish and/or furniture on the street had been temporary whilst renovations had been carried out. They had no plans for this property to form part of their holiday let business, which was a separate business.
- The current HMO license for the property was for 7 people; the owners would need to apply for a new license to increase this number.
- There had been no comments received from neighbourhood enforcement regarding noise nuisance at the property.
- There were no planning minimum standards for shared amenity space in HMO's, however, this did form part of the HMO license application.

Public Speaker

Cllr Danny Myers spoke as Ward Councillor in opposition to the application. He questioned whether planning permission would be required for a change of use to a short-term let. He also expressed concerns that an

increase in occupants at the property would lead to an increase noise levels in an area that mainly consisted of family homes.

In response to questions from Members, he emphasised the that large HMO's and short-term holiday lets were not in the best interests of the neighbourhood.

The Development Manager confirmed that use of the property for holiday lets would require planning permission. He noted that HMO's formed part of the housing offer for those living, working or studying in the city.

Following debate, Cllr Fisher proposed the officer recommendation to approve the application. This was seconded by the Chair. Members voted in favour of the recommendation, with five votes for and four against. It was therefore:

Resolved: that the application be approved.

Reason: The proposals are small scale and are not considered to result in harm to residential or visual amenity. As such the proposal is considered to comply with NPPF policy, Policy D11 of the emerging Local Plan and guidance within the SPD.

6. Land Adjacent To 141 Broadway, York [22/01122/FUL] (5.14 pm)

Members considered a full application by Gordon Harrison for the variation of condition 2 of permitted application 18/02129/FUL to omit footpath across the front of houses, alter position of fences between properties and erect a shed between plots 2 and 3 (retrospective) at Land adjacent to 141 Broadway, York.

The Development Manager gave a presentation on the plans and the Development Management Officer provided an update containing an additional condition as follows:

Within 6 months of this permission, details shall be submitted to the Local Planning Authority indicating the proposed boundary treatment between the private garden of plot 4 (Number 149) and the amenity open space to the front of the garden. The boundary treatment shall be provided in accordance with the approved details within three months of that approval and thereafter retained as approved.

Reason: To ensure that there is clear demarcation between the private garden and separate non-garden amenity open space to the front.

In response to questions from members, officers clarified that the retrospective aspect of the planning application referred specifically to the shed and the fence to the front of the properties. They also confirmed that the footpath which is in private ownership, ran in front of the houses and did not link with any public footpath and was not required to do so.

Public Speakers

Peter Huxford spoke in objection to the application on behalf of the Fishergate Planning Panel. He raised concerns that a precedent would be set if private individual overrode planning decisions. He questioned the loss of open landscaped space and stated that an opportunity to improve access to Walmgate Stray and traffic safety would be lost.

Mary Urmston spoke in objection to the application on behalf of Fulford Parish Council. She requested that the application be deferred until an accurate site plan could be submitted. She also stated that the additional conditions from the original planning application had not been met and that the Planning Authority would not have any control over the space should the application be approved.

Officers reported that conditions with regard to landscaping had previously been discharged as agreed.

Jeremy Fong spoke in support of the application as one of the homeowners. He stated that the land is privately owned, evenly divided between the four properties and is maintained as gardens by each household. There were no rights of way over the land or access to the Stray.

In response to questions from members, he confirmed the area of land to which he referred and stated that the gardens were maintained individually, and they were to remain undeveloped.

Officers confirmed the details of the previous planning applications and explained that for a section 73 application, consideration was to be given to the conditions the applicant sought to amend but decisions relating to previous applications could not be reconsidered. It was also highlighted that further changes to the footpath which had been built to the 2018 amendment could not be made.

In response to questions from Members, it was confirmed that the gardens could not extend to the boundary and the 2018 plans were current.

Officers noted that prior to the land being developed it was open land within the urban area and not designated public land. It remained open land with planning conditions that did not allow for the erection of buildings or other development. They confirmed that should the planning conditions be breached that would be a matter for planning enforcement.

The Development Manager confirmed that condition 1 (commencement of development) of the report, did not apply to a section 73 planning application and would therefore be removed.

Following debate, Cllr Fisher proposed the officer recommendation to approve the application, this was seconded by Cllr Vassie. Members voted seven in favour and two against the motion and it was therefore:

Resolved: that the application be approved, subject to the removal of condition 1 of the report and the addition of the tabled condition contained within the update and outlined above.

Reason: The proposed development of four homes was set to the back of the application site to enable the frontage to be soft landscaped to retain the open character of this part of the street. Car parking, external storage facilities and the access road are to the rear and largely screened by the houses. The houses were designed to appear to front Heslington Lane, however, the main entrance is to the rear and what appears as the front gardens are the properties main garden space. Planning conditions exist for the site that allows the Local Planning Authority to control the erection of walls, fences and garden buildings.

It is not considered that the absence of a path along the front gardens detracts from any necessary planning need such as providing suitable private access to the 4 homes or public access to Walmgate Stray. Although the path is shown on the approved drawings and should be provided, no planning conditions exist that require it to be retained once provided. It is not considered that the lack of the provision/retention of the path would have a significant impact on the future use and appearance of the land within the application site that fronts Heslington Lane.

The proposals are considered to comply with the National Planning Policy Framework and the relevant policies of the emerging Local Plan.

**7. Mudd and Co, 5 Peckitt Street, York, YO1 9SF
[22/02603/FUL] (6.16 pm)**

Members considered an application from Mr T Mudd at Mudd and Co, 5 Peckitt Street, York, YO1 9SF for the change of use from office to residential (use class C3), single storey rear extension following demolition of existing single storey rear extension, and dormer to rear (resubmission).

The Development Manager gave a presentation on the plans and the planning history of the application and highlighted the legal requirements as described in paragraphs 5.2 to 5.9 of the report.

At the request of Members, the plans were clarified in relation to the changes in the plans from the previous submission.

The Conservation Officer confirmed that the roof was considered integral to the building, as such, a dormer would cause significant harm to the original character of the property.

Public Speakers

John Dench, known as Richard, spoke in support of the application as a neighbour. He stated that the plans were appropriate and long overdue and noted that other houses in the area had been similarly developed. He questioned how planning permission was granted for the extension at a neighbouring property.

Tim Mudd, the applicant, spoke in support of the application. He noted that he wished to live in the house and explained the plans in some detail. He noted that his neighbours supported his plans, and he requested that the committee defer their decision to allow for a site visit to take place.

In response to questions from Members, he explained that the second bedroom would be converted into a bathroom. The dormer window would be of benefit to the property as it would provide light from the south; a conservation roof light would be a disappointment. He stated that he wanted to improve access on the ground floor by making the kitchen level with the dining room, it was possible to raise the kitchen floor but the ceiling height would be reduced.

The Conservation Officer clarified the following:

- The Senior Flood Risk Engineer had confirmed that flood prevention measures were now in place.
- The application at Peckitt Street was considered differently from the extension at the rear of Tower St as there had been no loss of an existing building for that extension.
- The removal of an integral part of an historic building would cause harm.
- The Planning Inspectorate had agreed at the appeal in relation to this property that the Dormer was of poor design, unsympathetic and excessive in scale. Due to changes in building regulations, it was now unlikely that a dormer window would be approved. A roof light was considered more suitable.
- The internal alterations were acceptable; the existing kitchen could be used in conjunction with the dining room, with the rear service range left in place.
- Maintenance issues were separate to the application; however it was recommended that maintenance was carried out to the neighbouring gutter and service range.

It was confirmed, in response to questions from Members, that the flood mitigation measures had been implemented subsequent to the 2015 floods.

Officers highlighted the report of the Planning Inspector at appeal and explained that the decision to list buildings was based on their inherent qualities, irrespective of how visible they are to the public. The subservient relationship between the extension and the main building was also emphasised, as a larger extension would not be as subservient to the original building.

During the debate some members noted their sympathy for the applicant but highlighted their concerns regarding the dormer and extension. Members recommended that the applicant work with council officers to move the application forward in the future.

Following debate, Cllr Warters moved the officer recommendation to refuse the application, and this was seconded by Cllr Fenton. Members voted unanimously in favour of the recommendation, and it was therefore:

Resolved: that the application be refused.

Reason: The proposal would have an adverse impact on the historic character of the application property and the

character of the conservation area and be in conflict with paragraphs 130, 134, 189, 197 and 199 of the NPPF, and emerging Local Plan Policy D4 and Policy D5.

**8. Mudd and Co, 5 Peckitt Street, York, YO1 9SF
[22/02604/LBC] (6.16 pm)**

Members also considered the application for Listed Building Consent at 5, Peckitt Street, York, YO1 9SF alongside item 4c.

Cllr Fenton moved to approve the officer recommendation, and this was seconded by Cllr Fisher. On being put to the vote, Members voted unanimously in favour of the motion, and it was:

Resolved: that the application be refused.

Reason: The proposal would have an adverse impact on the historic character of the application property and be in conflict with the NPPF and, emerging Local Plan and Policy D5.

9. 41 Milton Street, York, YO10 3EP [22/01892/FUL] (7.27 pm)

[Cllr Fenton left the meeting at 19:26]

Members considered a full application by Ashley Mason for the partial conversion of outbuilding to habitable space and the reopening of existing bricked up doorway at 41 Milton Street, York, YO10 3EP.

The Development Manager gave a presentation on the plans and noted that application covered the outbuilding in its entirety, not solely the first floor.

Further to the clarification of plans for Members, it was reported that condition four had been included to restrict the use of the property, it was not a separate unit of residence and would not require additional waste and storage solutions.

Following debate, Cllr Warters moved the officer's recommendation to approve the application. This was seconded by Cllr Melly. Members voted unanimously in favour, and it was:

Resolved: that the application be approved.

Reason: The proposal is considered to comply with National Planning Policy Framework (2021), policy D11 of the emerging Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

Cllr B Burton, Chair

[The meeting started at 4.30 pm and finished at 7.38 pm].

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 July 2023 **Ward:** Acomb
Team: West Area **Parish:** No Parish

Reference: 22/01840/FULM
Application at: Macmillan House 60 York Road Acomb York YO24 4NW
For: Conversion of building from 17 self-contained bedsit flats to 8no. self-contained flats; erection of 2no. bungalows to rear and associated car parking and cycle storage
By: Mr Christopher Goodman
Application Type: Major Full Application
Target Date: 21 February 2023
Recommendation: Refuse

1.0 PROPOSAL

1.1 Macmillan House 60 York Road Acomb comprises a Grade II Listed detached brick and render built villa dating to the early 19th Century with brick-built extensions to the rear. The site lies within the Acomb Conservation Area. The premises were formerly used as a hostel managed by the Local Authority and presently are in use as a development of 17 one-bedroom bedsits subdivided by light weight stud work partitions. Planning permission and a parallel Listed Building Consent for enabling works (ref:22/01841/LBC) have been submitted for change of use of the existing 17 Bedsits to 8 self-contained flats with two bungalows in the present rear garden area. The scheme has been amended since submission in terms of the conversion scheme to address Conservation concerns.

1.2 Planning permission was previously sought for erection of a single bungalow in the rear garden ref: 15/02778/FUL but was refused planning permission on the grounds of harm to the setting of the host Listed Building and to the character and appearance of the Acomb Conservation Area, together with a lack of provision for external amenity space.

2.0 POLICY CONTEXT**NATIONAL PLANNING POLICY FRAMEWORK**

2.1 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date

development plan or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

2.2 In particular Paragraph 38 states that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. It further references the importance of good design and also ensuring a high standard of amenity for both existing and future users.

LOCAL PLAN

2.3 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

D4 Conservation Areas

D5 Listed Buildings

ENV2 Managing Environmental Quality

T1 Sustainable Access

CC2 Sustainable Design and Construction of New Development

H3 Balancing the Housing Market

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection in principle to the proposal subject to any permission being conditioned to secure remediation of contaminated land and the provision of a scheme of noise insulation for the proposed bungalows, together with restrictions on construction hours for the bungalows to secure the residential amenity of neighbouring properties.

Design, Conservation and Sustainable Development(Archaeology)

3.2 Locates the site within the Acomb Area of Archaeological Importance. No objection is raised in principle to the proposal subject to any permission being conditioned to require the undertaking of a watching brief.

Design, Conservation and Sustainable Development (Conservation Architect)

3.3 Object to the proposal on the grounds of harm to the character and appearance of the Acomb Conservation Area and the setting of the host Listed Building from the erection of the proposed bungalows. In terms of the conversion works they are felt to lead to the severance of the historic servant staircase leading to the attic and the legibility of the historic plan form along with the severance of a bay window on a principal elevation through insertion of a new entrance hall. This is felt to result in less than substantial harm to the significance of the designated heritage asset which may be balanced by public benefits. No case for public benefits and no viability information has been brought forward.

Highway Network Management

3.4 Raise no objection in principle to the proposal subject to any permission being subject to detailed conditions in terms of cycle parking, internal layout and access design.

EXTERNAL

Historic England

3.5 Wish to make no comment in respect of the planning application deferring to the advice of the Authority's Conservation Officer.

Yorkshire Water Services Ltd

3.6 Raise no objection to the proposal in principle subject to any permission being conditioned to secure strict compliance with the submitted surface water drainage scheme.

The Ainsty (2008) Internal Drainage Board

3.7 Raise no objection to the proposal subject to any permission being conditioned to require the submission and prior approval of a detailed surface water drainage scheme.

York Civic Trust

3.8 Object to the proposal on the grounds that the proposed bungalows would represent an over-development of the site with little meaningful external amenity space for their occupants or the occupants of the retained apartments in the host building. The reduction of the number of units in the host building is supported in principle but concerns are again expressed in relation to their internal layout.

4.0 REPRESENTATIONS

4.1 Three letters of representation have been received raising the following issues:

- Objection to impact upon the residential amenity of neighbouring properties;
- Objection to harm to the character and appearance of the Acomb Conservation Area including harm to mature trees
- Objection to adverse impact upon the access to the two residential properties at the rear of the site
- Objection to over-development of the site
- Objection to impact upon the setting of the Listed Building
- Support in principle for redevelopment of the host building to reduce the number of units.
- Objection to the loss of the existing bed sits as low-cost accommodation.

5.0 APPRAISAL

KEY CONSIDERATIONS:

5.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the setting of the host listed building
- Impact upon the character and appearance of the Acomb Conservation Area
- Acceptability of the conversion scheme
- Impact upon the residential amenity of neighbouring properties

LEGISLATION AND NPPF POLICY RELATING TO HERITAGE ASSETS

5.2 Section 66 of the Planning(Listed Buildings and Conservation Areas) Act 1990 creates a statutory duty for the Local Planning Authority to have special regard to the desirability of preserving the listed building or its setting or any features of special historic or architectural interest it possesses. Section 72 sets a similar duty for the Local Planning Authority to pay special attention to the desirability of the preservation or enhancement of the character or appearance of the Conservation Area in the exercise of its functions. As these are statutory duties they must be given considerable importance and weight in determining the planning application. Where harm is identified to a listed building or conservation area there will be a strong presumption against the grant of permission.

5.3 In addition to the statutory duty, Central Government Planning Policy as outlined in section 16 of the National Planning Policy Framework is also to be applied. The legislative requirements of Sections 66 and 72 are in addition to the government policy contained in Section 16 of the NPPF. The NPPF classes listed buildings and

Conservation Areas as "designated heritage assets". The NPPF advice on heritage assets includes:

-Paragraph 199 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 202 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

IMPACT UPON THE SETTING OF THE HOST LISTED BUILDING

5.4 Macmillan House, also known as Hill House 60 York Road Acomb comprises a detached two storey brick and render villa dating to the early 19th Century set within large grounds sweeping back from the street frontage with a single storey brick built rear extension. Two houses have previously been erected within the former garden to the rear (nos 1 and 2 Church View) but at some distance from the main building with the rear area retaining the character of a domestic curtilage providing outdoor amenity space for the occupants of the bedsits within the host building. The host building was subdivided in the 1970s to form a hostel although elements of its original significance remain including the servant's stair leading into the attic, several fireplaces and the wine cellar.

5.5 The proposal envisages the erection of two bungalows within the garden area combined with a reconfiguration of the internal areas of the building from 17 bedsits to 8no. one and two bedroom flats.

5.6 The property was constructed as a large family house in the early 19th Century. Within the wider street scene, it retains a domestic appearance. To the rear notwithstanding the erection of two dwellings at the far end of the garden and the degree of intensity of use of the site there is a sense of domestic curtilage with the setting of the host building retained. There is a clear and direct relationship with the belt of mature trees around the site boundaries giving a semi-rural ambience.

5.7 The proposal envisages the erection of two semi-detached bungalows within the rear garden area creating a courtyard appearance with the rear of the existing premises. The visual relationship of the host building with the full sweep of the garden and the mature trees lining its boundary would be lost and a greater degree of prominence would be afforded the rear parking area. The rear of the premises slopes up with the bungalows to be located at the highest point of the site giving them a degree of dominance over the host property. The bungalows would

furthermore be designed in a chalet style with out-sized gabled roofs which would further erode the character of the site and the setting of the host listed building.

5.8 Policy D5 of the Draft Local Plan states that “Harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.” With regard to paragraph 202 of the NPPF it is felt that the proposal would give rise to less than substantial harm to the significance of the listed building by virtue of harm to its setting but that it would be at the higher end of the spectrum. In terms of potential public benefit to weigh against that harm the applicant has cited a reduction in intensity of use of the site from the current situation and also generation of greater revenue to invest in maintaining the host property from the rationalisation of the accommodation. However, any degree of harm caused to the setting of the building by the existing intensity of use is essentially transitory and superficial with the erection of two bungalows which have previously been refused permission on grounds of harm would lead to a major loss of significance which would be permanent. No detail of viability for the site has been provided and so the assertion that the proposals would generate additional revenue to maintain the host building is unsubstantiated. The provision of new bungalows would have some minor weight in the planning balance, although this is in the context of the overall numerical loss of residential accommodation at the site. The harm caused by the proposal to the setting of the listed building is therefore unacceptable.

IMPACT ON THE SPECIAL INTEREST OF THE LISTED BUILDING

5.9 Whilst the interior of the host listed building has been fairly intensively subdivided in association with the former hostel use and subsequently to use as bed-sits, elements of the significance of the building which contribute to its historical and architectural interest remain. Two elements of the conversion scheme are of particular concern; the partial diversion of the internal service stair leading from ground floor to attic harming the understanding of the historic plan form, and the creation of a new entrance hall would harm the legibility of the first-floor bay window resulting in the bay no longer being central to the room and harming the legibility of the historic plan form of the building.

5.10 Policy D5 of the Draft Local Plan states that “Changes of use will be supported where it has been demonstrated that the proposed new use of the building would not harm its significance and would help secure a sustainable future for a building at risk.” And that “Harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.” It is considered that the proposed works would result in less than substantial harm to the significance of the building in line with paragraph 202 of the NPPF. No case in terms of public benefit to outweigh the harm has been put forward by the applicant and it is considered that the provision of a smaller number of larger residential units is not a public benefit in this case. The

applicant has contended that the alteration to the staircase is required to ensure that operation of the site is viable however the assertion has not been substantiated. The development would therefore be contrary to the statutory test within Section 66 of the Act and the policies of the NPPF and policy D5 of the Draft Local Plan.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE ACOMB CONSERVATION AREA

5.11 Acomb Conservation Area comprises the historic core of the former Acomb village centred around Acomb Green with Front Street to the south with properties dating to the 18th Century onwards sited in modest but often well landscaped grounds. Rear plots with their associated structures largely remain within a medium pattern of density.

5.12 Policy D4 of the draft Local Plan states that “Harm to buildings, plot form, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal”. The proposed development would lead to an erosion of the historic pattern of plots with an unrelated pattern of development and associated boundaries. The bungalows themselves occupying a ridge top site would also be unduly prominent in views across the Conservation Area where gardens are otherwise clear. The appreciation of the sylvan boundaries of the site and the wider context of the northern side of York Road would be largely lost with the introduction of an alien roofscape where one currently does not exist. In regard to paragraph 202 of the NPPF harm is considered to be less than substantial although in the context of the Conservation Area at the lower end of the scale. In terms of the preservation or enhancement test within Section 72 of the Act it is felt that the proposal would harm from the character and appearance of the Conservation Area by virtue of introducing an alien form of development with the bungalows so prominently located. As outlined in paragraph 5.9 above there are not considered to be any public benefits that outweigh the harm to the conservation area.

LIVING CONDITIONS OF THE PROPOSED DWELLINGS AND IMPACT UPON THE RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES:

5.13 Central Government Planning Policy as outlined in paragraph 130f) of the NPPF indicates that planning decisions should create places with a high standard of amenity for all existing and future occupiers. Policy ENV2 of the Draft Local Plan indicates that development proposals that are likely to have to have an environmental impact upon the amenity of the surrounding area including residential amenity, local character and distinctiveness must be accompanied by evidence that the impacts have been evaluated and that the proposal would not result in loss of character or amenity.

5.14 Notwithstanding the subdivision of the host property into 17 bedsits the retention of a significant rear garden area results in the retention of a pleasant domestic ambience with a reasonable outlook for those apartments proposed within the rear of the building and for the two properties erected further to the north east within the former garden. Whilst some external amenity space would be retained directly adjacent to the rear of the host building it would be more characteristic of a medium size single domestic property than an 8-apartment residential development in a suburban location. The application site also sits on a prominent slope leading to the site of St Stephen's Church to the north west. The siting of the bungalows on that slope would appear visually over-bearing in relation to the apartments within the rear of the host property. The impact on the outlook and that visually over-bearing presence would result in an unacceptable level of amenity for occupiers of the proposed apartments within the rear of the building.

5.15 In terms of the amenities of prospective occupants of the two bungalows the properties are oriented north east/south west with principal living rooms overlooking the main parking area to the site to the south west at close quarters and the parking and turning area to the bungalows themselves to the north east with a 3 metre high hedge at close quarters. Each bungalow would be provided with a narrow patio at the south west with a slightly larger rear garden area. Whilst limited, the small amenity area for each 1-bedroom bungalow is acceptable.

