

Notice of meeting of

Planning Committee

- To:** Councillors Horton (Chair), Cunningham-Cross, Galvin (Vice-Chair), Ayre, Boyce, Burton, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Williams and Wiseman
- Date:** Thursday, 23 August 2012
- Time:** 4.30 pm
- Venue:** The Guildhall, York

AGENDA

The Site Visit will commence at 12.30pm on Tuesday 21st August at 9 St. Leonards Place Reception.

1. **Declarations of Interest**

At this point, members are asked to declare any personal, prejudicial or disclosable pecuniary interests they may have in the business on this agenda.

2. **Minutes** (Pages 5 - 48)

To approve and sign the minutes of the meeting of the Planning Committee held on 23rd May 2012.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 22nd August 2012**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

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

4. Plans List

This item invites Members to determine the following planning applications:

a) 9 St. Leonards Place, York, YO1 7ET (12/01975/FULM). (Pages 49 - 76)

A major full application for the change of use of 1-9 St. Leonards Place and 2 and 4 Museum Street from offices to a hotel (use class C1) and business use (B1) and/or restaurant (A3) and/or bar (A4) and/or leisure (D2) with external alterations by way of extension and selective demolition of modern attachments and associated landscaping. [*Guildhall Ward*] [Site Visit]

b) 9 St. Leonards Place, York, YO1 7ET (12/01976/LBC). (Pages 77 - 90)

Listed Building Consent for internal and external alterations to 1-9 St Leonards Place and 2 and 4 Museum Street including alterations to internal walls and windows, selective demolition and erection of rear extension. [*Guildhall Ward*] [Site Visit]

5. Appeals Update. (Pages 91 - 110)

This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

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

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

PLANNING COMMITTEE**SITE VISIT****Tuesday 21st August 2012.**

TIME	SITE	ITEM
12:30	Meet at Reception, 9 St. Leonards Place. (No Minibus).	4a & 4b.

This page is intentionally left blank

About City of York Council Meetings

Would you like to speak at this meeting?

If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

We will make every effort to make the meeting accessible to you. The meeting will usually be held in a wheelchair accessible venue with an induction hearing loop. We can provide the agenda or reports in large print, electronically (computer disk or by email), in Braille or on audio tape. Some formats will take longer than others so please give as much notice as possible (at least 48 hours for Braille or audio tape).

If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an

interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

যদি যথেষ্ট আগে থেকে জানানো হয় তাহলে অন্য কোন ভাষাতে তথ্য জানানোর জন্য সব ধরনের চেষ্টা করা হবে, এর জন্য দরকার হলে তথ্য অনুবাদ করে দেয়া হবে অথবা একজন দোভাষী সরবরাহ করা হবে। টেলিফোন নম্বর (01904) 551 550।

Yeteri kadar önceden haber verilmesi koşuluyla, bilgilerin terümesini hazırlatmak ya da bir tercüman bulmak için mümkün olan herşey yapılacaktır. Tel: (01904) 551 550

我們竭力使提供的資訊備有不同語言版本，在有充足時間提前通知的情況下會安排筆譯或口譯服務。電話 (01904) 551 550。

اگر مناسب وقت سے اطلاع دی جاتی ہے تو ہم معلومات کا ترجمہ میا کرنے کی پوری کوشش کریں گے۔ ٹیلی فون (01904) 551 550

Informacja może być dostępna w tłumaczeniu, jeśli dostaniemy zapotrzebowanie z wystarczającym wyprzedzeniem. Tel: (01904) 551 550

Holding the Cabinet to Account

The majority of councillors are not appointed to the Cabinet (39 out of 47). Any 3 non-Cabinet councillors can 'call-in' an item of business following a Cabinet meeting or publication of a Cabinet Member decision. A specially convened Corporate and Scrutiny Management Committee (CSMC) will then make its recommendations to the next scheduled Cabinet meeting, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	23 MAY 2012
PRESENT	COUNCILLORS CUNNINGHAM-CROSS (CHAIR), GALVIN (VICE-CHAIR), AYRE, BOYCE, D'AGORNE, DOUGHTY, FIRTH, FUNNELL, MCILVEEN, MERRETT, REID, SIMPSON-LAING, WATSON, WATT, WILLIAMS AND BURTON (SUBSTITUTE)
APOLOGIES	COUNCILLORS KING

57. DECLARATIONS OF INTEREST

At this point in the meeting, Members are asked to declare any personal or prejudicial interests they may have in the business on the agenda.

58. MINUTES

RESOLVED: That the minutes of the meeting held on 26th April be approved and signed by the Chair as a correct record, subject to the following amendment:

Councillor McIlveens declaration of interest be amended to reflect that he does not own a rental property on Navigation Road.

59. PUBLIC PARTICIPATION

It was reported that there had been one registration to speak under the Council's Public Participation Scheme.

Councillor Warters spoke under the general remit of the Committee. He referred to the minutes of the 26 April which were attached to the agenda for this meeting, in particular minute item 49a which related to the Derwenthorpe planning application. He expressed disappointment that certain members of the Committee had chosen to make what he

considered, a personal attack. He asked for an apology or for details of the discussion included in the minutes of the 26 April.

60. PLANS LIST

Members considered the report of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

**60a Audi York, Centurion Way, York, YO30 4WW.
(12/00613/FULM)**

Members considered a major full application by Mr. Mark Taylor for the erection of a car showroom following the demolition of an existing building.

Officers updated that should the application be approved an additional condition regarding cycle parking provision had been agreed with the applicant.

It was reported that there had been no registrations to speak on the application.

Members questioned whether a travel plan condition could be imposed should they be minded to approve the application. Officers advised that as the area already has a traffic problem, a travel plan is likely to be ineffective and to insist on one would be overly onerous.

Following further discussion, it was:

RESOLVED: That the application be approved subject to the conditions listed in the Officers report and the additional condition on cycle storage, detailed below.

Prior to the commencement of the development hereby authorised details of a cycle parking area for use by staff and customers, including means of enclosure, shall be submitted to and approved in writing by the Local

Planning Authority. The building shall not be first occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with the 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.

REASON:

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, and above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the visual amenity of the wider street scene, impact upon the wider local economy, impact upon the local pattern of surface water drainage and sustainability. As such the proposal complies with Policies S13, GP1, GP15a), GP4a) and HE10 of the City of York Development Control Local Plan.

60b Land Including Huntington Stadium to the West of Jockey Lane, Huntington, York. (12/01152/FULM).

Members considered a major full application by Oakgate (Monks Cross) Limited for drainage, landscaping and ecology works on land to the west of Jockey Lane.

Officers reported that they had no updates on the application.

The applicants agent spoke in support of the scheme. He advised that the area covered by the application relates to elements of landscaping, wildlife and a network of trees. The proposals had been covered in the Community Stadium application on the 17 May but the consent sought at this meeting would allow work on Great Crested Newts to begin.

Members moved and seconded approval.

RESOLVED: That the application be approved subject to the conditions detailed in the Officer's report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the ecological value of the site, landscaping, drainage and provision of recreational areas. As such the proposal complies with the National Planning Policy Framework and policies GP9, GP15a, NE1, NE2, NE6, NE7 and L1d of the City of York Development Control Local Plan.

60c Proposed Training and Rail Operations Centre, Leeman Road, York. (12/01176/FUL).

Members considered a major full application by Network Rail for a training and rail operations centre on Leeman Road, including demolition of a trackside building.

Officers provided an update, full details of which are attached to the online agenda, but contained the following information:

- Archaeology – Archaeology Officers support the scheme and recommended a condition to deal with archaeology at the site.
- Condition 7 as detailed in the report to be deleted.
- City Development Major Project Officers had confirmed that they had no objections to the application and had provided further details of how the application would fit in with the York Central development.
- The applicant considered that the level of cycle parking suggested would be adequate when the building is at full capacity. Cycle parking will be monitored as part of the travel plan, and this could be amplified in the condition.

- Tree cover - To help screen the service yard in views from Railway Terrace the applicants have agreed they can introduce some larger trees in the planting strip along the west boundary. The trees would reach approx 6m high. There are limits to the amount/size of trees that can be placed here due to operational constraints.
- Appraisal paragraph 4.9 - the site is not in the Central Historic Core Conservation Area.
- It was reported that there had been alterations to a number of the suggested conditions (further details on the Officer update attached to the online agenda).

Mr. Lee, a local resident spoke in objection to the application. He advised that residents of St. Paul's Mews currently have views of the Station and the Minster which would be affected if the large development went ahead. He stated that residents had concerns about potential noise during the construction period and asked that a site with so much historical significance is not built upon. In general he had no problems with Network Rail's plans, just the chosen site.

Janet O'Neil, the applicants agent spoke to advise that Network Rail are proposing an engineering and training centre, the largest in the United Kingdom. The site would provide 300 secure jobs for York and in total 400 jobs as some migration is expected from other Network Rail sites. There is a clear connection to nearby historic rail buildings in the design and although there will be some loss of open views for nearby residents, the building would not be over dominant. The applicant would adhere to any conditions and therefore impact on residents would be minimal.

Members queried the following points:

- Asked that condition 15d be reworded to state that only activities not audible from outside the site boundary can take place outside of permitted construction times.
- In response to Members questions on the archaeology at the site, the applicants agent confirmed that artefacts would be incorporated into the scheme, including reclaimed stone from the roundhouse. Archaeology officers had confirmed that there would be no long term benefit to leaving the roundhouses exposed.

Members entered debate and commented that although it was disappointing that the roundhouses would not be left exposed, Archaeology officers were correct in their approach. The application was a significant development for York and a welcome boost for the local economy.

Approval was moved and seconded subject to the conditions recommended in the report and the Officer update.

RESOLVED: That the application be approved subject to the conditions outlined in the report and the additional or amended conditions as detailed in the Officer update (attached to the online agenda).

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to design, amenity, heritage assets and highway safety. As such the proposal complies with Policies S9, GP1, HE2, and HE10 of the City of York Development Control Local Plan.

61. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT UNDER THE LOCAL GOVERNMENT ACT 1972.

At a meeting of the Planning Committee held on Thursday 17th May 2012, Members considered an outline planning application for a mixed-use development comprising, the demolition of existing buildings and the erection of a 6,000 seat community stadium with conference facilities (use class D2) and community facilities (use classes D1 non-residential institution, D2 assembly and leisure and B1 office), retail uses (use class A1), food and drink uses (use classes A3/A4 & A5) recreation and amenity open space, with associated vehicular access roads, car parking, servicing areas and hard and soft landscaping at land Including Huntington Stadium To The West Of Jockey Lane, Huntington (11/02581/OUTM)

This urgent item was for Members to consider the list of conditions, the Reason for Approval and the Heads of Terms of a legal agreement (under Section 106 of the Town and Country Planning Act) associated with the above planning application.

At the Planning Committee meeting on 17th May 2012, Members resolved to approve the application subject to their prior consideration and agreement of these matters, and subject to the application being referred to the Secretary of State.

In relation to the Section 106 agreement, Members queried the Community Stadium contribution of £13,750,000 and asked when this would be paid. Officers confirmed it would be paid at a time the Council is happy with and that it is covered by a bond to guarantee it. Members agreed that they were happy with the Section 106 agreement and acknowledged that any further minor changes would be delegated to Officers.

Members then considered the list of conditions and the reason for approval and made the following comments:

- Condition 6 – Members asked that native species be stipulated and the 5 year period for the replacement of trees or plants that die, be increased to 10 years.
- Members asked whether an informative to request that the stadium has solar panels was unreasonable. Officers confirmed it was reasonable.
- Whether the shuttle bus and other public transport matters would be conditioned. Officers confirmed this would be included in the Section 106 agreement.

RESOLVED: That the list of conditions, reason for approval and the Heads of Terms of the legal agreement for the Section 106 agreement be approved.