5.16 It is considered that the proposed bungalows would unacceptably harm the residential amenity of future occupants of the apartments within the host property. It is furthermore felt that the loss of external amenity space for apartments in the host building would fail to comply with the requirements of paragraph 130f) of the NPPF or Policy ENV2 of the Draft Local Plan. Impact upon residential amenity would therefore be unacceptable.

5.17 Because of the proposed separation distances between the proposed bungalows and the properties to the north, and the protected trees on the boundary there would be no significant harm to the living conditions of those properties. Any alterations to the roof of the proposed bungalows could be restricted by planning condition. Concern has been expressed by objectors in respect of the impact of construction works on the access to the two properties at the rear. For the duration of the works there would be an impact that could be mitigated by condition attached to any planning permission.

LOSS OF BEDSIT ACCOMMODATION

5.18 Concern has been expressed by an objector in respect of the loss of the existing bed-sits and the associated community. The application site would remain in residential use albeit in a different configuration providing 5 no 1 bedroom flats and 3 no. 2 bedroom flats. Policy H3 of the Draft Local Plan states "The Council will expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should

therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.” The LHNA doesn’t break down property size to studio/bedsit types and nor does the Council’s monitoring data – all fall within the 1-bed category. There is no evidence of how much bedsits/studios form part of new supply and in turn whether their loss on this site can be regarded as significant.

6.0 CONCLUSION

6.1 The application site is a Grade II Listed Late Georgian villa currently in use as 17 bedsits within the Conservation Area. Planning permission is sought for the erection of two bungalows within the existing garden and the conversion of the existing house to 8 flats. It is considered that the proposed bungalows result in less than substantial harm to the significance of the listed building and the character and appearance of the conservation area. Having special regard to the statutory duties in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and giving great weight to the identified harm, it is considered that the harm is not outweighed by public benefits. The proposal would also fail to provide an inadequate standard of amenity for prospective occupants of the proposed properties. The proposal is considered to be contrary to the National Planning Policy Framework and policies D4, D5 and ENV2 of the Draft Local Plan.

7.0 RECOMMENDATION: Refuse

1 It is considered that the erection of the dwelling and consequent loss of the garden would harm the setting and character of a Grade II listed building (60 York Road). The proposed development would also result in harm to the character and appearance of Acomb Conservation Area. There is no clear and convincing justification in support of the proposal, and the harm is not considered to be outweighed by public benefits of the scheme, and therefore the proposed development would conflict with paragraphs 199 - 202 of the National Planning and Policies D4 and D5 of the (2018) Draft City of York Local Plan.

2 The development of bungalows would lead to a loss of outlook and overbearing impact upon occupants of the proposed apartments within the host building resulting in contrary to paragraph 130f) of the NPPF and Policy ENV2 of the 2018 Draft City of York Local Plan.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38)

in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

- i) Sought amendment of the scheme to secure deletion of the proposed bungalows
- ii) Sought amendment of the scheme to reduce the harm to the interior of the host building
- iii) Sought submission of a detailed case for public benefit to justify the harm caused by the proposed works.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

Contact details:

Case Officer: Erik Matthews

Tel No: 01904 551416

22/01840/FULM

Macmillan House, 60 York Road, Acomb YO24 4NW



Scale : 1:1494

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	06 July 2023
SLA Number	Not Set

This page is intentionally left blank



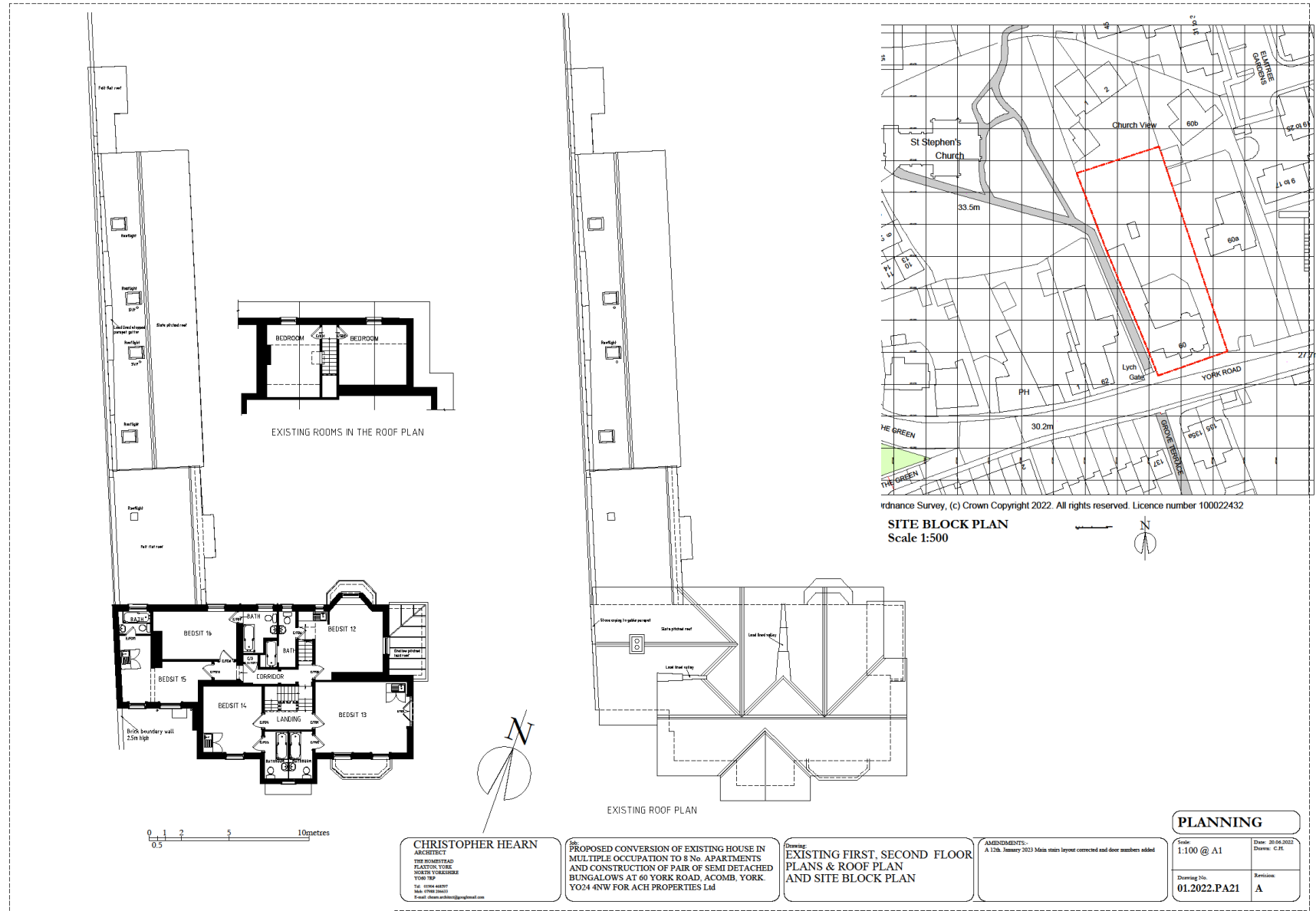
Planning Committee B

22/01840/FULM and 22/01841/LBC
Macmillan House 60 York Road Acomb

Existing ground floor plan and site plan



Existing first and second floor plans



CHRISTOPHER HEARN
 ARCHITECT
 THE BOUNDARY
 PLATON YORK
 NORTH YORKSHIRE
 YO24 7EP
 T: 01904 88877
 M: 07983 28623
 E: chris.hearn@christopherhearn.com

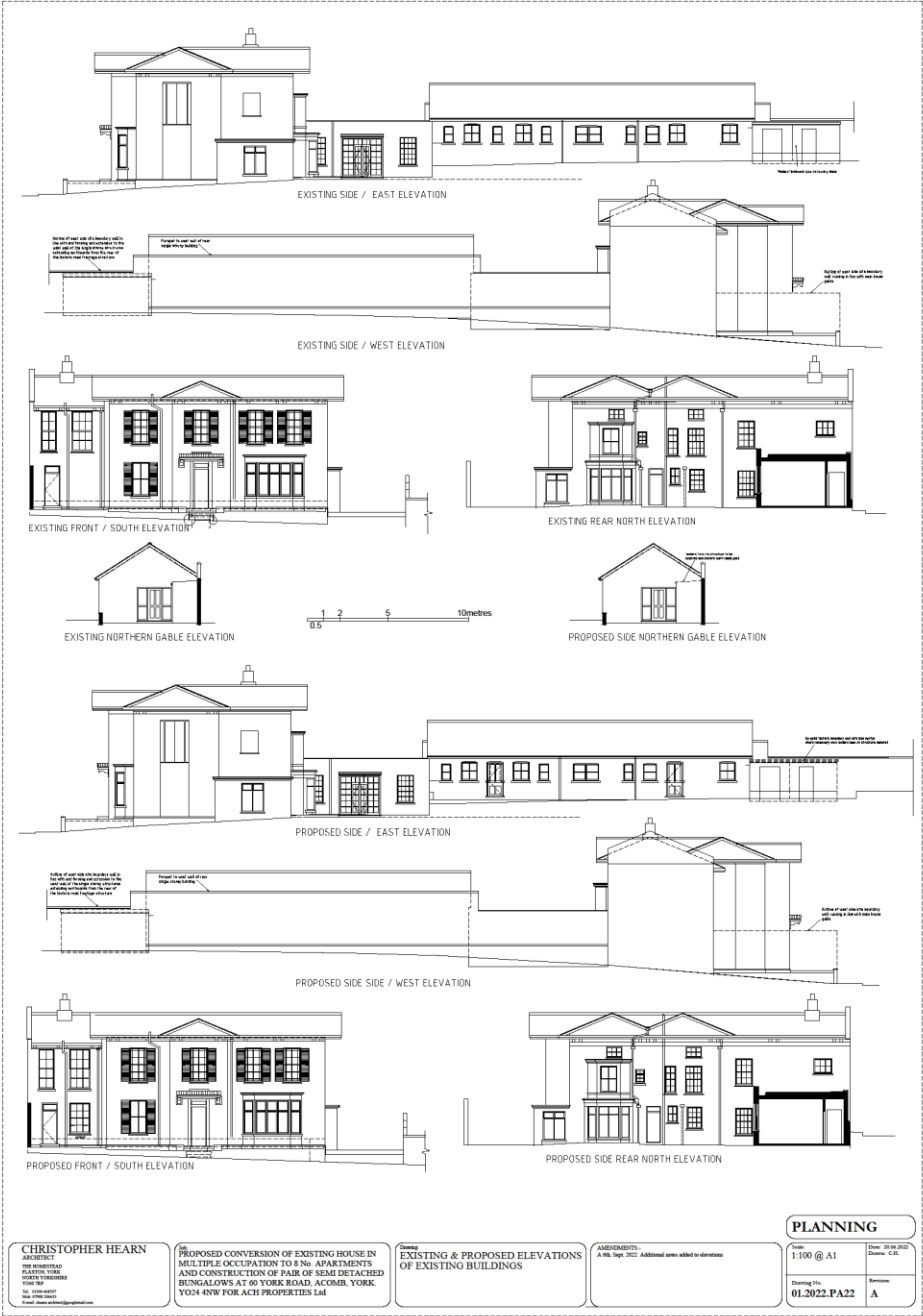
PROPOSED CONVERSION OF EXISTING HOUSE IN MULTIPLE OCCUPATION TO 8 No. APARTMENTS AND CONSTRUCTION OF PAIR OF SEMI DETACHED BUNGALOWS AT 60 YORK ROAD, ACOMB, YORK. YO24 4NW FOR ACH PROPERTIES LTD

Drawing: EXISTING FIRST, SECOND FLOOR PLANS & ROOF PLAN AND SITE BLOCK PLAN

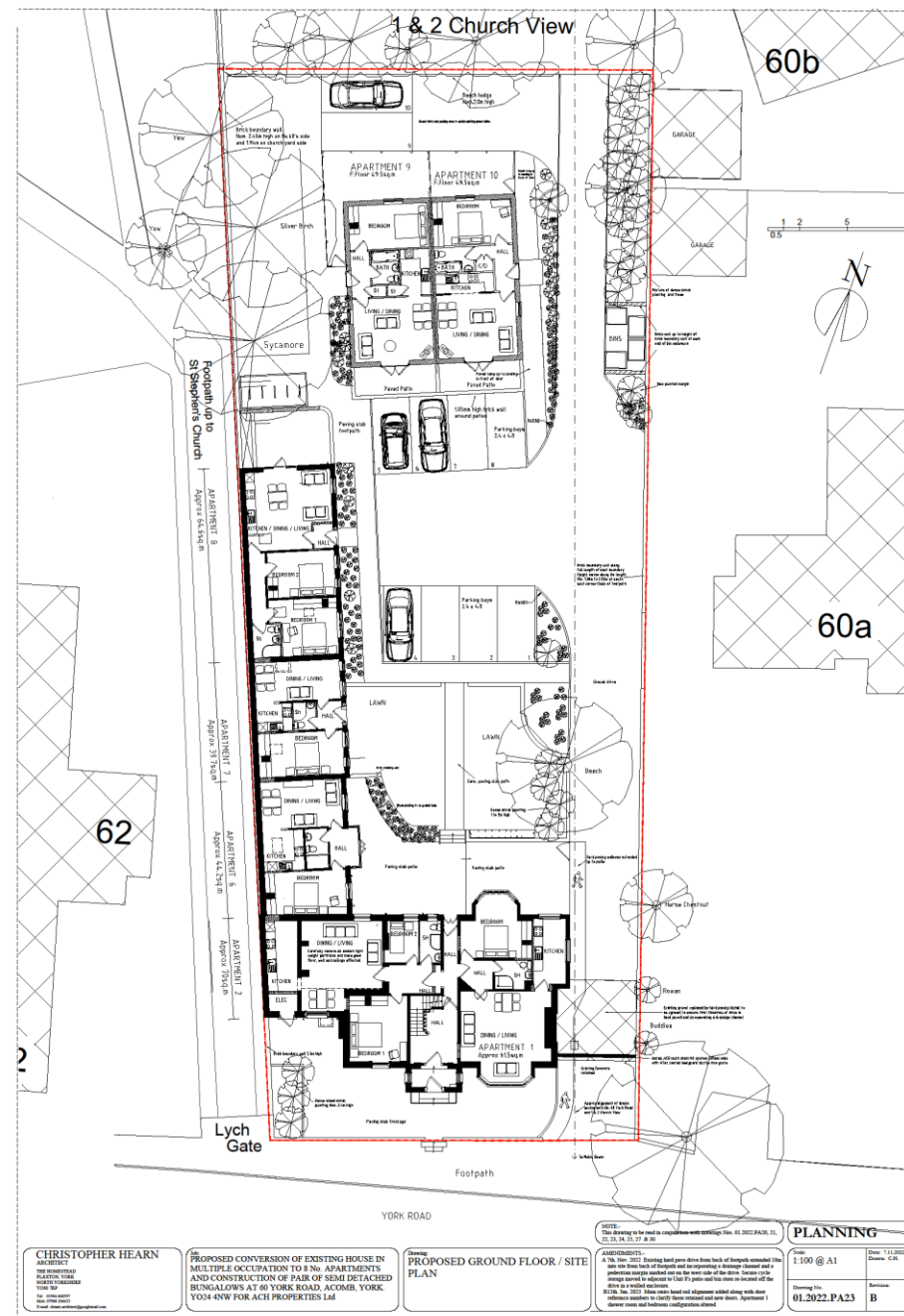
AMENDMENTS:
 A 12th January 2023 Main stairs layout corrected and door numbers added

PLANNING	
Scale: 1:100 @ A1	Date: 20.06.2022
Drawn: C.H.	
Drawing No: 01.2022.PA21	Revision: A

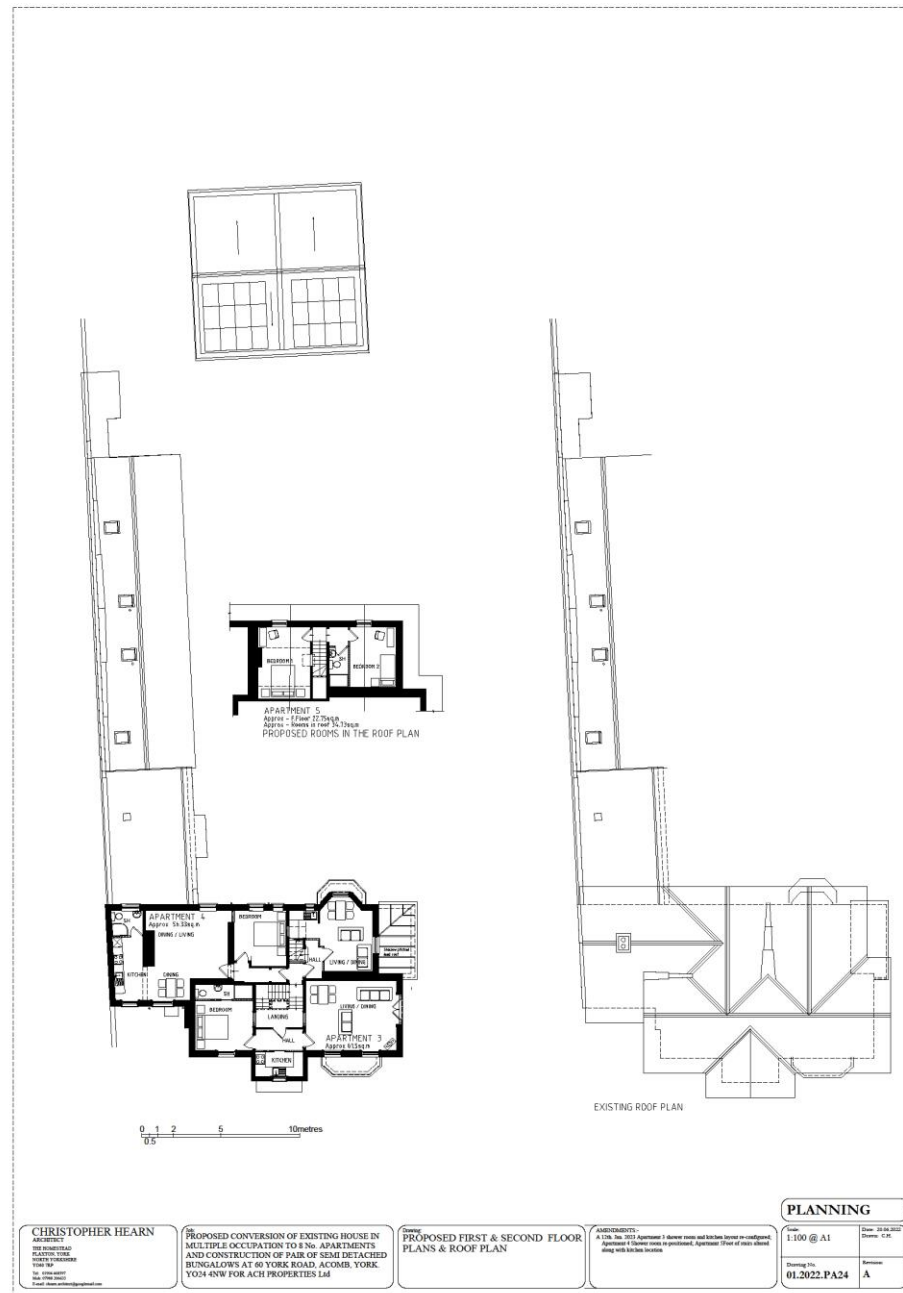
Existing and proposed elevations



Proposed site plan and ground floor plan



Proposed first and second floor plan



Proposed bungalow elevations



This page is intentionally left blank

COMMITTEE REPORT

Date: 18 July 2023 **Ward:** Acomb
Team: West Area **Parish:** No Parish
Reference: 22/01841/LBC
Application at: Macmillan House 60 York Road Acomb York YO24 4NW
For: Internal and external alterations in association with conversion of 17 no. self-contained bedsits to 8no. self-contained flats.
By: Mr Christopher Goodman
Application Type: Listed Building Consent
Target Date: 21 February 2023
Recommendation: Refuse

1.0 PROPOSAL

1.1 Macmillan House 60 York Road Acomb comprises a Grade II Listed detached brick and render built villa dating to the early 19th Century with brick-built extensions to the rear. The site lies within the Acomb Conservation Area. The premises were formerly used as a hostel managed by the Local Authority and presently are in use as a development of 17 one-bedroom bedsits subdivided by light weight stud work partitions. Listed Building Consent and a parallel permission for enabling works (ref:22/01840/FUL) have been submitted for change of use of the existing 17 Bedsits to 8 self-contained flats together with the erection of two bungalows in the grounds.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

LOCAL PLAN

2.2 The Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policy D5 (Listed Buildings) can be afforded significant weight in accordance with paragraph 48 of the NPPF given the progression of the plan, the lack of material objections and the conformity with the NPPF.

3.0 CONSULTATIONS

INTERNAL

Design, Conservation and Sustainable Development (Conservation Architect)

3.1 Object to the proposal on the grounds that in terms of the conversion works they are felt to lead to the severance of the historic servant staircase leading to the attic and the legibility of the historic plan form along with the severance of a bay window on a principal elevation through insertion of a new entrance hall. This is felt to result in less than substantial harm to the significance of the designated heritage asset which may be balanced by appropriate public benefits. No case for public benefits and no viability information has been brought forward.

EXTERNAL

Historic England

3.2 Object to the proposal on the grounds that the alteration to the back staircase would seriously harm the legibility of the internal layout. It is felt that the design of the new layout fails to address the significance of the building and gives rise to serious potential for the loss of other elements of the historic fabric within the interior.

4.0 REPRESENTATIONS

4.1 One letter of representation has been received raising the following issues:-

- Failure to address previous reasons for refusal in respect of planning application 15/02778/FUL.
- Harm to the setting of the listed building from the proposed bungalows.
- Loss of mature trees and landscaping within the site
- Conflict with the access to neighbouring properties during the period of construction.

5.0 APPRAISAL

KEY CONSIDERATION

Application Reference Number: 22/01841/LBC

Item No: 4b

5.1 - Impact upon the special interest of the Listed Building

LEGISLATION AND NPPF POLICY RELATING TO HERITAGE ASSETS

5.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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 listed building there will be a strong presumption against the grant of permission.

5.3 In addition to the statutory duty, Central Government Planning Policy as outlined in section 16 of the National Planning Policy Framework is also to be applied. The NPPF classes listed buildings and Conservation Areas as "designated heritage assets". The NPPF's advice on heritage assets includes:

-Paragraph 199 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 202 advises that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use."

IMPACT UPON THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE LISTED BUILDING

5.4 Macmillan, also known as Hill House 60 York Road Acomb comprises a detached two storey brick and render villa dating to the early 19th Century set within large grounds sweeping back from the street frontage with a single storey brick built rear extension. Two houses have previously been erected within the former garden to the rear (nos 1 and 2 Church View) but at some distance from the main building with the rear area retaining the character of a domestic curtilage providing outdoor amenity space for the occupants of the bedsits within the host building. The host building was subdivided in the 1970s to form a hostel although elements of its original significance remain including the servant's stair leading into the attic, several fireplaces and the wine cellar.

5.5 The proposal envisages the undertaking of further conversion works to reduce the number of residential units from 17 to 8 with alteration of the pattern of internal sub-division with the replacement of light weight studwork partitions with more substantial walls. The detail of the scheme has been amended since submission to

address conservation concerns specifically in respect of impact upon the central former servant's stair case leading to the attic with the upper section retained but with the central section losing its direct connection with the historic circulation route through the house. The first-floor bay windowed room would also have an entrance hall inserted into it which would reduce its legibility.

5.6 Central Government Planning Policy as outlined by paragraph 194 of the NPPF indicates that in determining applications local planning authorities should require an applicant to describe the significance of heritage assets affected including any contribution made by their setting. The submitted Design, Access and Heritage Statement challenges the significance of the interior of the building by suggesting that the lack of reference to the interior of the building in the Statutory List description minimises the contribution of the interior to its significance as a designated heritage asset. This is an incorrect approach, the list description is primarily to identify the building and omission of features or otherwise is not a statement of their significance.

5.7 The scheme as amended partially addresses earlier concerns in terms of the severance of the servant's stair rising vertically through the attic through the house. The upper section is now retained although the central section is now turned losing its direct connection with the principal staircase from the ground floor harming the legibility of the interior. An entrance hall for one of the newly created apartments would be inserted into the first-floor room with a bay window with the result that the bay window would then lose its centrality with resulting harm to the understanding of the historic plan form of the building. Other aspects of the internal layout maybe controlled by condition and notably the surviving internal fireplaces would be retained.

5.8 Policy D5 of the Draft Local Plan states that "Changes of use will be supported where it has been demonstrated that the proposed new use of the building would not harm its significance and would help secure a sustainable future for a building at risk." And that "Harm or substantial harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal." The submitted scheme fails to demonstrate how the proposal would respect the significance of the building and fails to acknowledge the contribution of the interior to that significance. Remaining harm is concentrated into two areas with the loss of legibility of the first-floor bay window room and the severance of the internal staircase. It is felt that the proposed works would give rise to less than substantial harm to significance of the heritage asset which requires a case to be made for public benefits of the proposal that would outweigh the identified harm, including where appropriate securing the building's optimum viable use. As set out in paragraph 199 of the NPPF, great weight should be given to the designated heritage asset's conservation, and at paragraph 200, that any harm should require clear and convincing justification. The applicant has suggested that the alterations to the staircase are necessary to secure the viability of the

development although no information has been submitted in terms of the viability of either the existing layout or the proposed scheme. The building is fully occupied and in a general state of good repair. The public benefits do not outweigh the harm to the listed building. This is contrary to policy D5 and paragraph 202 of the NPPF.

6.0 CONCLUSION

6.1 Listed Building Consent is sought for the conversion of the premises from 17 bedsits to 8 apartments involving alteration to the existing internal pattern of subdivision. Two specific areas of harm to the significance of the internal layout have been identified. The servant's stair leading to the attic would be severed in its central section and the insertion of an entrance hall would undermine the legibility of the first-floor bay windowed room. Having regard to the statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 199 of the NPPF, great weight is attached to the identified harm to the listed building. No detail in terms of viability has been provided and no other case for public benefits to otherwise balance the identified harms has been provided. The proposal is contrary to policy D5 of the emerging Local Plan and paragraph 202 of the NPPF.

7.0 RECOMMENDATION: Refuse

1 The conversion works would lead to the severance of the existing internal service stair to the attic together with the erosion of internal layout of the first-floor bay windowed room by insertion of an entrance hall harming the legibility of the plan form leading to less than substantial harm to the significance of the designated heritage asset. The submitted case for public benefits of the proposal has not been justified and is not considered to outweigh the harm to the significance of the listed building. The proposed development is considered to be contrary to paragraph 202 of the NPPF and policy D5 of the Draft Local Plan.

Contact details:

Case Officer: Erik Matthews

Tel No: 01904 551416

This page is intentionally left blank

22/01841/LBC

Macmillan House, 60 York Road, Acomb YO24 4NW



Scale : 1:1494

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	06 July 2023
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 18 July 2023 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 22/02629/FULM
Application at: Principal York Station Road York YO24 1AY
For: Erection of 4 storey extension building to provide 41 bedrooms, reception/entrance space, reconfigured car parking and landscaping.
By: Mr Gregor MacNaughton
Application Type: Major Full Application
Target Date: 20 July 2023
Recommendation: Approve

1.0 PROPOSAL

THE SITE

1.1 The Principal Hotel was designed by the architects of the adjacent railway station in 1878. The building is listed at Grade II for its historic interest in being symbolic of the importance of the railway industry to York, especially in relation to the burgeoning tourist and business trade. It is also significant for its powerful large scale aesthetic which was influenced both internally and externally by successive phases of technological development in the industrial and motor ages.

1.2 The hotel is regarded as a landmark within the Central Historic Core Conservation Area. At the time of its construction, it was probably the largest building in the city with the exception of the Minster, and its stature increased after the west wing (Klondyke) was re-designed and enlarged to seven stories in 1896. The hotel is located within its own grounds just outside the city walls, where the large garden with its mature trees contributes to the open setting of the building, allowing unobstructed views directly towards the Minster and from the city walls.

1.3 To the north of the hotel adjacent to Leeman Road is the "north annex" or "garden wing". This building was introduced in 1912 to serve as offices and stores for the catering division of the railway complex. It is more utilitarian in character and it was converted for use as a bedroom annex for the hotel in the late C20th and later

extended upwards and also linked to the hotel through a new single storey conference venue. This building is historically significant as one of the series of railway assets developed over the previous two centuries in the northwest corner of the city.

1.4 The majority of the site is within Flood Zone 1 and a small section is within Flood Zone 2 (northern boundary with Leeman Road). The land immediately north of the site, including Leeman Road, is Flood Zone 3.

THE PROPOSAL

1.5 This application seeks permission for the erection of a 4 storey extension building to provide 41 bedrooms, a reception/entrance space and a reconfigured car park with associated landscaping. Parking would be reduced across the hotel site as a whole and re-configured closer to the conference wing. Landscaping would be re-designed in these areas.

1.6 The proposed extension is to be located at the northwest end of the site, close to Leeman Road and would be linked to the existing 1912 'north annex'. From within the site, the extension would appear as a three storey brick structure (York brick) with a fourth floor set back from the parapet and clad in bronze panels. The building footprint would negotiate the change in level between the garden and Leeman Road, where two bays return onto Leeman Road at four floors in height with an upper storey set back at an angle. The reception area is positioned between the existing and proposed structures on site, alongside a courtyard area.

1.7 The scheme is a re-submission of planning permission 19/01322/FULM which lapsed on the 19 December 2022. The following changes have been made to the proposal since the previous approval;

- Reduction in bedrooms from 45 bedrooms to 41 bedrooms (by removing habitable bedrooms from the lower ground floor).
- Meeting rooms on the lower ground floor.
- Slight alteration in the turning head near to the proposed extension.
- Additional landscaping close to where the access from Leeman Road is to be closed off.

2.0 POLICY CONTEXT

National Planning Policy Framework

2.1 The NPPF sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

2.2 In particular, Paragraph 38 states that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. It further references the importance of good design and also ensuring a high standard of amenity for both existing and future users.

2.3 The relevant sections of the NPPF are as follows:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 6 – Building a strong, competitive economy

Chapter 7 – Ensuring the vitality of town centres

Chapter 9 – Promoting healthy and safe communities

Chapter 12 – Achieving well designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change.

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

Draft Local Plan (2018)

2.4 The Publication Draft Local Plan 2018 was submitted for examination on 25 May 2018. It has now been subject to full examination. Modifications were consulted on in February 2023 following full examination. It is expected the plan will be adopted in late 2023. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

EC4 – Tourism

SS3 – York City Centre

D1 – Placemaking

D2 – Landscape and Setting

D4 – Conservation Areas
D5 – Listed Buildings
D6 – Archaeology
D7 – The Significance of Non Designated Heritage Assets
D11 – Extensions and Alterations to Existing Buildings
GI2 – Biodiversity and Access to Nature
GI4 – Trees and Hedgerows
ENV2 – Managing Environmental Quality
ENV3 – Land Contamination
ENV4 – Flood Risk
ENV5 – Sustainable Drainage
CC2 Sustainable Design and Construction of New Development
WM1 – Sustainable Waste Management
T1 – Sustainable Access

Section 66 and 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990

2.5 Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA 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. Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Central Historic Core Conservation Area Appraisal

2.6 The site lies within character area 22 (Railway Area) of the Central Historic Core Conservation Area. The Hotel is noted as one of the grandest buildings within the character area.

3.0 CONSULTATIONS

INTERNAL CONSULTEES

ARCHAEOLOGY

3.1 Recommends conditions following receipt of additional information.

ECOLOGY

3.2 No objections subject to conditions, following receipt of additional information regarding bats

FLOOD RISK MANAGEMENT TEAM

3.3 Recommends conditions in line with the Environment Agency and Yorkshire Water, following further clarification from the Agent.

HIGHWAYS

3.4 Recommends conditions with regards to method of works/traffic construction management plan which will include construction vehicle routing, avoidance of network peak hours and provision for contractor parking as well as a dilapidation survey and wheel wash provision on site to avoid mud on the highway.

3.5 The adopted highway on Leeman Road which goes onto the Principal site will need to be stopped up. Recommends a condition for the existing dropped kerb to be reinstated.

3.6 Requests conditions for cycle parking and Station Road access to include replacing existing crossover with York stone paving. Recommends an informative regarding the conflict with York Central Development Traffic.

PUBLIC PROTECTION

3.7 Recommend conditions regarding noise, a construction environmental management plan, construction working hours, unexpected land contamination and details of plant, machinery or equipment to be installed.

EXTERNAL CONSULTEES

ENVIRONMENT AGENCY

3.8 The Flood Map for Planning shows the site lies largely in Flood Zone 1 with parts of the site in Flood Zone 2 and 3. The proposed development will only meet the NPPF requirements in relation to flood risk if a planning condition is included to

state the development shall be carried out in accordance with the flood risk assessment.

HISTORIC ENGLAND

3.9 This proposal is a re-submission of a scheme that we have commented on and has previously been granted permission twice. 15/02596/FULM, granted permission on 10 June 2016, our reference P00504042, our letters dated 11 April 2016 and 3 May 2016). The same proposal was granted permission three years later - 19/01322/FULM, granted permission on 19 December 2019, our reference P01102630, our letter dated 2 September 2019.

3.10 We remain broadly comfortable with the principle of an extension in this position. Once again this is subject to the impact of the proposed development upon views from the City Walls being unharmed. Your Authority should also be satisfied that the proposal is of sufficient quality to respond to the character and appearance of the Conservation Area. This is in order to ensure that the proposal meets the requirements of paras. 199, 200, 202 and 206 of the National Planning Policy Framework (NPPF).

3.11 There is the possibility of extensive Roman remains in the area and therefore a thorough mitigation strategy needs to be agreed with your Archaeologist. We also recommend that any consent is conditioned to cover agreement of landscape details and the detailing and materials for the new block.

MICKLEGATE PLANNING PANEL

3.12 Objects. The overall design is disappointing and does not fit the context. Any lost trees should be replaced on the site.

NORTH YORKSHIRE POLICE

3.13 The overall design and layout of the proposed scheme is acceptable. Recommendations regarding access control, CCTV and physical protection.

YORKSHIRE WATER

3.14 Recommend a condition with regards to development in accordance with the flood risk assessment and drainage strategy.

4.0 REPRESENTATIONS

4.1 Two objections have been received on the following grounds;

- Negative impact on the existing surroundings within the vicinity of the site
- Further restrict views of/from the bar walls.
- Application does not propose any site-specific mitigation for the impact on local residents.
- Extension not in keeping with the existing Grade II Building
- Reduces the green space within the Conservation Area.
- Already 3 hotels within 100 yards of each and occupancy is not 100%
- Ad hoc building creep needs to stop
- Leeman Road access is terrible to exist and close to sharp bend
- Will add further congestion
- Only entrance via Station Road
- Close proximity to residential apartments on Westgate
- Noise disturbance
- Lack of car parking

5.0 APPRAISAL

PRINCIPLE OF THE PROPOSED DEVELOPMENT

5.1 This proposal represents the resubmission of a scheme granted planning permission in June 2016 (15/02596/FULM) and December 2019 (19/01322/FULM). Minor changes are proposed from the 2019 scheme to include; a reduction in the number of bedrooms from 45 bedrooms to 41 bedrooms, due to removing sleeping accommodation from the lower ground floor. Meeting rooms are proposed on the lower ground floor. In terms of landscaping, there is a slight change to the turning head and planting near the current access from Leeman Road. Structurally the scale, siting and design of the extension is the same as previously approved.

5.2 The local plan context has changed since the original submission in 2015 and 2019. The application site is within the defined city centre, as designated in the 2005 Draft Local Plan. As such the proposed hotel use, in terms of location, is compliant with the NPPF, which states that Local Plans should 'support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation" and Draft Local Plan policy SS3 which states

that the city centre “will remain the focus for main town centre uses”. Policy SS3 is now given significant weight in decision-making taking into account the status of the Draft Local Plan. The policy has recently been modified although this was to allow for an update to the use classes within the policy, in line with the 2020 Use Class Order amendments.

5.3 The extension to the hotel at this city centre site would also be compliant with Draft Local Plan policy EC4 (Tourism), which states that proposals that relate to maintaining and improving the choice and quality of business, conferencing and events facilities to encourage business visitors, will be supported. Policy EC4 is given significant weight in decision-making due to the current status of the Draft Local Plan.

5.4 The site is in the city centre, within walking distance of the railway station and tourist attractions. The site is suitable for a hotel extension in location terms. The visual impact of the development and amenity are assessed in the other sections of the report.

IMPACT ON HERITAGE ASSETS

5.5 The Principal Hotel is a Grade II listed building located within the Central Historic Core Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, referred to earlier in this report, imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.6 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The current application must be judged on this basis.

5.7 In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such

assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 200 of the NPPF).

5.8 As previously stated, this proposal is the resubmission of a scheme granted planning permission in 2016 and 2019 with some minor changes relating to the use of lower ground floor rooms and landscaping to accommodate a revised turning head. The massing, materials and design of the new wing are as per the 2016 and 2019 approved scheme.

5.9 Policy D4 of the Draft Local Plan states that 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. 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.

5.10 In terms of significance, the hotel was designed by the architects of the adjacent railway station in 1878. The building is symbolic of the importance of the railway industry to York, especially in relation to the burgeoning tourist and business trade. It is also significant for its powerful large scale aesthetic which was influenced both internally and externally by successive phases of technological development in the industrial and motor ages. The hotel is regarded as a landmark within the Central Historic Core Conservation Area. At the time of its construction, it was probably the largest building in the city with the exception of the Minster, and its stature increased after the west wing (Klondyke) was re-designed and enlarged to seven stories in 1896. The hotel is located within its own grounds just outside the city walls, where the large garden with its mature trees contributes to the open setting of the building, allowing unobstructed views directly towards the Minster and from the city walls. To the north of the hotel adjacent to Leeman Road is the "north annex" or "garden wing". This building was introduced in 1912 to serve as offices and stores for the catering division of the railway complex. It is more utilitarian in character and it was converted for use as a bedroom annex for the hotel in the late C20th and later extended upwards and also linked to the hotel through a new single storey conference venue. This building is historically significant as one of the series

of railway assets developed over the previous two centuries in the northwest corner of the city.

5.11 The new wing has been located such that its mass would not be considered to intrude on the primary aspect and setting of the main hotel building. At its closest, it would be 45 metres away from the Klondyke wing (the seven-storey west wing of the hotel) and it therefore would not only respect the dominance and setting of the Victorian hotel building but would preserve important views out of the public rooms across the gardens towards the Minster, which informed the original layout of the hotel's public spaces and dining room. The formal part of the garden layout was also centralised on the original plan and this relationship would be retained.

5.12 The proposed new wing would be located over 150 metres from the city walls from where there is a vantage point overlooking the hotel grounds. In views from the city walls, it is considered that the new wing would be seen as subsidiary and separate to the hotel building as there would be a wide separation gap (45m) and its roof level would be 2 ½ main floors plus attic floor lower than the Klondyke wing and it would be just below the upper string course of the central part of the hotel building. The primacy of the hotel building would not be challenged by the proposed development.

5.13 In terms of the massing, materials and design of the new wing, it is considered that it would represent a contemporary addition to the suite of buildings on site. The majority of the building would be in a matching yellow/buff brick with multi-pane windows and doors set back deeply from the face and framed in bronze. Windows would be grouped to respond to the larger scale of windows in the Victorian hotel. The new entrance would be set at the lower level of the conference foyer. It would be a small glass box with bronze effect cladding over and a projecting draught lobby. This separate simple form is welcomed as a low level device to link the disparate forms of this particular grouping of buildings.

5.14 The proposed building would be one floor higher than the extended 1912 wing which lies adjacent to it. As the top floor would be set back by 3 metres on the garden side and angled away from the road in views from Leeman Road the new building would not be considered to over-dominate its neighbour. The proposed glass bridge linking the two buildings would allow views through into the small courtyard at upper levels and it would be recessed between the two structures.

5.15 Furthermore, views from the service access off Leeman Road towards the Grade II* listed railway shed with its distinctive arched end canopies, would be preserved as the footprint of the new block would protect the viewing corridor.

5.16 On the basis of the above considerations, the proposed development is considered to accord with Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the relevant chapters of the NPPF and policies D1, D4 and D5 of the Draft Local Plan (2018). The development would preserve the character and appearance of the Conservation Area and would respect the Listed Building and its setting.

LANDSCAPING

5.17 Policy D2 (Landscape and Setting) of the Draft Local Plan states that proposals will be encouraged and supported where they conserve and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities and recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and York's other important character elements, and retain them in a respectful context where they can be suitably managed and sustained.

5.18 The existing trees within the application site are a mix of species, namely Hawthorn, Lawson cypress, Swedish Whitebeam and, predominantly Lime. All of the trees are located within the conservation area; and all of the Limes and Sorbus are covered by a tree preservation order. The trees within the site are part of the intrinsic character of the garden and they contribute to the setting of the hotel and to the character of the wider area of mature green landscape in this part of the conservation area.

5.19 The footprint of the new block has been set out to have a short two-bay elevation onto Leeman Road to help preserve part of the stand of trees, which aid in softening the harsh environment of Leeman Road close to the railway bridge. Previous applications on this site in relation to this scheme acknowledge the loss of the majority of the group of trees between Leeman Road gate and the annex building. Out of the line of 11no. semi mature Limes trees alongside Leeman Road and the gable end of the existing annex, 4no trees would be retained although the Landscape Architect previously advised that it may be appropriate to thin these down to 2no.

5.20 The scheme involves the removal of 24 car parking spaces on site (from 60 to 36) and removes all of the parking immediately in front of the original hotel facade. The remaining number of spaces would be concentrated in front of the Klondyke Wing, Conference Centre and proposed bedroom extension such that the Klondyke Wing would become more directly related with the car parking spaces created by the bedroom extension and replacement planting to which it will form the end vista.

5.21 This proposed parking arrangement and associated planting extends considerably into the open space which currently extends the full length of the main elevation of the hotel. Whilst this results in a loss of a generous area of open garden space, by consolidating the garden space around the formal planting areas, it would provide a strong structure to this side of the garden and dimensionally would create symmetry either side of the formal garden. Furthermore, views would be improved along the main access from Station Road where a broad grassed margin would be introduced and the access road would be reduced from 13 metres wide to 6 metres. The replacement of the car parking to the front of the hotel with lawn, hedging and trees would create an improved visual and physical connection between the hotel and formal, central garden thereby improving the setting of the Grade II listed building.

5.22 In seeking to compensate for the loss of trees, the proposed landscaping scheme and planting plan details the planting of 28no. new trees. The proposed planting plan also offers a range of shrubs, herbaceous material, bulbs and lawn, all of which are given structure with a range of clipped hedges. In summary, it is considered that the landscape scheme would form an attractive setting for the proposed extension and provide a suitable attractive edge and foil to a smaller, symmetrical, formal central garden.

5.23 The loss of mature trees would erode the landscape character of the area whilst new trees establish themselves. Whilst the group of trees along Leeman Road would be significantly reduced, a group would be maintained where it would have the greatest effect next to the service access and the new site layout would strengthen the hotel's relationship with the garden area and this would preserve the character and appearance of the conservation area.