REASON: In line with Members approval of the application at the Planning Meeting on 17th May 2012.

Members agreed the following conditions and reason for approval:

1. Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2. Details of the following matters shall be submitted to and approved in writing on a phased basis by the Local Planning Authority prior to the commencement of development of each of the Stadium and the Community Facilities and the Retail Development (save for the GCN Mitigation Works) respectively, and the development shall be carried out in accordance with the approved details:

Details to be submitted: appearance, landscaping (save for the GCN Mitigation Works), layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (Development Management Procedure) (England) Order 2010 and also to allow for the phased delivery of the development.

3. The development hereby permitted shall be carried out in accordance with the following plans and other submitted details unless otherwise agreed in writing by the local planning authority or required by other conditions of this planning permission:-

Design Code, Land Use, Parameters Plan and Building Heights Parameters Plan received by City Of York Council on 13th February 2012, and references to such plans and details as defined by this condition 3.

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

4. Prior to the commencement of any works on each of the Stadium and Community Facilities and the Retail Development (save for the GCN Mitigation Works), a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works relating to that element of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information in respect of the relevant part of the development site:-
 - a) a programme of works.
 - b) the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours.
 - c) where contractors will park.
 - d) where materials will be stored within the site.
 - e) measures employed to ensure no mud/detritus is dragged out over the adjacent highway.
 - f) a dilapidation survey of the adjacent highway.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

5. The development hereby approved shall achieve at least a Building Research Establishment Environmental Assessment Method („BREEAM.) Very Good rating (or equivalent) and at least 10% of the predicted energy requirements for the buildings on site shall be obtained from low or zero carbon technologies. The „Considerate Constructors. scheme or equivalent shall be adhered to during construction of each part of the development and all timber products used in construction shall be from sustainable sources.

Details of how the development shall at least meet the 10% requirement shall be approved in writing by the Local Planning Authority prior to development commencing (save for the GCN Mitigation Works) and the development carried out in accordance with the approved details thereafter.

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of the final part of the development being brought into use. Should the development site fail to achieve a BREEAM standard of Very Good, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a BREEAM standard of Very Good.. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

6. (a) Save for the GCN Mitigation Works no development of each of the Stadium and Community Facilities and the Retail Development respectively shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme for that part of the development which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate, and mowing regimes. The scheme shall propose native species throughout. It will also include details of ground preparation. This scheme shall be implemented within a period of six months of the completion of the Stadium, Community Facilities or Retail Development (as the context requires). Any trees or plants which within a period of ten years from the substantial completion of the planting and Stadium, Community Facilities or Retail Development (as the context requires), die, are removed or become seriously damaged or diseased, shall be replaced with

others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to prior local authority approval and notification respectively within and beyond this five year period.

(b) No development relating to Great Crested Newt mitigation within the area of the Retail Development (as set out in the Environmental Statement dated [21/09/11] and addendum [13/02/12]) shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape and drainage scheme for those works (which shall be the defined “GCN Mitigation Works”) which shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate, and mowing regimes. It will also include details of ground preparation. The scheme shall be implemented in accordance with the approved details.

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

7. Prior to commencement of the development of each of the Retail Development (save for the GCN Mitigation Works), the Stadium and the Community Facilities, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the relevant part of the development (as set out below) shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall include the following measures:-

(a) Noise

- (i) All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.
- (ii) The A weighted equivalent continuous free field noise level (Leq dB (A)) attributable to the operation measured at the noise sensitive property boundaries shall comply with the ABC method given in British Standard 5228 for setting construction noise limits at residential receivers.
- (iii) All piling operations shall be carried out using the method likely to produce the least vibration and disturbance. Full details of the dates, times and duration of operations shall be submitted to and approved in writing by the Local Planning Authority before any piling operations are begun and piling operations shall take place in accordance with the approved details.

(b) Dust

- (i) All loaded lorries leaving the site shall be securely and effectively sheeted.
- (ii) At all times during the carrying out of operations authorised or required under this permission, best practicable means shall be employed to minimise dust. Such measures may include water bowsers, sprayers whether mobile or fixed, or similar equipment. At such times when due to site conditions the prevention of dust nuisance by these means is considered by the Local Planning Authority in consultations with the site operator to be impracticable, then movements of soils and overburden shall be temporarily curtailed until such

times as the site/weather conditions improve such as to permit a resumption.

- (iii) The operator shall provide and install all necessary monitoring equipment to carry out dust incidence measurements in accordance with arrangements and at location(s) to be agreed with the Local Planning Authority. The Local Planning Authority shall have freedom of access to all dust monitoring records and results from the site on request.

(c) General

- (i) Except in case of emergency, and unless otherwise agreed in writing with the Local Planning Authority, no operations shall take place on the Stadium part of the site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturday. On a Sunday or public holiday, no operations shall take place on the Stadium part of the site which are audible at the site boundary.
- (ii) Except in case of emergency and unless otherwise agreed in writing with the local planning authority no external operations shall take place on the Retail Development site other than between the hours of 8am to 6pm Monday to Sunday. On a Sunday or public holiday, noise from operations on the Retail Development shall be kept to a minimum by not carrying out piling. Internal works e.g. shop-fitting shall be unrestricted.
- (iii) At times when operations are not permitted work shall be limited to maintenance and servicing of plant or other work of an essential or emergency nature. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.
- (iv) During the construction process heavy goods vehicles shall only enter or leave the community

stadium and community facilities site between the hours of 08:00-18:00 on weekdays and 09:00-13:00 Saturdays and no such movements shall take place on Stadium and Community Facilities on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

- (v) During the construction process heavy goods vehicles shall only enter or leave the retail development part of the site between the hours of 08:00-18:00 on Mondays to Sundays inclusive (this excludes the movement of private vehicles for personal transport).

Reason: In the interest of the safe development of the site and amenities of the occupants of nearby properties.