5.24 The landscaping and its impact is similar to the previously approved schemes, albeit there is a slight change to the turning head near the extension and additional planting is proposed near Leeman Road. An updated tree survey has been provided (dated 18th January 2023), alongside a landscape masterplan and planting plan. The Landscape Architect confirms the plans can be conditioned as compliance conditions, although an AMS is still required via a separate approval of details application.

ARCHAEOLOGY

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

5.26 The proposed site of the Royal York Hotel extension is within the Central Area of Archaeological Importance and on the site/edge of a mixed Roman cemetery. An archaeological evaluation was undertaken by On-Site Archaeology Ltd in October 2015 as part of a limited archaeological investigation to inform a proposal similar to the current application. The evaluation consisted of the excavation of two trenches which revealed a subsoil horizon of probable Roman date that was cut into by three pits of a similar date. Stratigraphically above the pits was a sequence of buried soil horizons the earliest layer may have Roman origins with later disturbance from post-medieval and early modern activity.

5.27 The depth of archaeological levels in this area are difficult to determine due to the large-scale landscaping works which have taken place. Following the submission of this application a request was made for further evaluation to take place. It was agreed that this would be limited to a borehole survey given the access issues and tree coverage.

5.28 Four boreholes were sunk in an attempt to further understand what the extent of the archaeological impact of this proposal would be. Natural deposits were present across the site at 10.5-10.85m AOD although the ground level in this area varies considerably. Three of the boreholes revealed a brown silt clay silt containing fragments of Roman and medieval pottery and animal bone. There was no evidence that this deposit represented 19th century landscaping and is considered to be archaeological in origin. This was overlain by a garden soil between 0.75-1.5m thick.

The information from the boreholes and previous phases of evaluation and excavation indicate that there were other activities taking place in this area during the Roman and post-Roman period aside from burial. No human remains were found during the 2015 or 2023 investigations.

5.29 The impact of the proposed scheme, which includes a lower ground floor, will remove any archaeological resource present within the proposed lower ground floor footprint. The evidence from previous and recent evaluation and excavation suggests that the proposed hotel extension footprint may lie just outside the cemetery boundary. However, the possibility of encountering human remains within the extension area cannot be discounted.

5.30 The proposed car parking area and realigned driveway may impact upon human remains. Excavation in 1999 immediately adjacent to the proposed parking area did reveal human remains and the robbed out remains of structures (possibly funerary related). Natural/non archaeological levels were recorded in these trenches at 13.50m AOD. The additional car parking and any works to the garden at the front of the building will need to be archaeologically stripped and excavated.

5.31 Further archaeological evaluation, excavation and monitoring is required across the site. Archaeological evaluation is required on the footprint of the proposed lower ground floor. Here, archaeological trenches must be dug, once the trees have been felled, which will provide a much clearer picture of impact and therefore, the scale of mitigation excavation. The applicant should be prepared for an expensive archaeological excavation to take place across the footprint of the proposed lower ground floor.

5.32 Across the rest of the scheme an archaeological watching brief will be required with select areas of excavation taking place as and when necessary. Excavation will be required within the proposed parking areas in the current garden area. This area has a high likelihood of containing human remains. Provision will also need to be made for any subsequent analysis, archiving and publication if appropriate across the scheme. The Archaeologist recommends conditions to cover these aspects and would result in the proposal according with Policy D6 of the Draft Local Plan and national planning guidance.

ACCESS AND HIGHWAY ISSUES

5.33 Car parking within the grounds of the Principal Hotel on site has expanded into the gardens and is available alongside the main access road throughout the site. The proposed scheme involves a reduction in the number of car parking spaces to 35 spaces available on site (for short stay and disabled guests only) with valet parking taking cars to private car parks close by as required. This approach is supported in this highly sustainable location. The site is located adjacent to the station and within a short distance of a large number of bus stops which are served by high frequency services.

5.34 Access to the car park will be managed by a barrier at the entrance to the site and the Leeman Road access will need to be stopped up by a separate statutory process. The applicant has reviewed the design of the access road, car parking spaces, and turning head since the previous approval to ensure that they offer adequate space for vehicles (including delivery vehicles) to manoeuvre without overrunning onto landscaped areas.

5.35 Although the proposed extension will not result in an increase in staff numbers, the applicant has agreed to increase the number of staff cycle spaces from 10 to 15 spaces (enclosed and covered) to support staff sustainable travel and the existing visitor cycle parking facility will be improved. This element is to be conditioned.

IMPACT ON FUTURE USERS AND NEIGHBOURING RESIDENTS

5.36 One of the core principles of the NPPF is that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is supported by Policy ENV2 and policy D11 of the Draft Local Plan.

5.37 The nearest residential dwellings are located to the northeast (Westgate Apartments). Due to the separation distance and relationship between the two buildings the extension will not result in harmful overshadowing or overlooking. However the Environmental Health Officer recommends conditions with regards to a Construction Environmental Management Plan, construction working hours and details of plant, machinery or equipment to be installed. These conditions are considered reasonable in the interests of protecting residential amenity in the area, in terms of noise, vibrations etc.

5.38 The hotel rooms will overlook the grounds of the hotel or Leeman Road. Although there is the potential for noise from traffic along Leeman Road and from the railway and from existing businesses such as the Royal Mail depot, considering

the proposed end use as hotel accommodation rather than residential, there are no objections on amenity grounds. Conditions are proposed to achieve specified internal noise levels within bedrooms. In the event that unexpected contamination is detected during the development works, a condition relating to the reporting of unexpected contamination is recommended.

FLOOD RISK

5.39 Draft Local Plan Policy EN4 states that new development shall not be subject to unacceptable flood risk and shall be designed and constructed in such a way that mitigates against current and future flood events.

5.40 The majority of the site is within Flood Zone 1 and a small section is within Flood Zone 2 (northern boundary with Leeman Road). The land immediately north of the site, including Leeman Road is Flood Zone 3. The existing hotel is at a higher ground level and not in a flood risk area.

5.41 The NPPF classifies sites used for hotels as “more vulnerable” development, which is considered appropriate in Flood Zone 3a if the Exception test is passed. In paragraph 164, the NPPF advises that for the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

5.42 In undertaking the sequential test, the NPPG advises "a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere". This is the only practical site for the expansion of the existing hotel to occur. In conclusion, the sequential test is passed as there is not an alternative location for the development.

5.43 The site specific Flood Risk Assessment (dated 15 December 2022, at section 7.6) demonstrates that the development would be safe from flooding and would not increase flood risk elsewhere and therefore accords with Draft Local Plan Policy EN4.

5.44 The ground floor level of the extension would be set at 12.25m AOD to match the existing hotel. It is not practicable to raise the lower ground floor level of the extension above the 1% + 30% CC flood level of 11.19m, in order to tie in the existing Lower Ground floor (LGF) level of 9.62m. However, it should be noted that no sleeping accommodation is proposed at LGF level. The lower ground floor will be used for conference rooms and there would be freely available internal stair access to the upper levels of the extension to provide safe refuge for staff and guests during a storm event. An informative can be added to the decision to advise the operators to sign up to the EA's flood warning service. Appropriate measures are proposed within the FRA with regards to mitigation measures.

ECOLOGY

5.45 Policy GI2 of the Draft Local Plan relates to biodiversity and access to nature. Paragraph 174 of the NPPF seeks to ensure development minimises impacts on and provides net gains for biodiversity.

5.46 The development will be required to provide biodiversity enhancements; in accordance with Paragraph 174 (d) of the NPPF (2021). Ecological enhancements have been recommended in sections 7.3 (Bat boxes) and 8.5 (Biodiversity Gains and Recommendations) of the Preliminary Bat Roost Assessment with the aim of providing biodiversity net gain post construction. This can be conditioned.

SUSTAINABILITY

5.47 Policy CC2 of the Draft Local Plan (2018) (as amended in the recent main modifications) states all new non-residential development with a total floor area of 100m² or greater should achieve:

- i. a 28% reduction in carbon emissions over and above the requirements of Building Regulations (2013) unless it is demonstrated that such reductions would not be feasible or viable; and,
- ii. BREEAM 'Excellent' (or equivalent), where feasible and viable and where development proposals are for 1,000m² or more.

5.50 In the interests of achieving a sustainable development and in accordance with the requirements of Policy CC2 of the Draft Local Plan, a carbon emissions reduction condition is recommended, as well as a BREEAM 'excellent' condition as

the floor area is over 1,000m². The BREEAM condition was also attached to the previous permission.

6.0 CONCLUSION

6.1 This proposal is a re-submission of planning permission 19/01322/FULM which expired in December 2022. Minor changes to the originally approved drawings are proposed to the landscaping and lower ground floor rooms. The local plan context has changed since the original submission, in terms of the weight to be attached to draft policies and the conclusion of the main modifications consultation (March 2023). The relevant policies of the Draft Local Plan have been detailed within the appraisal. It is considered that there have been no significant changes to the policy context in the intervening period to the 2019 approval to warrant a different appraisal of the scheme, apart from the consideration of biodiversity enhancements in line with paragraph 174 (d) of the NPPF (2021). The previous planning permission carries significant weight in the decision making process.

6.2 The application would provide 41 no. additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. The new building has been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. The development would respect the host Listed Building and its setting. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced within the Conservation Area. There is considered to be no harm to the setting of the listed building or the character and appearance of the conservation area. All other issues, such as archaeology, amenity, sustainability, ecology, construction and flood risk, are satisfactorily addressed either within the plans or are dealt with via a condition.

6.3 The application accords with national planning policy set out within the National Planning Policy Framework and policies of the Draft Local Plan (2018). The application is therefore recommended for approval subject to conditions.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location Plan: Drawing No. 220169-3DR-XX-XX-DR-A-08001, Revision B, dated 12/01/2023.

Proposed Location Plan: Drawing No. 220169-3DR-XX-XX-DR-A-08021, Revision A, dated 15/12/2022.

Proposed Lower Ground Floor Plan: Drawing No. 220169-3DR-XX-LG-DR-A-08031, Revision A, dated 15/12/2022.

Proposed Ground Floor Plan; Drawing No. 220169-3DR-XX-00-DR-A-08032, Revision A, dated 15/12/2022.

Proposed First Floor Plan; Drawing No. 220169-3DR-XX-01-DR-A-08033, Revision A, dated 15/12/2022.

Proposed Second Floor Plan; Drawing No. 220169-3DR-XX-02-DR-A-08034, Revision A, dated 15/12/2022.

Proposed Third Floor Plan; Drawing No. 220169-3DR-XX-03-DR-A-08035, Revision A, dated 15/12/2022.

Proposed Roof Plan; Drawing No. 220169-3DR-XX-R1-DR-A-08036, Revision A, dated 15/12/2022.

Proposed Front Elevation: Drawing No. 220169-3DR-XX-ZZ-DR-A-08111, Revision A, dated 15/12/2022.

Proposed North East Elevation: Drawing No. 220169-3DR-XX-ZZ-DR-A-08112, Revision A, dated 15/12/2022.

Proposed Leeman Road Elevation: Drawing No. 220169-3DR-XX-ZZ-DR-A-08113, Revision A, dated 15/12/2022.

Proposed Section AA and BB and FF: Drawing No. 220169-3DR-XX-ZZ-DR-A-08201, Revision A, dated 15/12/2022.

Proposed Section CC: Drawing No. 220169-3DR-XX-ZZ-DR-A-08202, Revision A, dated 15/12/2022.

Proposed Section DD and EE: Drawing No. 220169-3DR-XX-ZZ-DR-A-08203, Revision A, dated 15/12/2022.

Proposed Façade Detail Section: Drawing No. 220169-3DR-XX-ZZ-DR-A-08301, Revision A, dated 15/12/2022.

Parking Strategy: Drawing No. 220169-3DR-XX-XX-DR-A-08042, Revision A, dated 15/12/2022.

Flood Risk Assessment dated 15th December 2022 prepared by Simpson (ref: P22-951)

Reason: For the avoidance of doubt and in the interests of proper planning.

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

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.

4 Prior to the construction of any works above foundation level, large scale details (1:20 & 1:5 as appropriate) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

- i) Full details of the reception area and draught lobby
- ii) Full details of alterations to the existing conference hall where the link would be formed
- iii) Large scale elevation, section and plan of a typical bay of the new wing, including the parapet, balustrade, roof top extension and roof edge detail
- iv) Full details of the bridge link and its abutment with the existing building
- v) Details of the plant screen showing the outline of proposed plant dotted if possible
- vi) Manufacturers' literature of windows and doors supplemented by drawings showing them in context as necessary

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the setting of the listed building and the wider Central Historic Core Conservation Area.

5 Full details of the hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the new building hereby approved. The proposals shall include details of planting plans, gates and

enclosures, cycle parking, waste compounds and external lighting. Existing historic structures shall be noted on the landscape plan and retained in-situ.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the context of safeguarding the setting of the listed building within the Conservation Area.

6 Before the commencement of development including demolition, excavations, and building operations, 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. Amongst others, this statement shall include details and locations of protective fencing, 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, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite and any other temporary buildings. 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. The development shall be carried out in accordance with the AMS as approved. A copy of the document will be available for inspection on site at all times.

Reason: To ensure protection of existing trees before, during and after development 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.

7 The landscaping shall be carried out in strict accordance with the following details and plans:

Landscape Masterplan: Drawing No. EA_1545_PL_100, revision A, dated 14/12/2022.

Illustrative Landscape Masterplan: Drawing No. EA_1545_PL_101, revision A, dated 15/12/2023.

Planting Plan: Drawing No. EA_1545_PL_500, revision A, dated 15/12/2023.

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.

8 A programme of post-determination archaeological evaluation on the footprint of the proposed lower ground floor and subsequent mitigation is required on this site.

The archaeological scheme comprises 3-5 stages of work. Each stage shall be completed and agreed by the Local Planning Authority (LPA) before it can be approved.

A) No archaeological evaluation or groundworks other than removal of trees shall take place until a written scheme of investigation (WSI) for evaluation has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

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

C) A copy of a report 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.

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

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

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

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

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

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

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

10 A biodiversity enhancement plan/drawing shall be submitted to and be approved in writing by the local planning authority prior to the commencement of works. The content of the plan shall include, but not be limited to the recommendations set-out in the Preliminary Bat Roost Assessment provided by Wold Ecology, February 2023, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. The development shall be carried out in accordance with biodiversity enhancement plan/drawing as approved.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

11 No vegetation clearance or tree works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

12 The building envelope of all the hotel accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAmax inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented before the use approved in is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building (s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

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

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

14 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 first agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of the locality.

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

16 Prior to commencement of development a Method of Works statement shall be submitted to and approved by the Local Planning Authority. The details should include a traffic construction management plan which will include construction vehicle routing, avoidance of network peak hours and provision for contractor parking as well as a dilapidation survey and wheel wash provision on site to avoid mud on the highway. Development shall then be carried out in strict accordance with the approved method of works statement, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the Local Highway Network during the construction period.

17 The development shall be carried out in accordance with the "'Flood Risk Assessment & Drainage Strategy' P22-951 prepared by IHG, dated 15/12/22" and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 12.25 metres above Ordnance Datum (AOD)
- Compensatory storage shall be provided in accordance with Section 8.8 & 8.9 and appendix F of the FRA

- There is to be no habitable accommodation on the lower ground floor of the new extension.
- The flood proof / resilience measures detailed in section 8.6 of the FRA are to be incorporated into the development

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: In the interest of satisfactory and sustainable drainage, to reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

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

Reason: In the interest of satisfactory and sustainable drainage.

19 The foul and surface water drainage shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment & Drainage Strategy - Re: P22-951 dated 15th December 2022 and the Preliminary Drainage Layout - Re: P22-951-SK103 dated December 2022, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

20 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 is made.

21 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, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

22 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

23 Details of improvements to the existing cycle parking provision, to include an increase in the number of staff spaces to 15 and improved facilities for visitors (retaining at least 28 spaces), shall be submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

24 The areas shown on the approved plans for parking shall be retained solely for such purpose and shall be retained for the exclusive use of the hotel.

Reason: To reduce congestion on the adjacent roads.

25 A plan detailing the siting of the access barrier to the car park entrance, to be set back a minimum of 15 metres from the back of the footway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development and the works shall be carried out in accordance with the approved details.

Reason: To prevent obstruction to other highway users.

26 The development hereby permitted shall not come into use until the following highway works have been implemented in accordance with drawing EA_1545_PL_100 Rev A or arrangements entered into which ensure the same;

1) Removal of kerbed junction site access on Station Road and replacement with a dropped vehicle crossover design surfaced in Yorkstone paving to match adjacent footway and kerbs.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to minimise disruptions to the free flow of traffic.

27 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation) . Where it can reasonably be demonstrated that an excellent is not feasible, full justification for the lower rating shall be submitted to and agreed by the LPA prior to occupation. Should the development fail to achieve a BREEAM standard of 'excellent' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

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

28 The development hereby permitted shall achieve a 28% reduction in carbon emissions over and above the requirements of Building Regulations (2013) unless it is demonstrated that such reductions would not be feasible or viable.

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

8.0 INFORMATIVES: Notes to Applicant

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

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

-requested additional archaeology information, tree survey and bat roost assessment

2. INFORMATIVE:

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

action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

3. 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.

4. Please note that there may be conflict with York Central Development traffic if the site is developed over the next few years.

5. For the access off Leeman Road, an application will need to be made to stop up the small spur of adopted highway which currently goes into the Principal site.

6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

7. When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new bat roosting and bird nesting features are installed, on trees and 'green' linear features, such as hedges. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance: <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lightingcompressed.pdf?mtime=20181113114229&focal=none>

8. Drainage: The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network.

9. The applicant/occupants should phone the EA's Flood-line on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings> It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

10. Information regarding the CEMP:

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

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used

for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. All monitoring results should be recorded and include what was found and mitigation measures employed (if any).

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

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

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

Contact details:

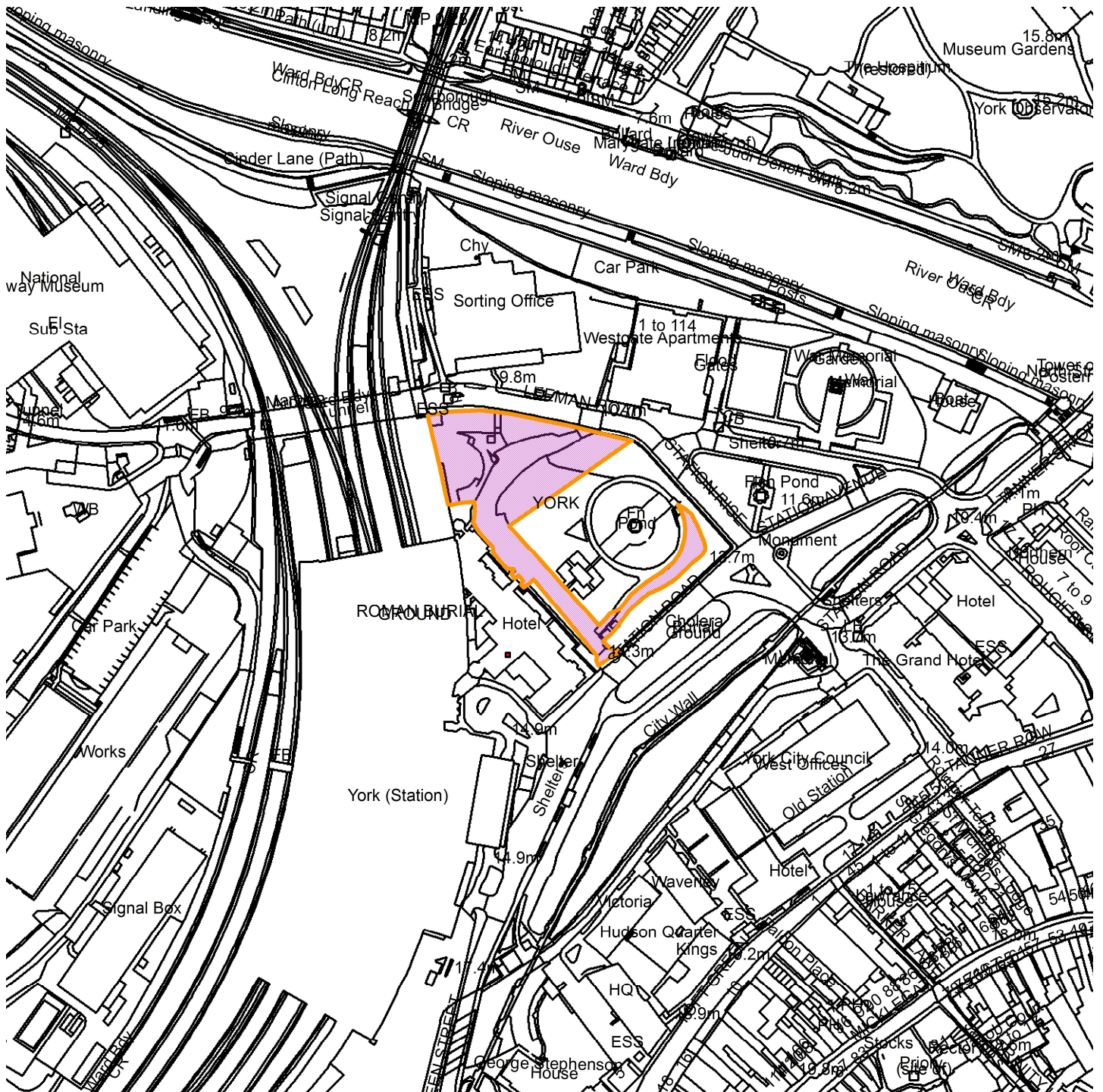
Case Officer: Natalie Ramadhin

Tel No: 01904 555848

This page is intentionally left blank

Principal York, Station Road, York YO24 1AY

22/02629/FULM



Scale : 1:2988

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	06 July 2023
SLA Number	Not Set

This page is intentionally left blank

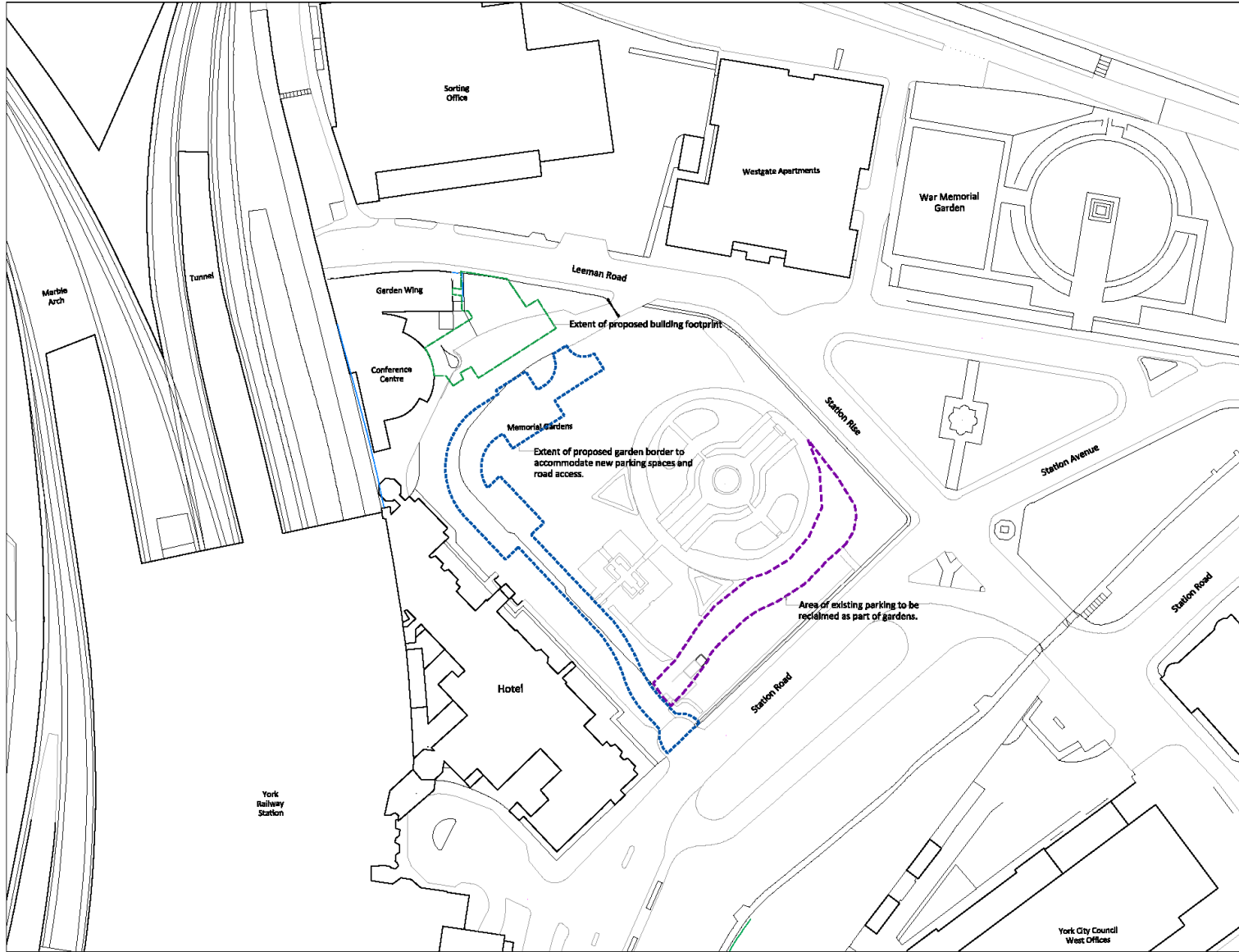


Planning Committee B

22/02629/FULM

Principal York, Station Road

Site plan



Notes
 Do not scale from this drawing.
 All dimensions are to be checked prior to construction and any discrepancies are to be notified to the Architect.
 Copyright reserved.



01 Existing Site Plan
 Scale: 1:500

A 130423 Issued for Planning GL

Revisions

Client

RBH Management

Project

**Principal York Hotel
 Bedroom Extension
 York**

Title

Existing Site Plan

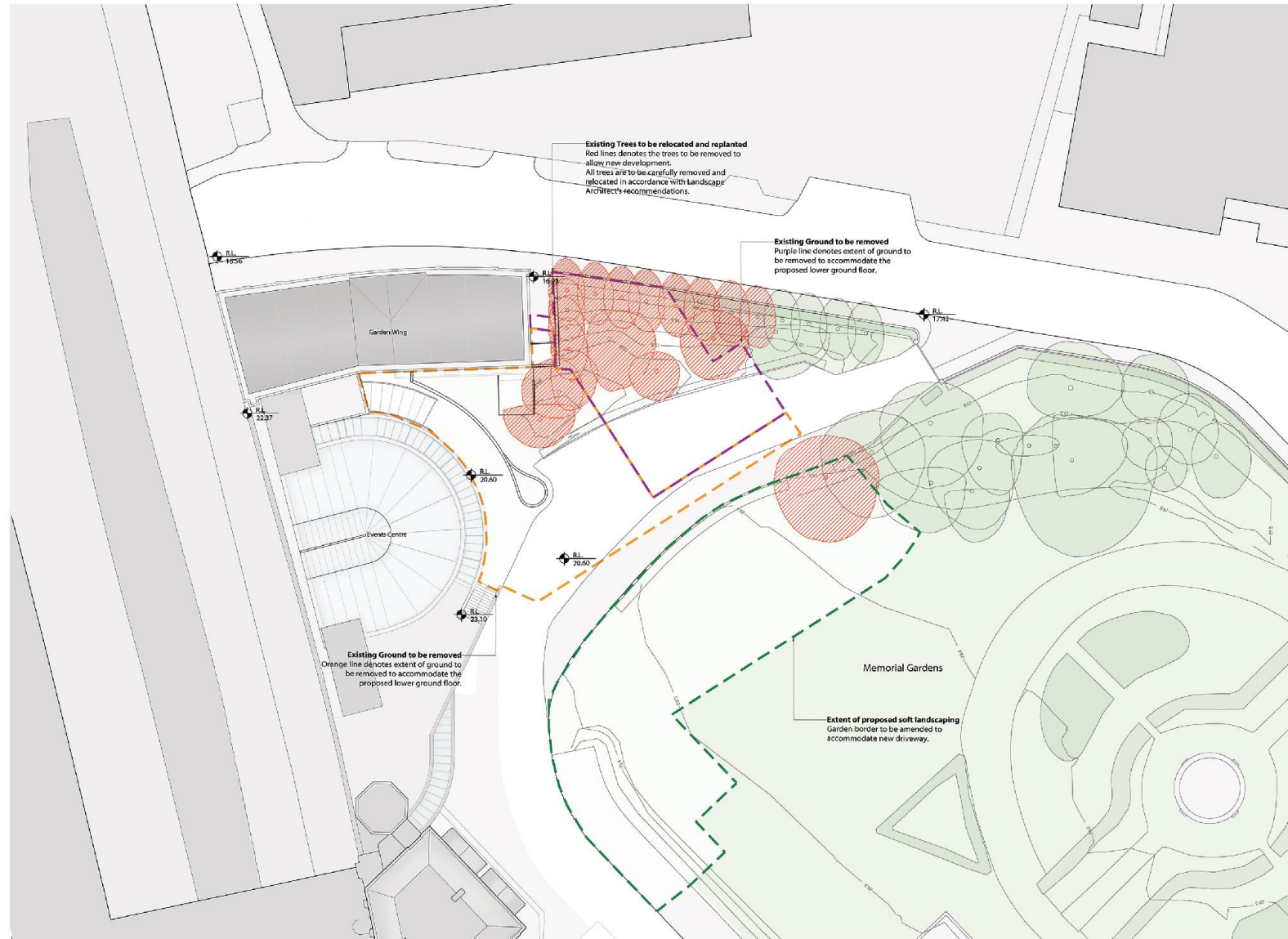
Scale	Size	Date	Drawn	Checked
1:500	A1	10/01/22	GL	NB

York City Council
 West Offices



Drawing No. 220169-3DR-XX-XX-DR-A-08003 A

Existing site plan



Notes

Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be identified to the Architect.
Copyright reserved.

Key

- Purple Line**
Denotes extent of ground to be removed to accommodate the proposed Lower Ground Floor.
- Orange Line**
Denotes extent of ground to be removed to accommodate the proposed Ground Floor.
- Green Line**
Denotes extent of garden border to be amended to accommodate proposed new driveway and landscaping.
- Red Hatch**
Denotes trees to be removed to allow new development. All trees are to be carefully removed and relocated in accordance with landscape architect's recommendations.

Car Parking Summary

40	Existing Car Parking Spaces
35	Proposed Car Parking Spaces

A 191322 based for Planning GL

Revisions

Client
RBH Management

Project
Principal York Hotel Bedroom Extension York

Title
Existing Site Plan

Scale	Rev	Date	Drawn	Checked
1:100	A1	06/12/22	GL	MS

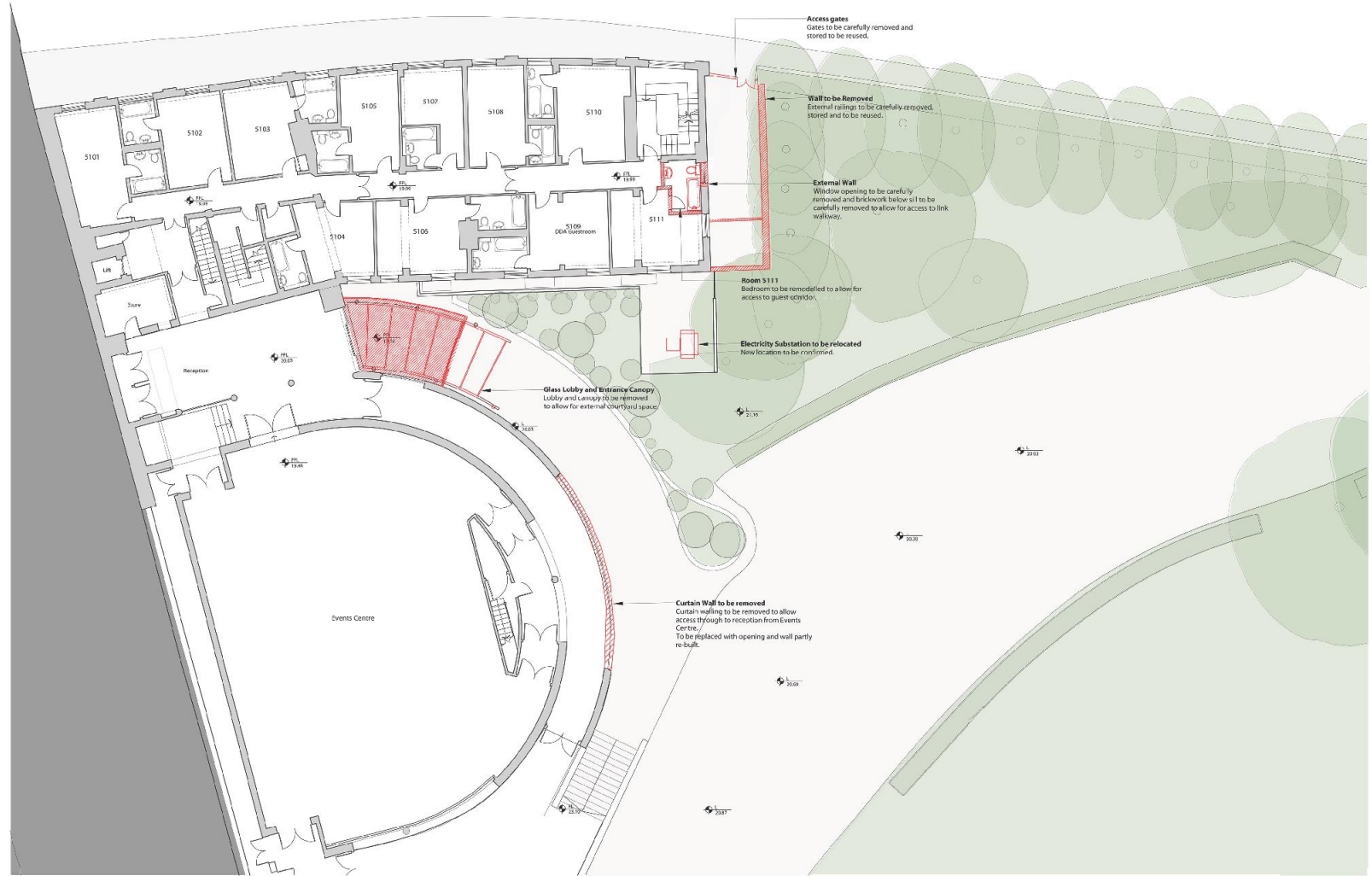
www.3dreed.com
Architects Landscape Consultants

3D REED

Drawing No.
220169-3DR-XX-XX-DR-A-08002 A

01 Existing Site Plan
Scale: 1:200

Existing ground floor plans



01 Existing Ground Floor Plan
Scale: 1:100

Notes

Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be deviated to the Architect.
Copyright reserved.

Key

- Hatch denotes extent of existing walls to be carefully removed.
- Red line denotes objects within cartilage to be removed.

A 187322 Issued for Planning

Client: RBH Management

Project: Principal York Hotel Bedroom Extension York

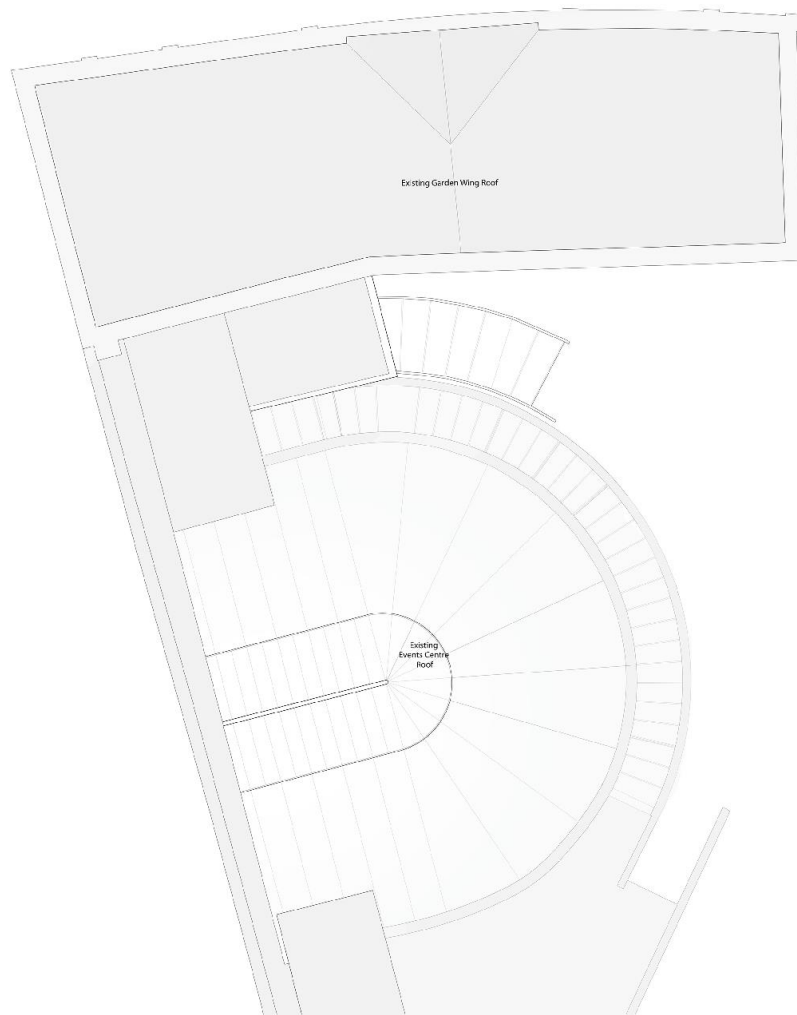
Title: Existing Ground Floor Plan

Rev	Rev	Date	Drawn	Checked
1:100	A1	08/12/22	GL	MS

www.3dreed.com
Architectural Services

220169-3DR-XX-00-DR-A-08011 A

Existing roof plan



01 Existing Roof Plan
Scale: 1:100

Notes

Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be identified by the architect.
Copyright reserved.



A 19/12/22 Issued for Planning 04

Revisions

Client

RBH Management

Project

**Principal York Hotel
Bedroom Extension
York**

Title

Existing Roof Plan

Scale	Plot	Date	Drawn	Checked
1:100	A1	09/12/22	GL	MG

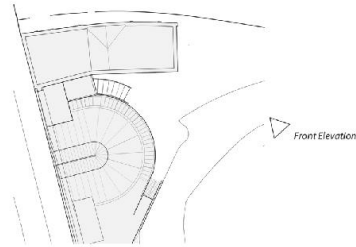


Drawing No.

220169-3DR-XC-R1-DR-A-08014 A

Rev.

Existing front elevation



01 Key Plan
Scale: 1:500



Glazing to be removed
Red hatch denotes the extent of
existing glazing to be removed to
allow for openings to access proposed
reception from the existing events
canopy.

Canopy to be removed
Red hatch denotes the extent of
existing glass canopy to be removed.

02 Existing Front Elevation
Scale: 1:100

Notes

Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be referred to the Architect.

Copyright reserved.

02 1/21

A 19/12/22 Issued for Planning GL

Revisions

Client

RBH Management

Project

**Principal York Hotel
Bedroom Extension
York**

Title

Existing Front Elevation

Scale	Rev	Date	Drawn	Checked
1:100	A1	03/12/22	GL	NG

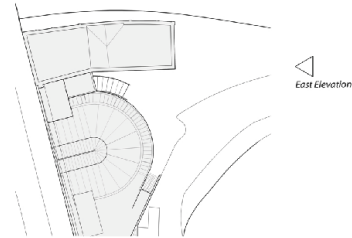
www.3dreid.com
Architectural Services Subcontracting



Drawing No.

220166-3DR-JX-ZZ-DR-A-08101 A

Existing east elevation



01 Key Plan
Scale: 1:500



02 Existing East Elevation
Scale: 1:50

Notes
Do not scale from this drawing.
All dimensions to be checked prior to construction and any discrepancies are to be identified by the architect.
Copyright reserved.

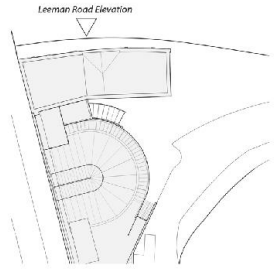
A	18/12/22	Issued for Planning	GL
Revisions			
Client			
RBH Management			
Project			
Principal York Hotel Bedroom Extension York			
TBA			
Existing Leeman Road Elevation			
Scale	Rev	Date	Drawn
1:100	A1	08/12/22	GL
			NS

www.3d Reid.com
Architectural Services - Building Information Modelling

3D REID

Drawing No. 220169-3DR-XX-ZZ-DR-A-08102 A

Existing Leeman Road elevation



01 Key Plan
Scale: 1:500



02 Existing Leeman Road Elevation
Scale: 1:100

Notes
Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be identified to the Architect.
Copyright reserved.