- 8. Unless otherwise agreed by the Local Planning Authority, within each of the Stadium and Community Facilities development and the Retail Development other than that required to be carried out as part of an approved scheme of remediation and the GCN Mitigation Works must not commence until parts a to c of this condition have been complied with in respect of that part of the development:

- a. Site Characterisation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the relevant part of the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

(b) Submission of Remediation Scheme.

A detailed remediation scheme to bring the relevant part of the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the relevant part of the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development upon either the Stadium, the Community Facilities or the Retail Development (excluding the GCN Mitigation Works) (as the context requires) other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

9. In the event that contamination is found at any time when carrying out the Stadium, Community Facilities or Retail Development (as the context requires) that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The development of the Stadium, Community Facilities or Retail Development (as the context requires) shall be carried out in accordance with the approved scheme.

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 in accordance with the previous condition.

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

10. The wildlife mitigation plan shall be implemented fully in accordance with the details and timescales within the submitted Environmental Statement dated [21/09/11] and addendum [13/02/12] submitted as part of the planning application.

Reason: In the interests of nature conservation.

11. Prior to first occupation of any part of the site, a Management Plan for the maintenance and protection of the wildlife mitigation area shall be submitted to and approved in writing by the Local Planning Authority. The management Plan shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of nature conservation.

A full 4 stage road safety audit carried out in accordance with guidance set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site required by this condition as specified in submitted drawings;

-Internal access roads as indicated within the approved design code

-MC-GA-002 Issue P1

-MC-GA-003 Issue P1

-MC-GA-004 Issue P1

-MC-GA-005 Issue P1

-MC-GA-006 Issue P1

-MC-GA-007 Issue P2

-MC-GA-008 Issue P5

or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority. Stage 1 of said audit must be submitted to and confirmed in writing by the LPA prior to works commencing on site.

Reason: To minimise the road safety risks associated with the changes.

13. Within 6 months of the commencement of development of each of the Stadium the Community Facilities and the Retail Development (excluding the GCN Mitigation Works) a strategy for the placing of directional signage on the highway network in respect of the relevant part of the Development shall have been submitted to the Local Planning Authority for approval. The approved strategy shall be implemented prior to any part of the Stadium, the Community Facilities or the Retail Development (as the context requires) being brought into use.

Reason: In order to manage traffic flows to minimise the likelihood of development traffic using inappropriate routes to the detriment of highway safety, residential amenity or air quality.

14. Prior to the commencement of development (excluding the GCN Mitigation Works), equipment to monitor traffic volumes including Automatic Traffic Counters (ATC`s) and queue length detection loops and associated equipment shall be installed on the following highways (detailed locations to be agreed in writing by the Local Planning Authority);

-Jockey Lane

-Martello Way

-Malton Road

A64/A1237/A1036 junction

The equipment shall be sited for a period of at least 5 years following full occupation of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accurately monitor the vehicular impact of the development.

15. The detailed drawings to be submitted for the approval of the Local Planning Authority pursuant to condition 6 shall include a plan and schedule of all trees and shrubs on the site. Such plan shall show the spread of each tree. It will identify those trees and shrubs to be retained and those to be felled. Trees and shrubs to be retained shall be protected during the development of the site by the following measures:-

- (i) A chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk;
- (ii) No development (including the erection of site huts) shall take place within the crown spread of the trees;
- (iii) No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- (iv) No burning of materials shall take place within three metres of the crown spread of any tree;
- (v) No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Reason: In order to safeguard the existing landscape features of the site.

16. The submission of reserved matters relating to each of the Stadium and the Retail Development shall include a full lighting scheme for that part of the Development. . This scheme shall detail the locations, heights and lux of all lighting, including flood lighting, and any other relevant information together with a detailed mitigation scheme in respect of the effects of light pollution and light trespass. It

should also provide a contour map of the site showing the location of existing residential dwellings located within 100m of the site boundary and the predicted light spill on the horizontal plane and the vertical illuminance calculated at the window of the nearest residential dwellings facing the site. The development and mitigation measures shall be implemented in accordance with the approved details.

Reason: In the interests of the amenities of nearby occupants.

17. Any floodlighting of the Stadium and Community facilities as approved and installed as pursuant to condition 16 shall not be used before 0800 and after 23:00 on any day unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties.

18. No part of the Stadium shall be brought into use until facilities clear of the public highway have been provided for the manoeuvring of vehicles within the Stadium part of the site in accordance with drawings which are subsequently submitted to and approved in writing by the Local Planning Authority. Such drawings shall show means of access, dimensions, surface treatment and drainage. The areas so provided shall at no time be used for any other purpose and shall be retained thereafter for such purposes.

Reason: In order to ensure that vehicles may leave the site in a forward gear and do not prejudice the free flow of traffic, highway safety or the amenities of the area.

19. The stadium and community facilities shall not be brought into use until the means of vehicular/pedestrian access from the public highway to the stadium and community facilities has been constructed and surfaced to at least a base course

level, in accordance with the details shown on submitted drawing(s) ref;MC-GA-006 Issue P1 or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

Reason; To confine access to the permitted points in the interests of good management of the highway and to minimise the number of vehicle accesses onto the highway in the interests of free flow of traffic and safety of highway users.

20. The Stadium and the Community Facilities shall not be brought into use until the areas for vehicle parking in connection with the use of the Stadium and the Community Facilities have been constructed and laid out in accordance with plans which are based upon the principles as set out in the approved Design Code and which have been previously submitted to and approved in writing by the Local Planning Authority. Such areas shall thereafter be retained for the life of the development for the sole purpose of parking vehicles.

Reason: To ensure that adequate provision for parking of vehicles, in accordance with the council's maximum parking standards is provided within the site curtilage to avoid the displacement of uncontrolled parking on the adjacent public highway, to the detriment of free flow of traffic, safety of highway users and amenity of local residents.

21. The stadium and community facilities hereby approved shall not be brought into use until covered and secure cycle parking facilities for use in connection with the use of the stadium and community facilities, have been provided in accordance with plans which are based upon the principles as set out in the approved Design Code and which have been previously submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes of the cycle parking facilities. Such areas shall thereafter be retained in perpetuity for the sole purpose of parking cycles.

Reason: To ensure that adequate provision for the parking of cycles, in accordance with the councils minimum cycle parking standards.

22. The Stadium part shall not begin until details of foul and surface water drainage works for the Stadium have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

(a) Peak surface water run-off from the development must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Therefore maximum surface water discharge = 138.0 l/sec.

(b) Details of attenuation tanks must be provided.

(c) Details of flow control pumping station to be submitted limiting the maximum surface water discharge to maximum 138.0 l/sec.

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

(e) Details of the future maintenance/management of the drainage system.

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain the existing drainage in accordance with policy GP15a of the Development Control Local Plan and PPS25 (Development and Flood Risk).

23. Before any groundwork for the development commences on the stadium an Archaeological Remains Management Plan (ARMP) shall be submitted to, and approved in writing, by the Local Planning Authority for that part of the site within which the Stadium is located. The approved plan shall subsequently be implemented. The ARMP shall include the following: -
- (i) An archaeological project to investigate archaeological features and deposits within the area of the proposed Community Stadium that conforms to EIA Appendix 7.2 City of York Council Method Statement for Archaeological Mitigation.
 - (ii) A clear research design context for all archaeological work on this site.
 - (iii) A programme of physical and intellectual access during the lifetime of the project for the general public, the local community and schools, colleges, universities and other educational groups.
 - (iv) A programme of physical and intellectual access during the lifetime of the project for the general public, the local community and schools, colleges, universities and other educational groups.
 - (v) A timetable for analyses, archive deposition and publication.

Reason: The site lies in an area where important archaeological deposits have been identified. The development will affect these important archaeological deposits and they

must be recorded during the construction programme.

24. Prior to the use of the stadium commencing, full details relating to the public address system (specification and type) and its positioning shall be submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing. The approved details shall include measures for mitigating noise emissions to neighbouring properties and shall be implemented in accordance with that approval, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties.

25. The public address system approved and installed pursuant to condition 24 shall only be used during events that take place on the external area within the stadium; two hours prior to the event commencing (apart from for testing purposes) and within 30 minutes of the completion of the event, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby properties.

26. The demolition of the existing Huntington Stadium not to be commenced until a contract for the construction of a replacement athletics facility has been let.

Reason: In order to ensure that appropriate alternative facilities for athletics are provided.

27. The demolition of the existing Huntington Stadium shall not be commenced until

transitional arrangements for York Athletics Club have been secured, prior to the completion of new permanent facilities. The transitional arrangements shall involve the use of alternative temporary facilities for a period of no more than 12 calendar months.

Reason: In order to ensure the continued operation of the athletics club during construction of the new permanent facility.

28. The demolition of the existing Huntington Stadium shall not be commenced until transitional arrangements for the fulfilment of York City Knights' first team fixtures have been secured.

Reason: In order to ensure the continued operation of the rugby club.

29. The demolition of the existing Huntington Stadium shall not be commenced until alternative facilities have been secured for York City Knights' training sessions and reserved team fixtures.

Reason: In order to ensure the continued operation of the rugby club.

30. Prior to first occupation of the Stadium a community programme setting out the community initiatives to be undertaken by York City Football Club and by York City Knights Rugby Club shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the programme shall be carried out in accordance with the approved details.

Reason: In order to ensure the community benefits of the enabling development are realised.

31. Details of all machinery, plant and equipment to be installed in or located in and around the Stadium which would be audible outside of the site

boundary when in use, shall be submitted to the local planning authority for approval. These details shall include the location, maximum sound levels

($L_{Amax}(f)$), average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or suitably qualified person and it shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented as approved prior to the first use of the relevant item of machinery, plant and equipment.

Thereafter all such approved machinery, plant and equipment shall not be used on the site except in accordance with the approved details or (in respect of further machinery, plant and equipment) with prior written approval of the local planning authority.

The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997.

32. In respect of the Stadium, facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with any A1, A3, A4, A5, D2, or C1 uses. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval and once approved such extraction plant or machinery and any filtration system

shall be installed and fully operational in accordance with the approved details before the proposed use first opens and shall be retained as fully operational thereafter.

Reason: To protect the amenities of adjacent residents.

33. The approved lighting for the Stadium Development shall be positioned, angled and adequately shrouded and retained in accordance with the details submitted to the local planning authority for prior approval pursuant to condition 16 to prevent any glare, reflection or distraction to users of the highway. The lighting shall at no time flash or appear to be intermittent.

Reason: In the interests of highway safety.

34. The Retail Development shall not come into use until the following highway works have been completed in accordance with the submitted drawing(s), or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority;

- a) Formation of a 5 arm roundabout junction on Martello Way and associated works as shown indicatively on drawing MC-GA-002 Issue P1.
- b) Formation of a Northbound and Southbound bus lanes on Martello Way with associated works including the provision of shared pedestrian/cycle routes minimum width 3.5m alongside the carriageway and pedestrian/cycle crossing facilities on Martello Way as shown indicatively on drawing MC-GA-002 Issue P1.
- c) Formation of a signalised priority junction accommodating all movements except the right turn out of the site and associated works including a shared pedestrian/cycle

route minimum width 3.5m alongside the internal site carriageway and pedestrian/cycle crossing facilities on the internal site carriageway as shown indicatively on drawing MC-GA-003 Issue P1.

- d) Provision of a Toucan crossing on Jockey Lane including the removal of the adjacent existing uncontrolled crossing point and alterations to the junction of Jockey Lane/Monks Cross Link as shown indicatively on drawing MC-GA-004 Issue P1.
- e) Provision of a shared pedestrian/cycle route of minimum width 3.5m and associated works on the Western side of Jockey Lane between the junction of Martello Way/Jockey Lane/Malton Road and the proposed new Toucan crossing on Jockey Lane.
- f) Improvements to the public realm on Kathryn Avenue including the provision of an at grade shared space, with associated works to highlight the change in nature of the highway as shown indicatively on drawing MC-GA-005 Issue P1.