A 197322 Issued for Planning OK

Revisions

Client
RBH Management

Project
**Principal York Hotel
Bedroom Extension
York**

Title
Existing Leeman Road Elevation

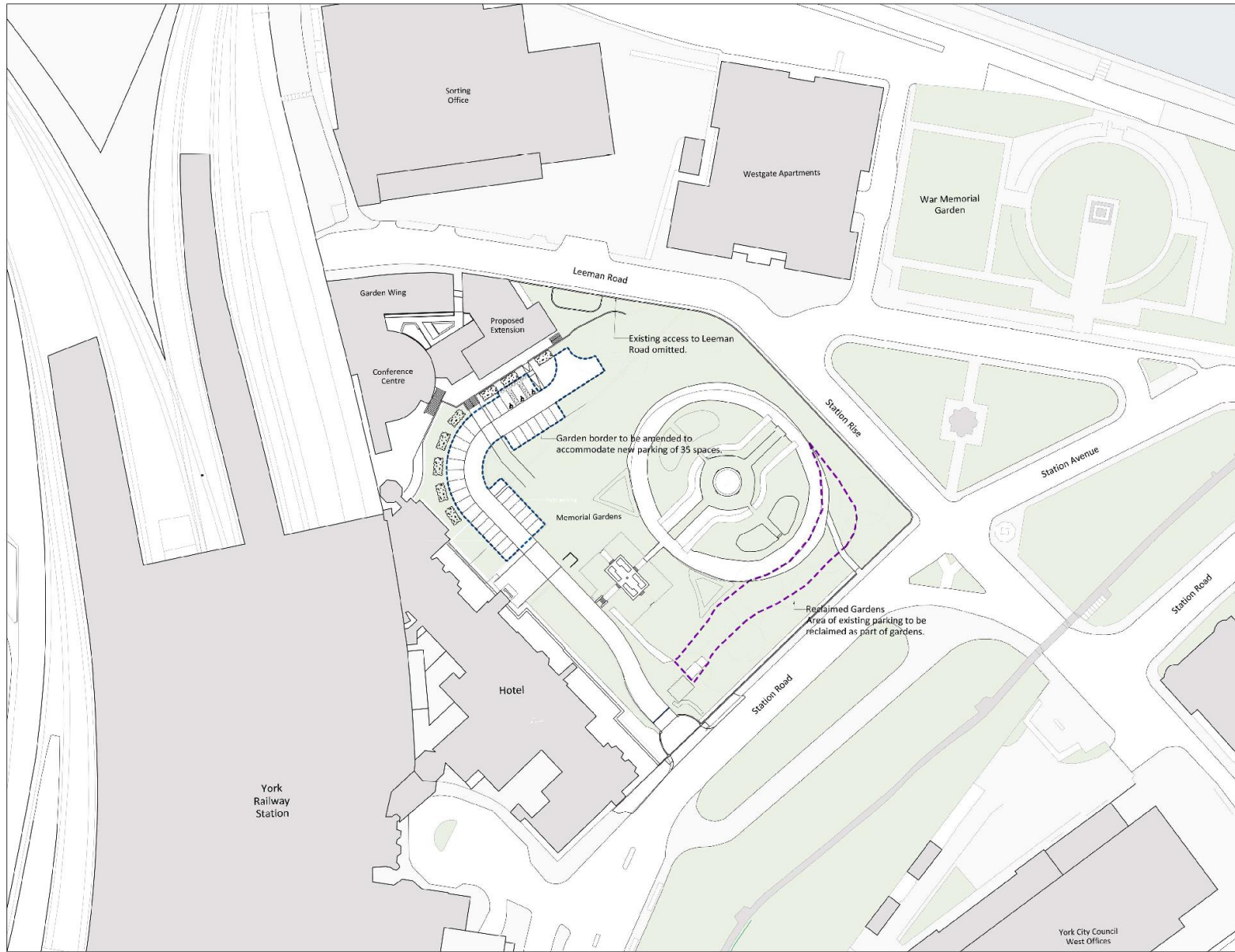
Date	Rev	Drawn	Checked
1:00	A1	08/18/22	GL HG

www.3d Reid.com
Architectural Visualization

3D REID

Drawing No.
220169-3DR-JX-ZZ-DR-A-06103 A

Proposed site plan



Notes
 Do not scale from this drawing.
 All dimensions are to be checked prior to construction and any discrepancies are to be identified by the architect.
 Copyright reserved
 0 50 100

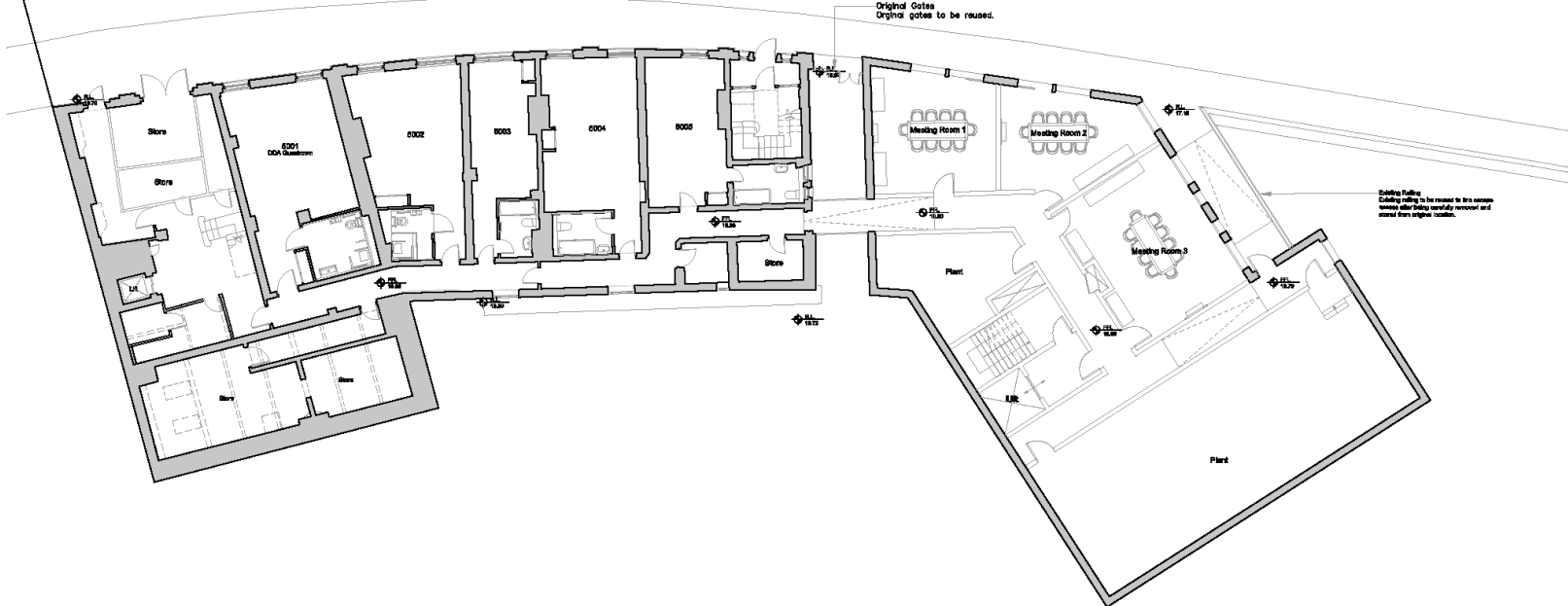
A 18/222 Issued for Planning GL
 Revisions
 Client
RBH Management
 Project
**Principal York Hotel
 Bedroom Extension
 York**
 Title
Proposed Location Plan
 Scale Size Date Drawn Checked
 1:500 A1 06/12/22 FI NS



www.3dreed.com
 Architects, Interior, Landscape Planning
 Drawing No. Rev.
 220169-3DR-XX-XX-DR-A-08021 A

01 Proposed Location Plan
 Scale: 1:500

Proposed lower ground floor plan



Notes
 Do not scale from this drawing.
 All dimensions are to be checked prior to construction and any discrepancies are to be notified to the Architect.
 Copyright reserved.
 1:100



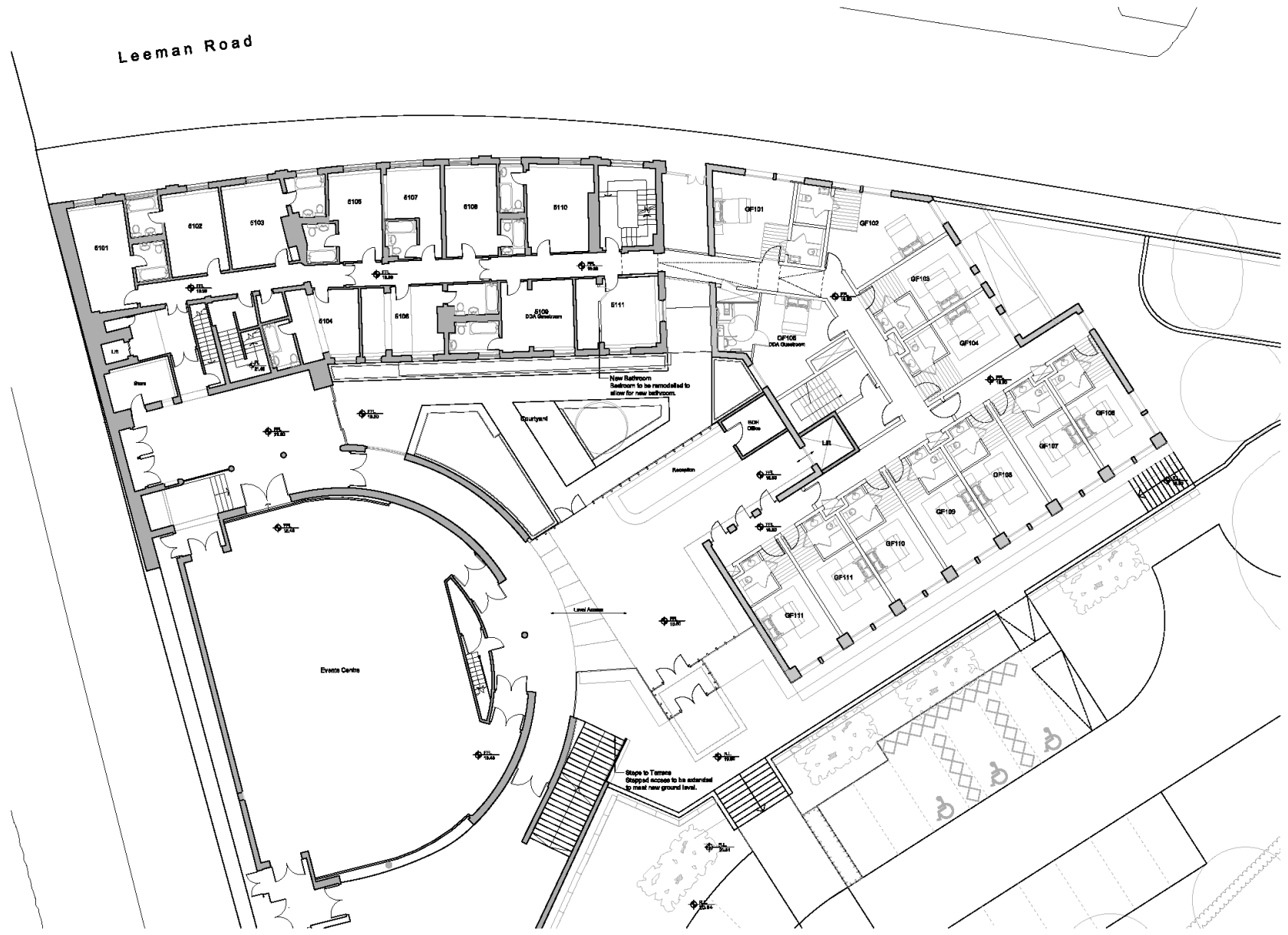
01 Proposed Lower Ground Floor Plan
 Scale: 1:100

A	15/10/22	Issued for Planning	GL
Revisions			
Client			
RBH Management			
Project			
Principal York Hotel Bedroom Extension York			
Title			
Proposed Lower Ground Floor Plan			
Scale	Site	Date	Drawn
1:100	A1	08/12/22	GL



www.3dreed.com
 Architects Interior Architects
 Drawing No.
 220169-3DR-JOX-LG-DR-A-08031 A

Proposed ground floor plan



01 Proposed Ground Floor Plan
Scale: 1:100

Notes
Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be identified to the Architect.
Copyright reserved.
1:100 1/20

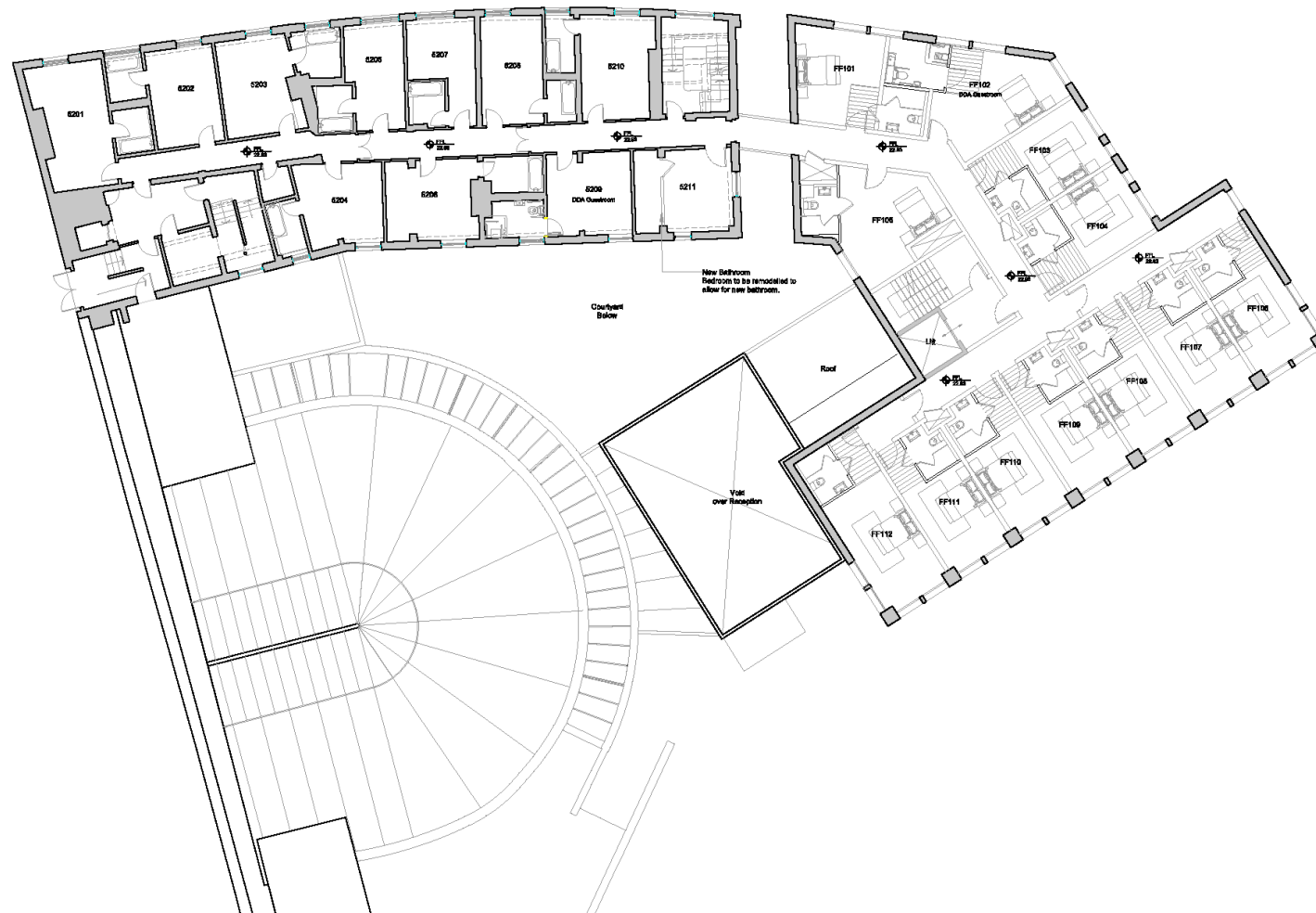


A 10/10/22 Issued for Planning		GL
Revisions		
Client		
RBH Management		
Project		
Principal York Hotel Bedroom Extension York		
Title		
Proposed Ground Floor Plan		
Scale	Site	Date
1:100	A1	08/10/22
Drawn	Checked	
GL	NB	

www.3dreed.com
Architectural Services & Technology

Drawing No. 220169-3DR-XX-00-DR-A-08032 Rev. A

Proposed first floor plan




01 Proposed First Floor Plan
Scale: 1:100

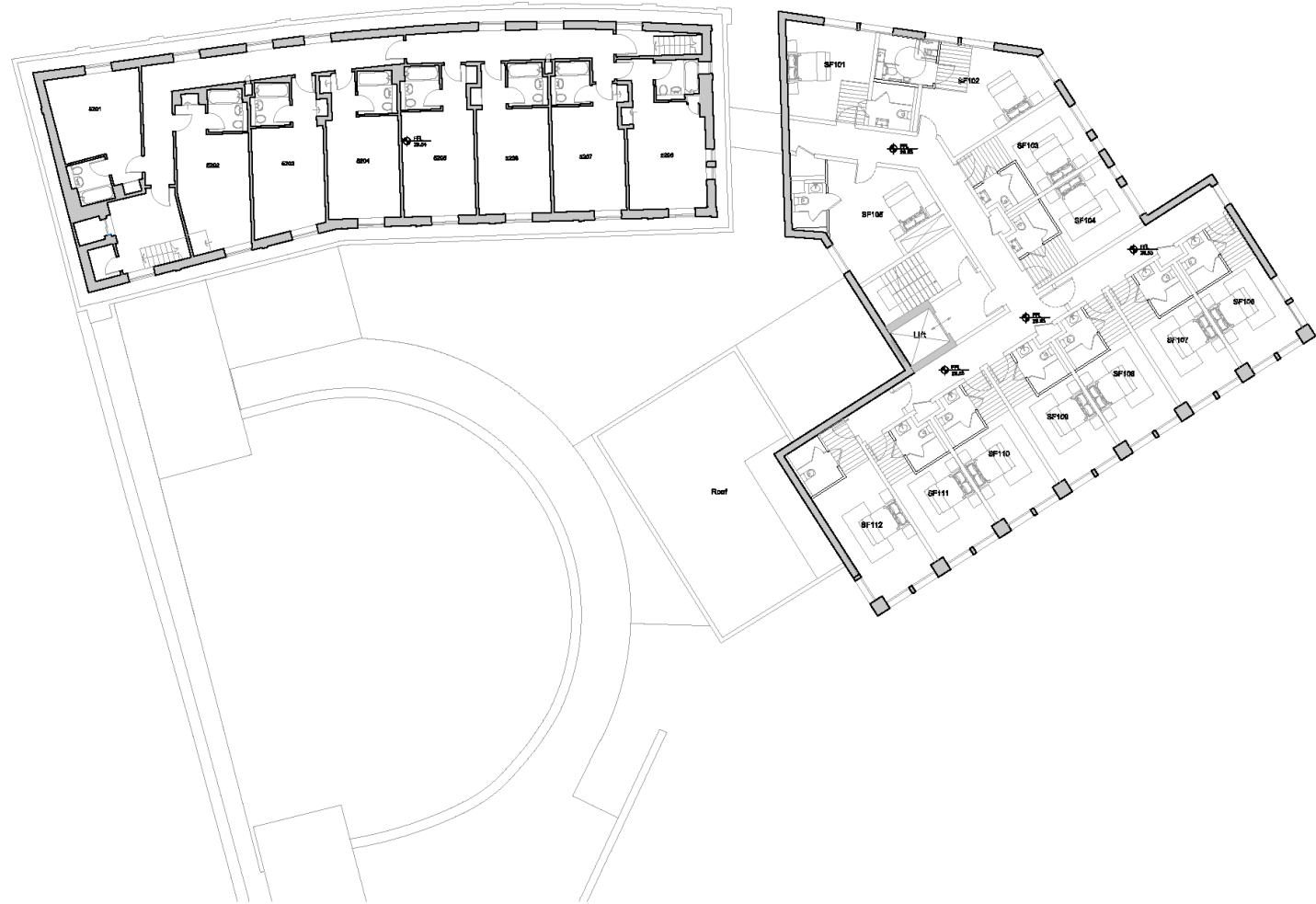
Notes
Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be notified to the Architect.
Copyright reserved.
© 2022



A 15/10/22 Issued for Planning
Revisions
Client
RBH Management
Project
**Principal York Hotel
Bedroom Extension
York**
Title
Proposed First Floor Plan
Scale: 1:100
Site: A1
Date: 08/12/22
Drawn: GL
Checked: FB
www.3d-reid.com
Architect: Architects - Manchester
Drawing No.
220169-3DR-JOX-01-DR-A-06033 A



Proposed second floor plan



01 Proposed Second Floor Plan
Scale: 1:100

Notes
Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be notified to the Architect.
Copyright reserved.



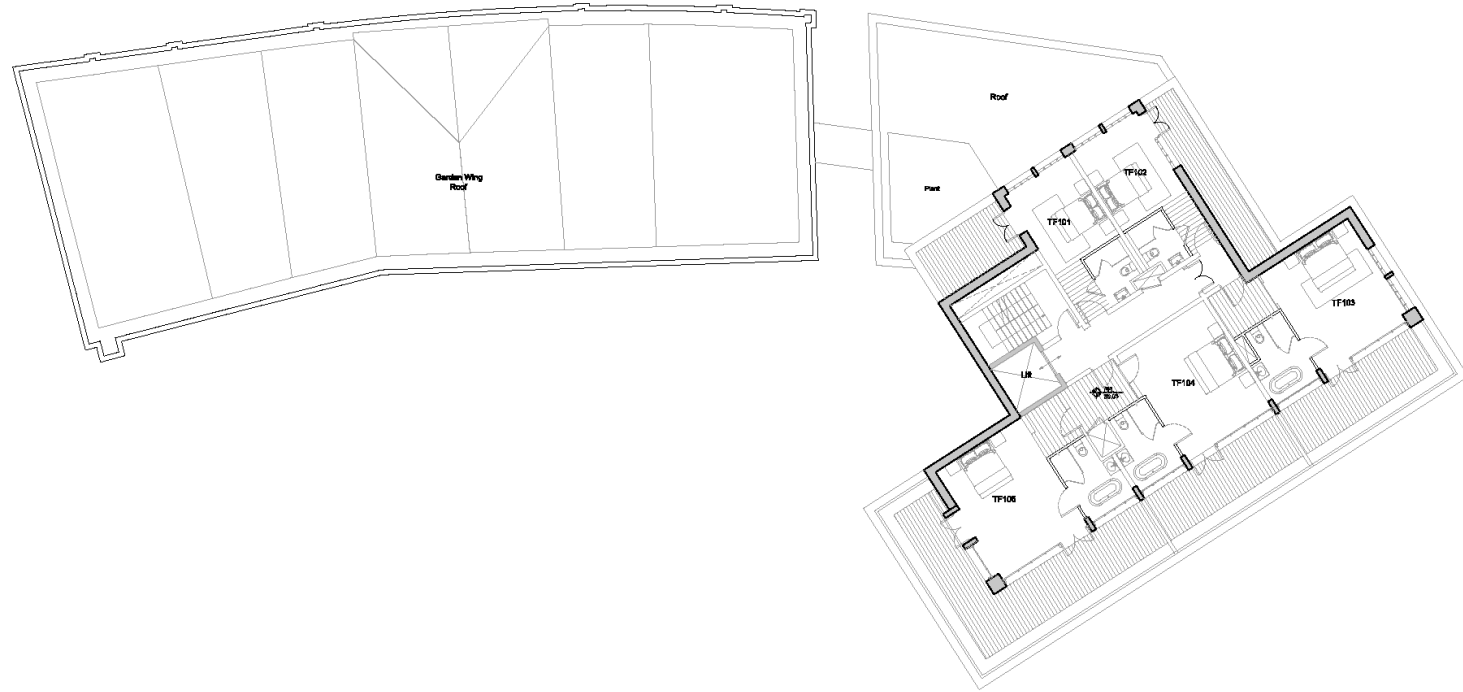
Revision	Issue for Planning	GL
Client	RBH Management	
Project	Principal York Hotel Bedroom Extension York	
Title	Proposed Second Floor Plan	
Scale	1:100	
File	A1	
Date	08/12/22	
Drawn	GL	
Checked	NG	

www.3dreid.com
Addition 3D-DR-02-DR-A-08034



Drawing No. 220169-3DR-JXX-02-DR-A-08034 A

Proposed third floor plan



01 Proposed Third Floor Plan
Scale: 1:100

Notes

Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be identified to the Architect.
Copyright reserved.
0 80 100