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.

- 35. Before any groundwork for the development commences on site of the Retail Development (save for GCN Mitigation Works) an Archaeological Remains Management Plan (ARMP) for development within the Retail Development shall be submitted to, and approved in writing, by the Local Planning Authority. The approved plan shall subsequently be implemented. The ARMP shall include the following: -

- (i) A strategy for further evaluation work and archaeological excavation work in the areas outside the proposed Community Stadium.
- (ii) A clear research design context for all archaeological work on this site.
- (iii) A timetable for analyses, archive deposition and publication.

Reason: The site lies in an area where important archaeological deposits have been identified. The development will affect these important archaeological deposits and they must be recorded during the construction programme.

36. The Retail Development hereby approved shall not be brought into use until the means of vehicular/pedestrian access from the public highway has been constructed and surfaced to at least a base course level, in accordance with the details shown on submitted drawing(s) ref;

-MC-GA-002 Issue P1
-MC-GA-003 Issue P1
-MC-GA-004 Issue P1
-MC-GA-005 Issue P1

or such plans which are subsequently submitted to and approved in writing by the Local Planning Authority.

Reason; To confine access to the permitted points in the interests of good management of the highway and to minimise the number of vehicle accesses onto the highway in the interests of free flow of traffic and safety of highway users.

37. Unless otherwise agreed in writing with the Local Planning Authority the Retail Development shall not be brought into use until the areas for vehicle

parking in connection with the Retail Development have been constructed and laid out in accordance with plans which are based upon the principles as set out in the approved Design Code and which have been previously submitted to and approved in writing by the Local Planning Authority. Such details may provide for phasing of completion of vehicle parking. Such areas shall thereafter be retained for the life of the development for the sole purpose of parking vehicles.

Reason; To ensure that adequate provision for parking of vehicles, in accordance with the councils maximum parking standards is provided within the site curtilage to avoid the displacement of uncontrolled parking on the adjacent public highway, to the detriment of free flow of traffic, safety of highway users and amenity of local residents.

38. Unless otherwise agreed in writing with the Local Planning Authority the Retail Development shall not be brought into use until covered and secure cycle parking facilities, have been provided for the Retail Development in accordance with plans which are based upon the principles as set out in the approved Design Code and which have been previously submitted to and approved in writing by the Local Planning Authority. Such drawings shall show the position, design, materials and finishes of the cycle parking facilities. Such details may provide for the phasing of completion of the covered and secure cycle parking facilities. Such areas shall thereafter be retained for the life of the Retail Development for the sole purpose of parking cycles.

Reason: To ensure that adequate provision for the parking of cycles, in accordance with the councils minimum cycle parking standards.

39. The Retail Development shall not be brought into use until a car parking management plan for the Retail Development has been submitted to and

approved in writing by the Local Planning Authority. The Retail Development shall thereafter be occupied in accordance with the approved car parking management plan unless agreed otherwise in writing by the Local Planning Authority.

Such car parking management plan shall include at least the following details;

- a) a maximum duration of stay
- b) details of how the implemented plan is to be enforced and managed on a day to day basis.
- c) a signage strategy

Reason: To ensure the Retail Development car park is not used by employees at adjacent employment sites, undermining sustainable travel policies and to ensure that the provision of free car parking at out of town retail units does not encourage car borne travel to these destinations.

40. The hereby approved Travel Plan document (ref Framework Travel Plan REP/005FTP rev F dated 5/5/12) shall be implemented in full, subject to any variation which has the prior written approval of the Local Planning Authority, in consultation with the Highways Agency, and shall be operated for the lifetime of the development.

Reason: To ensure the continued safe and effective operation of the Strategic Road Network in the area (A64T).

41. The hereby approved Travel Plan document (ref Stadium Travel Plan REP/005STP rev F dated 4/5/12) shall be implemented in full, subject to any variation which has the prior written approval of the Local Planning Authority, in consultation with the Highways Agency, and shall be operated for the lifetime of the development.

Reason: To ensure the continued safe and effective operation of the Strategic Road Network in the area (A64T).

42. No part of the Retail Development shall be brought into use until facilities clear of the public highway have been provided for the manoeuvring of vehicles within the Retail Development in accordance with drawings which are subsequently submitted to and approved in writing by the Local Planning Authority. Such drawings shall show means of access, dimensions, surface treatment and drainage. The areas so provided shall at no time be used for any other purpose and retained thereafter for such purposes.

Reason: In order to ensure that vehicles may leave the site in a forward gear and do not prejudice the free flow of traffic, highway safety or the amenities of the area.

43. The Retail Development shall not commence until details of foul and surface water drainage works for the retail development have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

(a) Peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume

required. Therefore maximum surface water discharge = 13.0 l/sec.

- (b) Details of flow control pumping station to be submitted limiting the maximum surface water discharge to maximum 13.0 l/sec.
- (c) Details of attenuation ponds must be provided.
- (d) The applicant should provide a topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- (e) Details to prove suitability of existing outfall and connection to IDB drainage.
- (f) Detail of the future maintenance/management of the drainage system.

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

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain the existing drainage in accordance with policy GP15a of the Development Control Local Plan and PPS25 (Development and Flood Risk).

- 44. Details of all machinery, plant and equipment to be installed in or located in the Retail part of the Development (area as indicated on the attached plan) which would be audible outside of the site boundary when in use shall be submitted to the local planning authority for approval. These details shall include the location, maximum sound levels (LA_{max(f)}), average sound levels (LA_{eq}), octave

band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or suitably qualified person and it shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented prior to the first use of the item of machinery, plant and equipment.

Thereafter all such approved machinery, plant and equipment shall not be used on the retail development except in accordance with the approved details or (in respect of further machinery, plant and equipment) with the prior written approval of the local planning authority. 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 retained as operational thereafter.