A 15/1022 Issued for Planning OL

Revisions

Client

RBH Management

Project

**Principal York Hotel
Bedroom Extension
York**

Title

Proposed Third Floor Plan

Scale	Rev	Date	Drawn	Checked
1:100	A1	09/10/22	OL	NS

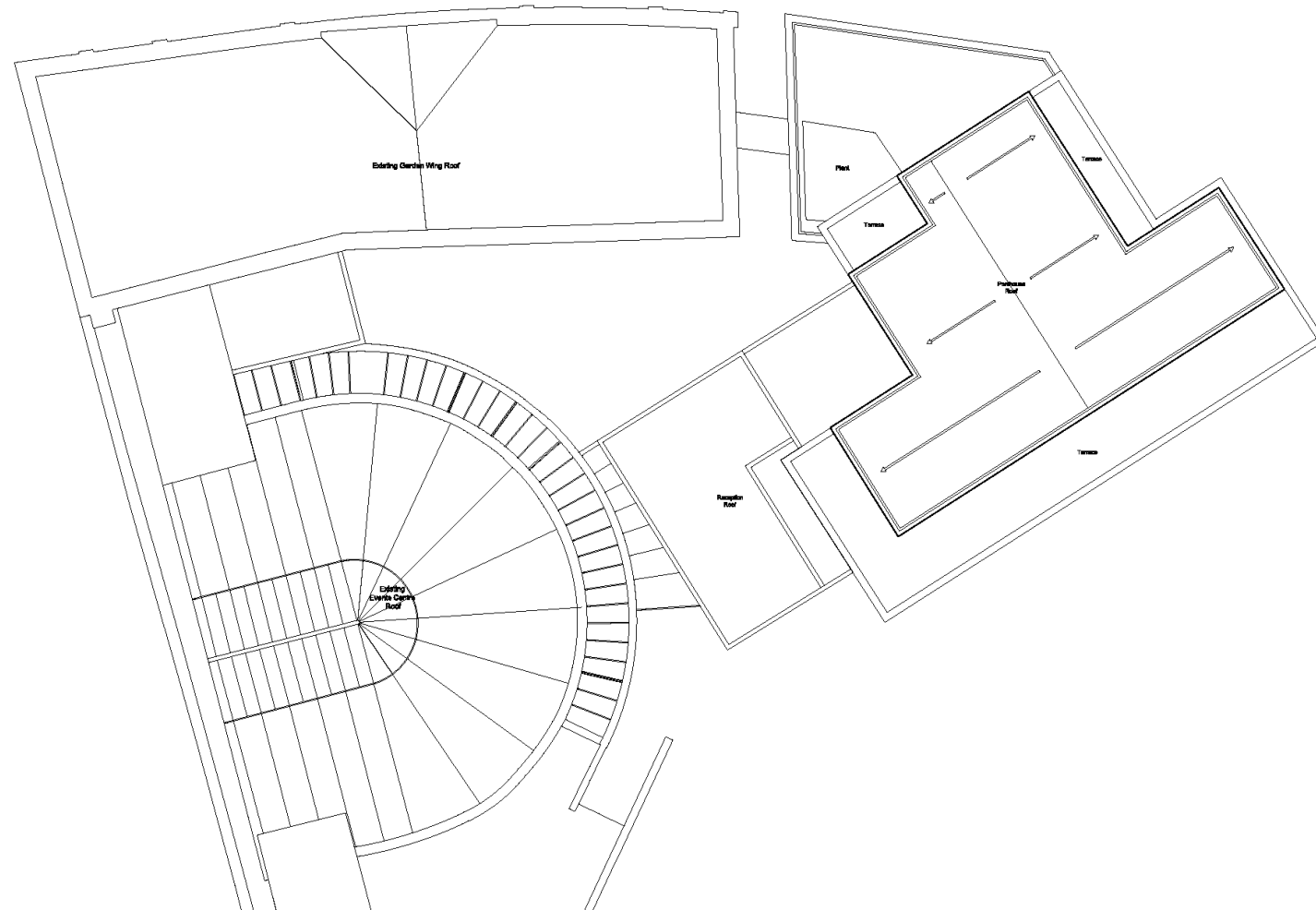
www.3drcid.com
Architectural, interior, landscape



Drawing No.

220169-3DR-XX-03-DR-A-08035 A

Proposed roof plan



01 Proposed Roof Plan
Scale: 1:100

Notes
Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be referred to the Architect.
Copyright reserved.
© 2022



A 19/12/22 Issued for Planning GL
Revisions

Client
RBH Management


Project
Principal York Hotel
Bedroom Extension
York

Title
Proposed Roof Plan

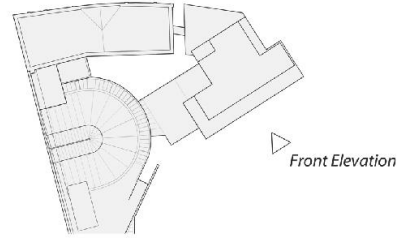
Scale	Rev	Date	Drawn	Checked
1:100	A1	09/12/22	GL	NR

www.3dred.com
Architects, Engineers, Planners, Surveyors

Drawing No. 220189-3DR-JX-R1-DR-A-08036 A



Proposed front elevation



01 Key Plan
Scale: 1:500



02 Proposed Front Elevation
Scale: 1:100

Notes
Do not scale from this drawing
All dimensions are to be checked prior to construction and any discrepancies are to be identified to the Architect
Copyright reserved.

Key

1. Handmade York bricks (eg Kilburn Range from the York Handmade Brick Company) laid in stretcher bond with every 4th course in flemish bond to match adjacent existing building. Mortar mix TBC
2. Insulated panel with anodized aluminium fascia with bronze finish
3. 1100mm high steel balustrade with bronze finish.
4. Deep horizontal anodized aluminium channel with bronze finish
5. PPC with bronze PPC finish.
6. Anodized aluminium blank panel with bronze finish
7. Anodized aluminium reveal to all window edges. Installed to full depth of reveal.
8. Permanent planter to parapet level to allow vegetation to grow down the building facade.
9. Double Glazed Unit with bronze glazing bars
10. Subframe hidden within the wall.
11. Metal Roof Cladding with Bronze finish
12. Hardwood timber vertical glazing supports with low e double glazed unit.

A 151222 Issued For Planning GL
Revisions

Client
RBH Management

Project
**Principal York Hotel
Bedroom Extension
York**

Title
Front Elevation

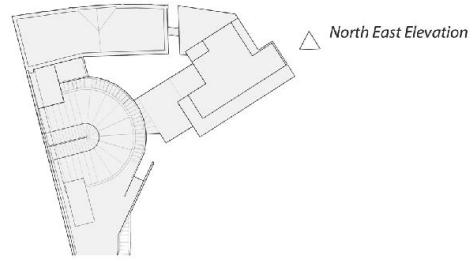
Rev	Rev	Date	Drawn	Checked
1-100	A1	08/12/22	GL	NS

www.3d Reid.com
Architectural Visualisation & Modelling

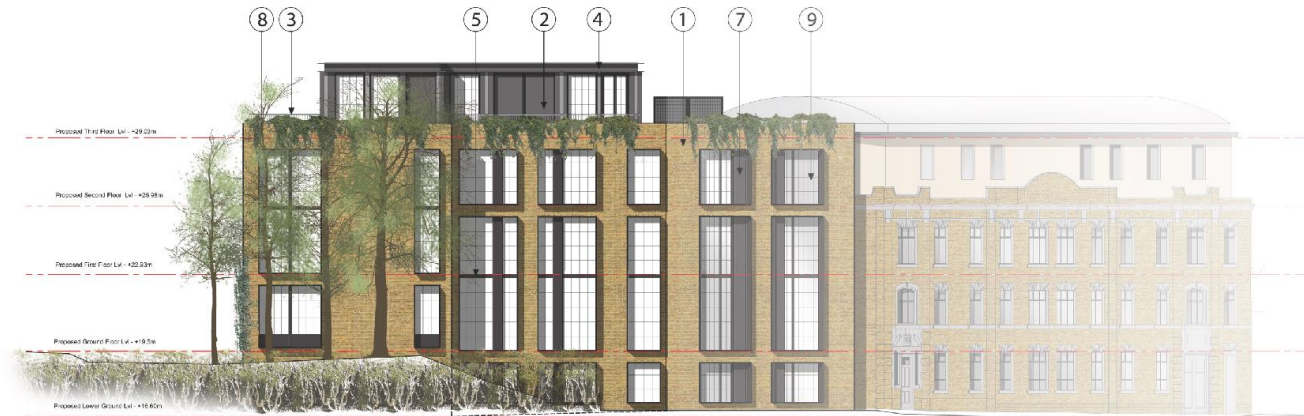


Drawing No. 220169-3DR-XX-ZZ-DR-A-05111 A Rev.

Proposed north-east elevation



01 Key Plan
Scale: 1:500



02 Proposed North East Elevation
Scale: 1:100

Notes
Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be identified to the architect.
Copyright reserved.

Key

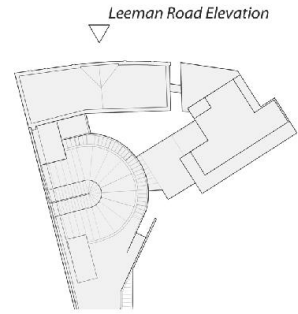
1. Handmade York bricks (eg Kilburn Range from the York Handmade Brick Company) laid in stretcher bond with every 4th course in Flemish bond to match adjacent existing building. Mortar mix TBC.
2. Insulated panel with anodized aluminium fascia with bronze finish
3. 1100mm high steel balustrade with bronze finish.
4. Deep horizontal anodized aluminium channel with bronze finish
5. PFC with bronze PPC finish.
6. Anodized aluminium blank panel with bronze finish
7. Anodized aluminium reveal to all window edges. Installed to full depth of reveal.
8. Permanent planter to parapet level to allow vegetation to grow down the building facade.
9. Double Glazed Unit with bronze glazing bars
10. Subframe hidden within the wall.
11. Metal Roof Cladding with Bronze finish
12. Hardwood timber vertical glazing supports with low e double glazed unit.

A 19/1022 Issued for Planning		GL
Revisions		
Client		
RBH Management		
Project		
Principal York Hotel Bedroom Extension York		
Title		
North East Elevation		
Scale	Rev	Date
1:100	A1	09/12/22
Drawn	Checked	
GL	NS	

www.3d Reid.com
Architectural Visualisation & Rendering

Drawing No. 220169-3DR-XX-ZZ-DR-A-06112 A

Proposed Leeman Rd elevation



01 Key Plan
Scale: 1:500



02 Proposed Leeman Road Elevation
Scale: 1:100

NOTES
Do not scale from this drawing.
All dimensions are to be finished unless otherwise stated and any discrepancies are to be referred to the architect.
Copyright reserved.

- Key**
1. Handmade York bricks (eg Kilburn Range from the York Handmade Brick Company) laid in stretcher bond with every 4th course in Flemish bond to match adjacent existing building. Mortar mix TBC
 2. Insulated panel with anodized aluminium fascia with bronze finish
 3. 1100mm high steel balustrade with bronze finish.
 4. Deep horizontal anodized aluminium channel with bronze finish
 5. PFC with bronze PPC finish.
 6. Anodized aluminium blank panel with bronze finish
 7. Anodized aluminium reveal to all window edges. Installed to full depth of reveal.
 8. Permanent planter to parapet level to allow vegetation to grow down the building facade.
 9. Double Glazed Unit with bronze glazing bars
 10. Subframe hidden within the wall.
 11. Metal Roof Cladding with Bronze finish
 12. Hardwood timber vertical glazing supports with low e double glazed unit.

A 10/2022 based for Planning GL

Revisions

Client
RBH Management

Project
**Principal York Hotel
Bedroom Extension
York**

Title
Leeman Road Elevation

Scale	Size	Date	Drawn	Checked
1:100	A1	08/2022	GL	NS

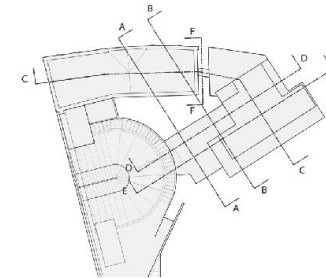
www.3dreid.com
Architectural 3D Rendering

Drawing No
220169-3DR-XX-ZZ-DR-A-06113 A

Proposed sections



01 Proposed Section AA
 Scale: 1:100



Section Key Plan
 Scale 1:500



02 Proposed Section BB
 Scale: 1:100



03 Proposed Section FF
 Scale: 1:100

Notes
 Do not scale from this drawing.
 All dimensions are to be checked prior to construction and any discrepancy is to be referred to the Architect.
 Copyright reserved.
 1 80 100

A 16/12/22 Issued for Planning
 Revision
 Client
RBH Management
 Project
**Principal York Hotel
 Bedroom Extension
 York**
 The
Section AA and BB and FF

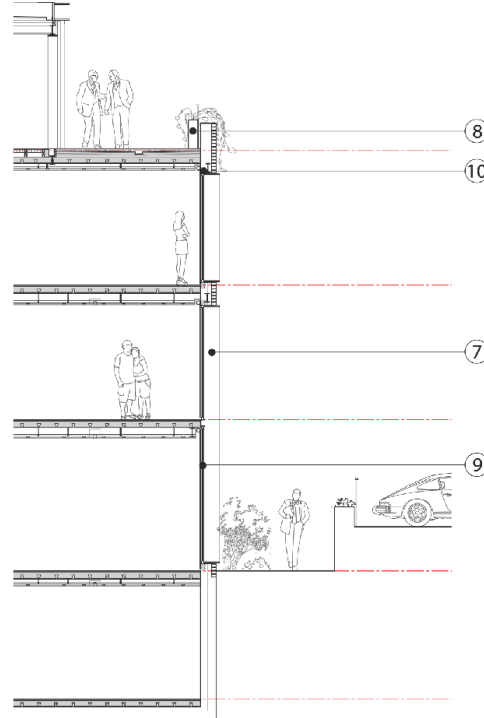
Scale	Size	Date	Drawn	Checked
1:100	A1	08/12/22	GL	NS

www.3dreid.com
 Architects Interior Interiors
 Drawing No.
220168-3DR-XX-ZZ-DR-A-08201 A

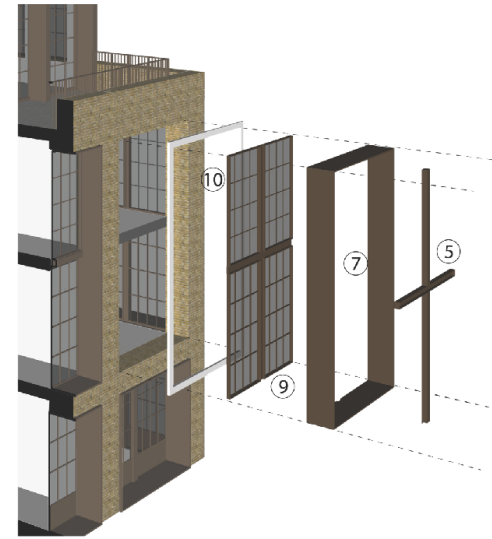
Façade detail



01 - Front Elevation
Scale: 1:50



02 - Cross Section
Scale: 1:50



03 - Exploded Façade Diagram
Scale: NTS

Notes
Do not scale from this drawing.
All dimensions are to be checked prior to construction and any discrepancies are to be referred to the Architect.
Copyright reserved.
© 2022

- Key
1. Handmade York bricks (eg KIBUM Range from the York Handmade Brick Company) laid in stretcher bond with every 4th course in Flemish bond to match adjacent existing building. Mortar mix 1:2:3
 2. Insulated panel with anodized aluminium facade with bronze finish
 3. 1100mm high steel balustrade with bronze finish.
 4. Deep horizontal anodized aluminium channel with bronze finish
 5. PFC with bronze PPC finish.
 6. Anodized aluminium blank panel with bronze finish
 7. Anodized aluminium reveal to all window edges. Installed to full depth of reveal.
 8. Permanent plaster to parapet level to allow vegetation to grow down the building facade.
 9. Double Glazed Unit with bronze glazing bars
 10. Subframe hidden within the wall.
 11. Metal Roof Cladding with Bronze finish
 12. Hardwood timber vertical glazing supports with low e double glazed unit.

A 19/10/22 Issued for Planning GL
Revisions
Client
RBH Management
Project
Principal York Hotel
Bedroom Extension
York
Title
Façade Detail Section

Scale	Size	Date	Drawn	Checked
1:100	A1	09/10/22	GL	NS



Drawing No. 220169-3DR-XX-ZZ-DR-A-08301 A

COMMITTEE REPORT

Date: 18 July 2023 **Ward:** Osbaldwick And Derwent
Team: East Area **Parish:** Osbaldwick Parish Council

Reference: 23/00540/FUL
Application at: 129 Osbaldwick Lane York YO10 3AY
For: Single storey rear extension and dormer to rear
By: Mr C Brown
Application Type: Full Application
Target Date: 24 July 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 The application property is a traditional brick-built terraced dwelling in use as a House in Multiple Occupation. The proposal seeks permission to extend the existing single-storey rear off-shoot and also construct a rear dormer.

Relevant Property History

1.2 Application Ref. 20/02227/CLU – Certificate of Lawfulness for a House in Multiple Occupation for 5.no occupants within (Use Class C4) – Granted 30.12.2020.

Planning Committee call-in

1.3 The application has been called into Committee by Ward Councillor Mark Warters. The reasons cited being, potential impact resulting from an increase in the size of the property and number of occupants which is of concern to neighbours. He considers that this may lead to parking problems, noise, disturbance and waste disposal issues. It was also noted that no bat survey has been undertaken on a property, which lies within close proximity of Osbaldwick Beck and tall trees.

2.0 POLICY CONTEXT

The National Planning Policy Framework (2021)

2.1 The National Planning Policy Framework (2021) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

2.2 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2.3 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development
- be visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- are sympathetic to local character and history, including the surrounding built environment and landscape setting
- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

Emerging Local Plan

2.4 Relevant Policies:

D11 Extensions and Alterations to Existing Buildings

2.5 The emerging Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023. In accordance with paragraph 48 of the NPPF draft policy D11 can be afforded significant weight in the decision making process.

Draft House Extensions and Alterations Supplementary Planning Document

2.6 The Draft Supplementary Planning Document 'House Extensions and Alterations' dated December 2012 referred to in emerging Local Plan Policy D11 provides guidance on all types on domestic types of development. It is a material

consideration in the decision making process and is considered to have significant weight given its general compliance with the NPPF.

3.0 CONSULTATIONS

Countryside and Ecology

3.1 The building has features that could be used by roosting bats. The minimum recommendation is that the building is subject to a Bat Roost Assessment to ensure bats are not impacted by the works.

Osboldwick Parish Council

3.2 Letter of objection received

- Increased occupancy would lead to car parking problems
- Additional waste disposal problems
- Noise and disturbance
- Alterations to a pitched slate roof without a bat survey.

4.0 REPRESENTATIONS

Neighbours Notification Letters

4.1 2.no letters of objection received:

- Dormer would block light into adjacent loft bedroom
- Future plans to convert the lounge into a bedroom
- Already a lot of noise late into the evening
- Refuse black sacks often left out on the back lane attracting vermin
- Only 1.no car parking space at the rear. The front is already congested
- Adjacent garden will be overlooked by the dormer

5.0 APPRAISAL

THE APPLICATION PROPERTY

5.1 The existing internal layout consists of a lounge, bedroom, kitchen and bathroom at ground-floor; 3.no bedrooms and a shower room at first floor; and a bedroom in the loft space. The property has an HMO licence for 5 occupants.

5.2 The current proposal seeks permission for an extension to the existing ground floor rear bathroom to create a dining room to the rear (this will become open-plan with the existing kitchen) and a rear dormer which will accommodate a shower room for the reconfigured existing loft bedroom. The communal kitchen/diner space will be enlarged and the re-configured bedroom in the loft space will also be enlarged. There is a large cycle/refuse store at the bottom of the rear garden. This does not span the whole width and a timber door, on the rear corner boundary, accesses an area of hardstanding. This spans the rear boundaries of several properties on Osbaldwick lane and connects to a short lane, which leads to Osbaldwick Village. In terms of the application property, this space allows for 1.no vehicle to park directly behind its rear boundary.

VISUAL IMPACT

5.3 The dormer will be set down from the ridge, set up marginally from the eaves and set in on each side. It will not dominate the roof scape and will therefore be compliant with design guidance set out in Para 14.5 of the Householder SPD. External materials indicated are cladding and this will be acceptable as long as the colour is slate grey, to match that of the existing roof-tiles. There are two examples of rear dormers within the terrace. Whilst forming part of the planning application the dormer could be permitted development if built independently.

5.4 The ground floor proposal extends the existing rear off-shoot to the side and does not project any further rearwards than existing. The flat roof element will be raised about 0.4m above the existing. External materials indicated are brick.

5.5 Both elements are acceptable in visual terms and will not harm the character and appearance of the host dwelling, or immediate surrounding area.

IMPACT ON NEIGHBOURING AMENITY

5.6 The existing use of the property is as a House in Multiple Occupation within use class C4. The proposal seeks to add a shower room in the loft space and create an open-plan kitchen/dining area in the offshoot. Therefore, while the proposal will improve the amenity of existing and future occupants, it will not result in any significant intensification of the existing authorised use. The floorplans show 5 bedrooms but the property could be lawfully occupied within the planning use class by 6 residents.

5.7 In terms of the rear dormer, this could be constructed under Permitted Development Rights and there will be no additional windows on either side facing elevations. The orientation, positioning and size of the dormer would result in no significant impact on light to the loft room in the adjacent dwelling, nor any significant impact on privacy taking into account existing rear facing upper floor windows in the terrace. The rear extension, including the raising of its roof level will not result in any harm to adjoining living conditions.