The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at any time by more than 5dB(A) at any residential property when measured and corrected in accordance with BS 4142: 1997.

45. In respect of the Retail Development part of the site (area as indicated on the attached plan), adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with any A1, A3, A4, A5, D2, or C1 uses. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval and such extraction plant or machinery and any filtration system shall be installed and fully operational before the relevant unit first opens and shall be appropriately retained as operational thereafter.

Reason: To protect the amenities of adjacent residents.

46. The approved lighting for the Retail Development area (as indicated on attached plan) shall be positioned, angled and adequately shrouded in accordance with the details approved by the local planning authority pursuant to condition 16 before the Retail Development is brought into use to prevent any glare, reflection or distraction to users of the highway. The lighting shall at no time flash or appear to be intermittent.

Reason: In the interests of highway safety.

47. The restaurant development shall at no time exceed the restaurant floorspace (net and gross) as specified on page 49 of the „Design Code - Masterplan and Parameter Plans. received 12th February 2012.

Reason: The amount of restaurant floorspace approved is only considered to be acceptable as it is the amount required to enable development of the community stadium and specified benefits.

48. The total retail floorspace of the three retail units shall at no time exceed 29,728 square metres gross (22,668 square metres net sales area) and the minimum floorspace of any unit shall be no less than 2,787 square metres gross (2,230 square metres net sales area).

Reason: The amount of retail floorspace approved is only considered to be acceptable as it is the amount required to enable development of the community stadium and specified benefits. Further the impact of smaller unit sizes has not been assessed and the Local Planning Authority would wish to assess the retail and highway impacts of any such subdivision prior to any implementation.

49. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995 as amended, there shall be no sub-division of the three retail units, or insertion of mezzanine floors within any unit within the retail development, in the absence of any planning permission relating directly to such subdivision or mezzanine floor.

Reason: Permission is granted on the basis of the schedule of unit sizes as set out in schedule XX indicated on plan. The impact of an increased number or smaller unit sizes has not been assessed and the Local Planning Authority would wish to assess the retail and highway impacts of any such subdivision prior to any implementation. Any subdivision of the three approved units could result in smaller comparison goods units of a size more suited to a town centre location, thus contrary to the provisions of Section 2 of the National Planning Policy Framework 2012.

50. There shall be no open-air concerts held at the stadium hereby approved without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of occupants of nearby properties.

51. Fifteen (15) electric vehicle recharge parking bays shall be installed within the Retail Development. Locations and specification and phasing of delivery for any such parking bays shall be agreed with the Local Planning Authority.

Reason: To promote the use of low emission vehicles on the site, in the interests of sustainable development and air quality.

52. Fifteen (15) electric cycle recharge points shall be installed within the Retail Development. Locations and specification and phasing of delivery for any such parking bays shall be agreed with the Local Planning.

Reason: To promote the use of alternative modes of transport to and from the site, in the interests of sustainable development and air quality.

53. Prior to first occupation of each unit within the Retail Development, details of a scheme for the home delivery of goods sold at that unit shall be submitted to and approved in writing by the Local Planning Authority Provided that such scheme shall always be consistent with the usual business/commercial operations and requirements of the proposed occupier of the unit. Each unit within the Retail Development shall be operated in accordance with the approved details for that unit unless otherwise agreed in writing with the Local Planning Authority.

Reason: To encourage non car borne journeys to and from the site, in the interests of minimising traffic movements to and from the site, local air quality and sustainable development.

54. Surface water from vehicle parking and hardstanding areas shall be passed through an oil interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through an interceptor.

Reason: In the interests of satisfactory drainage.

55. Prior to first occupation of the Stadium full details of facilities for the storage of refuse and recyclable materials within the Stadium development shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter

be installed in accordance with the approved details.

Reason: In the interests of the amenities of the occupants of nearby occupants.

56. Prior to first occupation of each unit within the Retail Development full details of facilities for the storage of refuse and recyclable materials in connection with that unit shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be installed in accordance with the approved details.

Reason: In the interests of the amenities of the occupants of nearby properties.

57. Details of all means of enclosure to the site boundaries of the Stadium shall be submitted to and approved in writing by the Local Planning Authority before the Stadium development commences and shall be provided in accordance with the approved details before the development is brought into use.

Reason: In the interests of the visual amenities of the area.

58. Details of all means of enclosure to the site boundaries of the Retail Development shall be submitted to and approved in writing by the Local Planning Authority before the Retail Development (excluding the GCN Mitigation Works) commences and shall be provided in accordance with the approved details before the Retail Development is brought into use.

Reason: In the interests of the visual amenities of the area.

59. Prior to commencement of the Retail Development a scheme for the provision of public art at the Retail Development as proposed in the submitted Design Code dated February 2012 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in full prior to the final phase of the Retail Development being first brought into use.

Reason: In the interest of visual amenity of the locality.

60. Prior to commencement of the Stadium and Community Facilities Development, details of the design and layout of the Stadium , which shall comply with Sport England/NGB Technical Design Guidance Notes to include Access for Disabled People 2002. shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The Stadium shall be constructed in accordance with the approved design and layout details.

Reason: To ensure the development is fit for purpose, subject to high quality design standards and sustainable in compliance with the National Planning Policy Framework and local planning policy.

REASON FOR APPROVAL:

The Council considers that:

- a) the submitted scheme, which includes the provision of a new community stadium and associated uses, is on balance (subject to the associated section 106 obligation and the conditions listed below) acceptable by virtue of the significant benefits to the community that will result from this provision;

- b) the proposed stadium accords with an important Council priority and is in the wider public interest, more particularly with regard to the promotion of active sport and leisure, the provision of sport and leisure facilities, the provision of health and community-related facilities, and the retention of professional sport in the city;
- c) the overall scheme generates a net increase of jobs of over 400 full time equivalent together with an increase in year on year benefit to the York economy of £14million per annum; and
- d) that these benefits, which are to be enabled by the scheme's related retail element, outweigh the adverse impacts of this latter element, more particularly as regards the development's projected impacts upon the city centre and local highway network.