6.0 CONCLUSION

6.1 The proposals are small scale and are not considered to result in harm to residential or visual amenity. As such the proposal is considered to comply with NPPF policy, policy D11 of the emerging Local Plan and guidance with the SPD.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing No. 565.001A - Dated 25th January 2023 - Details of materials to be used in the external construction of the extensions as indicated on the submitted application form.

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

3 The materials to be used externally for the rear extension shall match those of the existing building in colour, size, shape and texture.

The materials to be used for the rear dormer shall be of a similar appearance to those used in the construction of the roof of the existing dwellinghouse;

Reason: To achieve a visually acceptable form of development.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the Application Reference Number: 23/00540/FUL Item No: 4d

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.

2. 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).

Contact details:

Case Officer: Paul Edwards
Tel No: 01904 551642

129 Osbaldwick Lane, YO10 3AY

23/00540/FUL



Scale : 1:1494

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	06 July 2023
SLA Number	Not Set

This page is intentionally left blank



Planning Committee B

23/00540/FUL

129 Osbaldwick Lane

Existing and proposed plans and elevations

Site Location Plan 1:1250

Existing East Gable Elevation

Existing North Rear Elevation

Existing West Gable Elevation

Proposed East Gable Elevation

Proposed North Rear Elevation

Proposed West Gable Elevation

Proposed Ground Floor Plan

Proposed First Floor Plan

Proposed Second Floor Plan

Existing Ground Floor Plan

Existing First Floor Plan

Existing Second Floor Plan

Site Plan 1:500

Notes:
 The contractor is responsible for checking dimensions, any discrepancies to be determined by Farner Designs (Yorkshire) Ltd before proceeding with the works.
 No dimensions to be scaled from drawing, figured dimensions to be worked to in all cases.
 All materials used and work undertaken to be in accordance with relevant British Standard Codes Of Practice and the Building Regulations with subsequent amendments.
 © The contents of this drawing are the property of Farner Designs (Yorkshire) Ltd and must not be reproduced without their expressed written consent.

Legend:
 A Layer amended
 18.03.23
 Drawn By: BF
 Drawing Number: 565.001
 Erection: A

Farner Designs
 (Yorkshire) Limited Architectural Designs
 82 Hill Top Avenue, Harrogate, North Yorkshire, HG1 3BS
 Tel: 01423 541107, Mob: 07788370802
 Email: info@farnerdesign.co.uk, Web: www.farnerdesign.co.uk

COMMITTEE REPORT

Date:	18 July 2023	Ward:	Osbalwick And Derwent
Team:	East Area	Parish:	Osbalwick Parish Council
Reference:	23/00532/FUL		
Application at: For:	9 St Marys Grove Osbalwick York YO10 3PZ Change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4)		
By:	Mr Nikolai Krasnov		
Application Type:	Full Application		
Target Date:	19 May 2023		
Recommendation:	Approve		

1.0 PROPOSAL

1.1 This application seeks consent for a change of use of No.9 St Marys Grove, Osbalwick from a dwelling house within Use Class C3 to a 4.no bedroom House in Multiple Occupation within Use Class C4. The application property is a semi-detached dwelling, located within a small residential cul-de-sac. The property has a flat-roof garage which was converted to a study/office circa 1994 and a loft conversion with dormer built under permitted development rights.

1.2 - The application has been called in to Committee by Ward Councillor Mark Warters. The reasons cited being concerns over:

- Loss of family homes to absentee landlords
- Accuracy of CYC HMO figures
- Plans show 4.no bedrooms with opportunity to create a 5.no or 6.no HMO
- Unacceptable parking impact
- Resulting noise and disturbance
- Unacceptable impact on waste disposal

2.0 POLICY CONTEXT**POLICY CONTEXT**National Planning Policy Framework

2.1 The National Planning Policy Framework sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. Paragraph 111 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.

2.2 Paragraph 130 states that planning policies and decisions should ensure that developments will achieve a number of aims including:

- create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users

Local Plan Policies

Draft Local Plan 2018

2.3 The Draft Local Plan was submitted for examination on 25 May 2018. Examination hearings took place between December 2019 and September 2022. Consultation on proposed modifications took place in early 2023.

2.4 Policy H8: Applications for the change of use from dwelling house (Use Class C3) to HMO Use Class C4 will only be permitted where:

- (i) It is in a neighbourhood where less than 20% of properties are exempt from paying council tax because they are entirely occupied by full time students recorded by the Council's data base as licensed HMO, benefit from C4/Sui Generis HMO planning consent or are known to the Council to be HMO's and
- (ii) Less than 10% of properties within 100 metres of street length either side of the application property are exempt from paying council tax because they are entirely occupied by full time students or are known to the Council to be HMO's and
- (iii) The accommodation provided is of a high standard which does not detrimentally impact on residential amenity.

2.5 The policy explanation states that in assessing planning applications for HMOs, the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area. In considering the impact on residential amenity attention will be given to the following:

- The dwelling is large enough to accommodate an increased number of residents.
- There is sufficient space for appropriate provision for secure cycle parking.

- The condition of the property is of a high standard that contributes to the character of the area and that the condition of the property will be maintained following the change of use to HMO
- The increase in the number of residents will not have an adverse impact on noise levels and the level of amenity neighbouring residents can reasonably expect to enjoy.
- There is sufficient space for storage provision for waste/recycling containers in a suitable enclosure within the curtilage of the property.
- The change of use and increase in number of residents will not result in the loss of a front garden for hard-standing and parking and refuse areas which would detract from the existing street-scene.

2.6 Policy T1: "Sustainable Access" advises that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport and they provide sufficient convenient, secure and covered cycle storage.

2.7 In accordance with paragraph 48 of the NPPF policy H8 and T1 can be afforded significant weight in the decision-making process.

Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy

2.8 This Guidance was prepared in connection with an Article 4 Direction which the Council made in respect of houses within the defined urban area. It has the effect of bringing the change of use of dwellings (Class C3) to small HMO`s occupied by between 3 and 6 people (Class C4), which would otherwise be permitted development, within planning control. The SPD recognises that concentrations of HMOs can impact upon residential amenity and can, in some cases, create particular issues with regard to:

- increased levels of crime and the fear of crime;
- poorer standards of property maintenance and repair;
- littering and accumulation of rubbish;
- noises between dwellings at all times and especially at night;
- decreased demand for some local services;
- increased parking pressures; and
- lack of community integration and less commitment to maintain the quality of the local environment.

2.9 The SPD outlines that in assessing planning applications for HMOs the Council will seek to ensure that the change of use will not be detrimental to the overall residential amenity of the area.

3.0 CONSULTATIONS

INTERNAL

Network Management

3.1 The driveway is of adequate size for 2.no vehicles to access and leave the application property independently of each other. They recommend that the property be restricted to a 4.no bedroom HMO, as the domestic frontage is not of adequate size for 3.no vehicles to enter and leave independently of each other. They recommended that secure cycle storage should be provided in the rear garden of the property and that a HWAY 18 condition should be attached to any approval.

Strategic Planning

3.2 Within 100m (street level) of No.9 St Marys Grove, there are currently 2.no HMO's out of 33.no properties = 6.06%. With No.9 St Marys Grove being included, this would increase to 9.09%. At neighbourhood level there are currently 87.no HMO's out of 1461.no properties = 5.59%. With No.9 St Marys Grove being included this would increase to 6.02%. So neither the street level threshold of 10%, or neighbourhood level of 20% have been breached and the proposal would not conflict with this policy.

Osbaldwick Parish Council

3.3 Letter of objection received:

- The PC maintains a standing objection to all such applications
- As St. Mary's Grove is a small cul-de-sac and any adverse effects of the establishment of a student let HMO will be felt more acutely by neighbouring residents than on a straight road.
- Questions the Local Authority's ability to accurately assess the existing density of HMO's in the area
- The application property cannot provide adequate off-road parking provision.
- The position of the property will lead to unacceptable noise and disturbance
- Increased levels of waste, poorly managed storage

4.0 REPRESENTATIONS

4.1 A total of 19.no letters of objection have been received:

- Will lead to increase in street traffic
- Owner of property lives in London raising maintenance issues
- Increased student occupation changing the character of the street
- Cars already parked on the pavement

- Bags of rubbish left on street from existing HMO
- Increased noise pollution
- Additional number of cars could block emergency service vehicles
- Refuse collection vehicles could be blocked
- Proposed 4.no tenant HMO could be intensified by the landlord
- Concerns over maintenance of rear garden
- Already 3.no student houses in this area
- Will devalue the price of houses in this area

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues in the assessment of this proposal are concentration of HMOs in the area and the impact on the amenity of neighbours; whether there is adequate provision for car parking and cycle/refuse storage, and the amenity facilities for future occupants.

LEGISLATIVE BACKGROUND

5.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The Application Property

5.3 No.9 St Marys Grove, Osbaldwick is a semi-detached dwelling, located at the hub of a small residential cul-de-sac. The revised proposed internal layout will consist of a living/dining room, kitchen/diner, bedroom and study, at ground floor; 2.no bedrooms, a storage room and bathroom at first floor; and 1.no bedroom (en-suite) and a storage room in the loft space. Following the receipt of a revised plan, all 4.no bedrooms now meet Housing Standards requirement of 6.51 square metres internal floor-space, for a bedroom in an HMO. The property frontage is hard-standing and a timber gate at the side of the property provides external access to the rear garden. In all these respects, the property is deemed adequate for the needs of 4.no tenants.

Concentration of HMOs and Residential Amenity

5.4 Local Plan Policy H8 and the draft SPD aims to avoid adverse impact on neighbouring amenity through noise disturbance or residential character by virtue of the conversion alone or cumulatively with a concentration of such uses. In this respect, the policy and the SPD establish a threshold based policy approach for controlling the number of HMO's across the City, as this tackles concentrations and

identifies a 'tipping point' when issues arising from concentrations of HMOs become harder to manage and a community or locality can be said to tip from balanced to unbalanced.

5.5 Both the policy H8 and the SPD states that applications for the change of use from dwelling house to HMO will only be permitted where less than 20% of properties at neighbourhood level and less than 10% of properties at street level are known to be HMOs. Within 100m (Street level) of the application site 6.6% of properties are HMOs. At the neighbourhood level 5.6% are HMOs. Neither the street nor neighbourhood level thresholds are currently exceeded in respect of this application. The database figures comprise up to date details provided by Housing, council tax records and planning records. This figure includes all HMO properties known to the Council, and is separate from the HMO licence register which is published on the Council website.

5.6 In terms of other issues raised in neighbour letters received; given that the existing density levels of HMO's has not been breached, at either street level, or neighbourhood levels, then the balance of different types of properties within St Marys Grove and the wider neighbourhood will not conflict with policies set out within the SPD. It is recognised that the nature of HMO occupation is such that comings and goings can be more extensive and at different times of day than those associated with a C3 dwellinghouse. However, given the percentage of HMO's in the immediate area, these comings and goings are not considered to be so likely or extensive as to cause material harm on the residential amenity of the area or result in harm from cumulative impact, one of the basic aims of the article 4 direction to control numbers of HMO's. The submission of a management plan would be a condition of any approval. This would seek to address issues which can arise, as a result of multiple occupancy.

Car Parking

5.7 The council's car parking standards set out in Appendix E to the draft 2005 Development Control Local Plan are out of date and not in accordance with the NPPF. However, appendix E states that HMO's should provide a maximum of 1 car parking space per 2 bedrooms. The council's Highway Design Guide advises that for practical purposes on places such as a household plot, a car parking space needs to be allow ease of access, ease of movement for loading/unloading, maintenance/working areas etc. and the guide outlines that an appropriate space can be up to 6m long by 3.6m wide. In respect of HMO use, the lifestyle, activities and work patterns of the occupants can be very different to those of a small family who tend to have more of a routine of times spent together/joint trips etc. In particular, it can be more difficult in an HMO to ensure that a person needed to move a car to allow another one to access/egress will always be available. It is considered appropriate to secure the provision of car parking spaces of an appropriate size together with a car parking layout that allows for maintenance etc. to be undertaken on site and for cars to manoeuvre in and out of spaces

independently, thereby ensuring that the spaces are used and on-street parking is avoided.

5.8 The existing driveway can only accommodate two independent car parking spaces. Given the existing pressures on this narrow cul-de-sac, there appears limited scope for on-street car parking. Appendix E car parking standards suggest 2.no spaces to be appropriate for a 4 person HMO, it is recommended that a planning condition be imposed to restrict the occupancy the HMO should permission be granted.

Cycle Parking and Bin Storage

5.9 External access to the rear of the property will be retained. In consequence, were the application to be approved, a condition could be attached, requiring a secure, enclosed cycle store to be provided at the rear of the property. This should be of adequate size to store 4.no cycles, independently of each other. A store incorporating 4.no Sheffield Hoops (for example) would suffice. A condition is recommended in order to ensure an adequate store is provided.

Amenity of Future Occupants

5.10 The revised internal layout is considered to be acceptable. There is adequate internal and external amenity space this will meet the needs of 4.no future occupants.

6.0 CONCLUSION

6.1 The application property is considered to be appropriate for the needs of future occupants within a 4.no. bedroom small HMO. Acceptable provision for off-road vehicle parking has been demonstrated and secure cycle storage will be required by condition. The existing density levels of current HMO's is below the policy threshold (at both Street Level and Neighbourhood Level). Therefore, the proposal is considered to comply with policy H8 of the 2018 draft Local Plan and the requirements of the Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing - Internal floorplan layout - Received 28th June 2023.

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 development commencing details of cycle parking for 4 no. cycles, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

4 Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987, there shall be no more than 4.no tenants of the proposed House in Multiple Occupation at any one time.

Reason: In the interests of the amenities of future tenants and those of the occupants of neighbouring properties, the Local Planning Authority considers that it should be able to assess the impact of any proposed intensification of the multiple occupancy use which, without this condition, could be undertaken without any further consent being required.

5 Prior to the development hereby approved being brought into operation, a management plan shall be submitted to and approved in writing by the Local Planning Authority and shall throughout the duration of the use hereby permitted be implemented as approved unless otherwise agreed in writing by the Local Planning Authority. The Management plan shall relate to the following areas:

- i) Information and advice to occupants about noise and consideration to neighbours
- ii) Garden maintenance
- iii) Refuse and recycling facilities
- iv) Property maintenance

Reason: In the interests of the proper management of the property and the amenity of adjacent residents.

6 No refuse or recycling shall be stored forward of the front elevation of the house.

Reason: In order to protect the visual amenity of the street.

8.0 INFORMATIVES:

Notes to Applicant

Application Reference Number: 23/00532/FUL

Item No: 4e

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:

Negotiated a revision to ensure that the size of all of the proposed bedrooms met Housing Standards

Contact details:

Case Officer: Paul Edwards

Tel No: 01904 551642

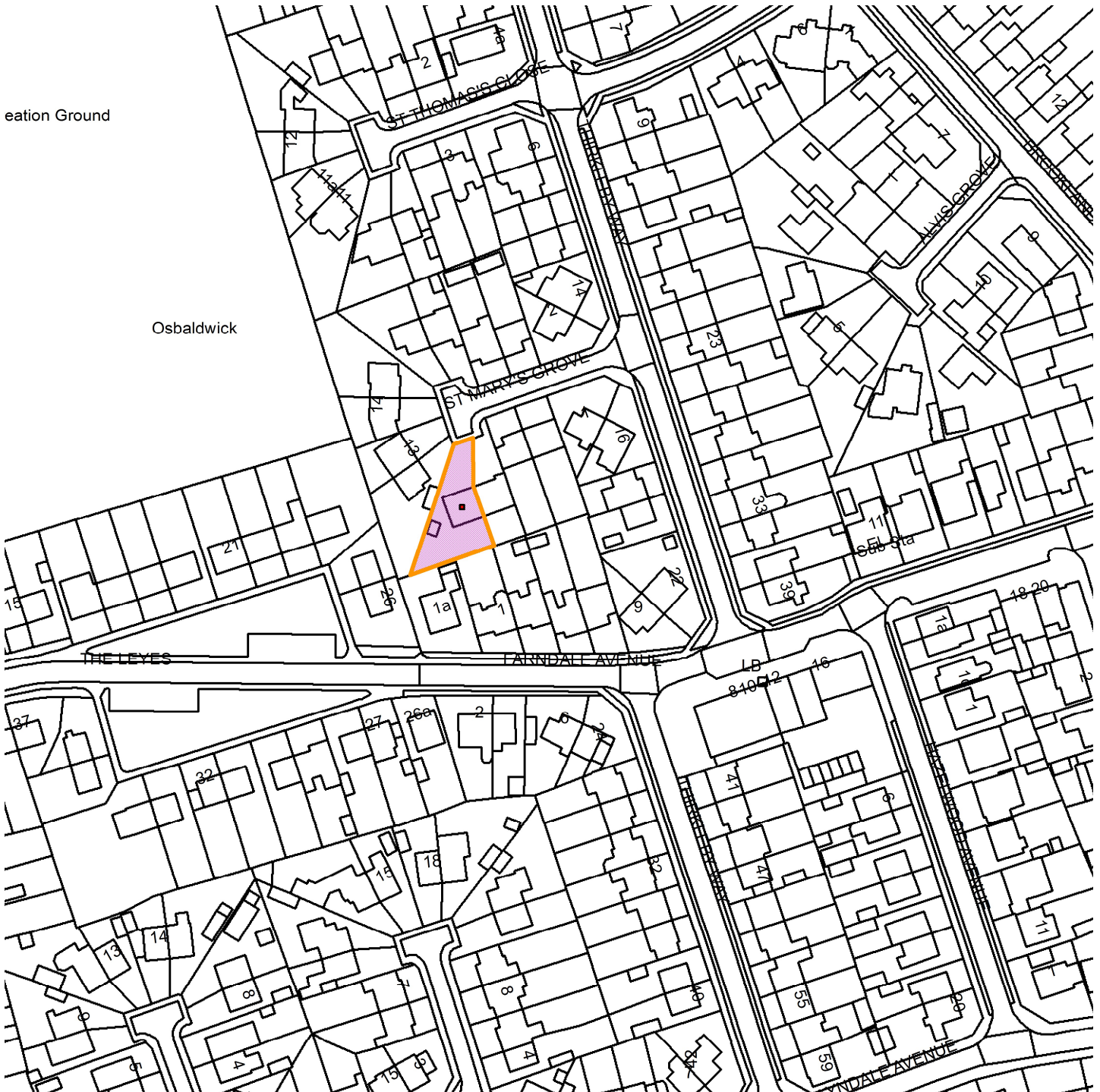
This page is intentionally left blank

9 St Marys Grove, Osbaldwick YO10 3PZ

23/00532/FUL



GIS by ESRI (UK)



Scale : 1:1494

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	06 July 2023
SLA Number	Not Set

This page is intentionally left blank



Planning Committee B

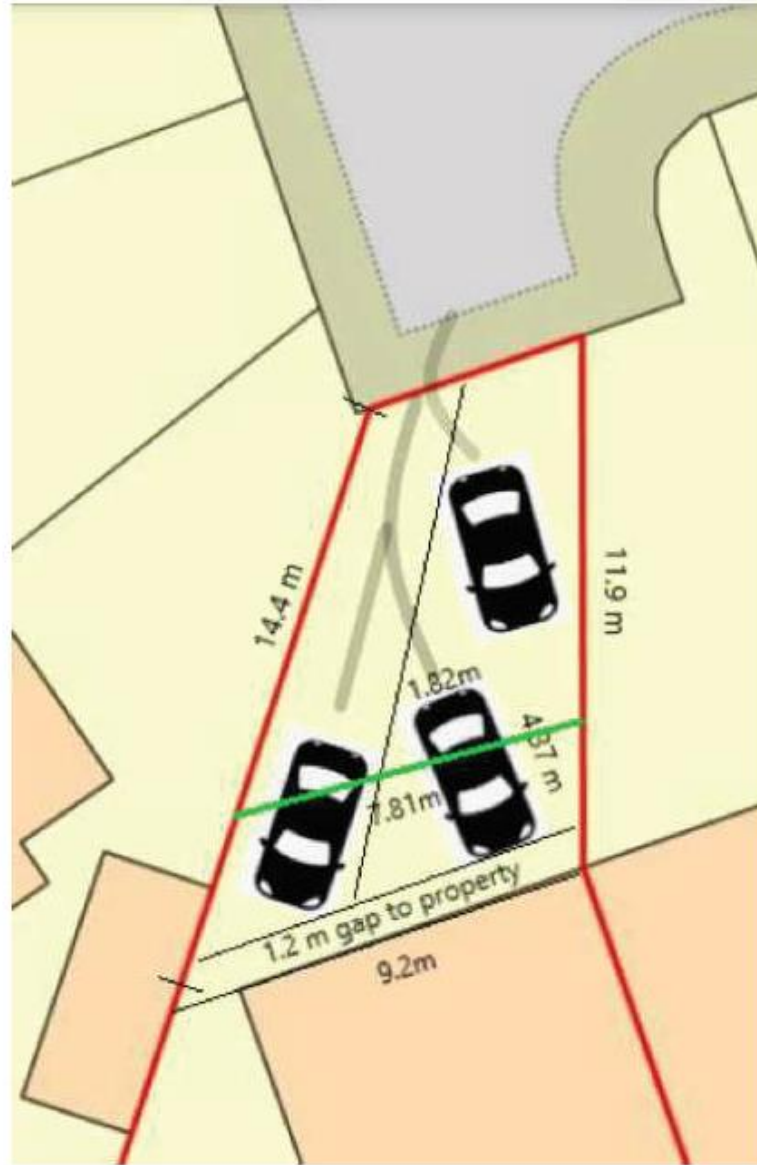
23/00532/FUL

9 St Marys Grove, Osbaldwick

As proposed floor plans



Applicant's parking proposal



This page is intentionally left blank