In arriving at this decision the Council has had regard to the development plan which comprises the Regional Spatial Strategy ("RSS"). Policy E2 of the RSS provides that centres such as York should be the focus for local services and facilities. The policy also states that no further development of new or large scale expansion of existing, out of centre regional or sub-regional shopping centres should be permitted. Policy E3 of the RSS requires that additional retail space should be focused on city and town centres. The Council acknowledges that the enabling development would not therefore accord with the development plan.

The Council has also taken into account as material considerations the draft Local Plan 2005 (Policies S1 and YC1), the City of York Core Strategy Submission 2011 (Spatial Principle 1 and Policies CS2, CS3, CS11 and CS15) and the National Planning Policy Framework (paragraphs 14, 26 and 27).

The Council has also considered advice from leading counsel on the law with respect to enabling development and the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Having regard to the above the Council considers that, whilst the proposal does not accord with the development plan policies (RSS), there are other material considerations (a) and d) above) which justify the grant of planning permission.

2. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development.

3. The applicant is advised to contact the Highway Authority.s Section 38 Engineer prior to the commencement of works on site, with a view to preparing the necessary drawings and legal work required to enter into a Section 62 or 278 Agreement of the 1980 Highways Act for the alterations proposed to the existing highway layout, and Section 38 for the new highway works.

4. Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused. Under the terms of the 1980 Highways Act City of York Council will seek to recover any expenses incurred in repairing or making good such damage. The applicants are therefore strongly advised to carry out a joint dilapidation survey with the authority prior to and upon completion of, works on site. (Section 38 Engineer 01904 551361).

5. The applicant is advised that the proposed scheme is likely to affect statutory undertakers. equipment in the vicinity of the site and that such equipment may require alterations. The applicant should therefore contact all the utilities to ascertain the location of the equipment and any requirements they may have prior to works commencing.

6. Ouse and Derwent Drainage Board Under the terms of the Land Drainage Act 1991 and the Ouse and Derwent Drainage Board.s Byelaws, the prior written consent of the Board is required for any proposed works or structures in, on over or within 9 metres of the top of the bank of any watercourse.

(i) Outfall:-

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act 1991 and should be constructed to the satisfaction of the Board.

(ii) Discharge:-

Under the Board's Byelaws the prior written consent of the Board is required prior to any discharge being made into any watercourse within the Board's district.

(iii) Status of culverted watercourse:-

The culverting of an ordinary watercourse does not change the definition of the watercourse to that of a sewer and consequently the responsibility for maintenance of the culvert rests with the riparian owner or owners.

7. It is requested that prior to the commencement of the development a detailed feasibility study investigating the potential to provide the whole site with energy through a site-wide low carbon solution be submitted to the Local planning Authority. The feasibility study should include buildings surrounding the site in addition to those proposed through this application. Should the study demonstrate that a site-wide low carbon energy system is feasible, it is requested that serious consideration is made to its installation as part of the development (with details included within subsequent Reserved Matters submissions).

The above is requested in the interests of objectives of Policy ENV5 of the RSS points 3. „Maximising the use of combined heating and power., and 4. „Ensuring that development takes advantage of community heating opportunities wherever they arise.; and City of York Council's emerging Core Strategy Policy CS21 (as part of the requirement to reduce a developments carbon emissions by 10% integrate district / block heating or cooling infrastructure).

8. Pursuant to Condition 5 it is requested that photovoltaic panels be incorporated into the design of the Stadium.

CLLR L CUNNINGHAM-CROSS, Chair
[The meeting started at 4.30 pm and finished at 5.55 pm].

This page is intentionally left blank

COMMITTEE REPORT

Date: 23 August 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/01975/FULM
Application at: City Of York Council 9 St Leonards Place York YO1 7ET
For: Change of use of 1-9 St Leonards Place and 2 and 4 Museum Street from offices to hotel (use class C1) and business use (B1) and/or restaurant (A3) and/or bar (A4) and/or leisure (D2) with external alterations by way of extension and selective demolition of modern attachments, and associated landscaping
By: Rusbond PLC
Application Type: Major Full Application (13 weeks)
Target Date: 24 August 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for the change of use of 1-9 St Leonard's and 2 and 4 Museum St, including the stable block to the rear. At present these buildings are occupied as City of York Council offices but will be vacated as part of the relocation to West Offices. The applicants wish to convert these buildings primarily into hotel accommodation. Alongside the hotel would be a range of meeting rooms and conference space, a suite of function rooms, a restaurant, bar and public areas. The application is speculative at this stage with no named hotel operator.

1.2 1-9 St Leonard's Place is Grade II* listed while 2 and 4 Museum St is Grade II listed. The application site includes the car park to the north of 9 St Leonard's Place. The whole of the application site is within the Central Historic Core Conservation Area. This application is accompanied by a listed building application which is also to be considered at this Committee Meeting (Ref. No. 12/01976/LBC).

1.3 The proposed hotel would contain 88 bedrooms over the five floors of the buildings, including the basement. The existing public access into St Leonard's Place would be utilised as the primary hotel entrance. Existing doors onto Museum St and St Leonard's Place would be retained for possible entrances to the bar, restaurant, and lounge areas. The finance entrance adjacent to Library Square would be utilised for access to the function room.

1.4 Externally there are no alterations proposed to either of the St Leonard's Place or Museum St frontages. To the rear of St Leonard's Place some demolition of later additions to the building are proposed. This creates space for a new extension to

the former billiard rooms of 5 St Leonard's Place to create an enlarged dining room incorporating a roof terrace. The proposed extension is primarily single storey in height with a glazed stair case enclosure sitting above this.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2_; 4 St Leonards Place York 0649

Listed Buildings GMS Constraints: Grade 2; 2 Museum Street York 0638

Listed Buildings GMS Constraints: Grade 1; Wall 2m N Of 9 St Leonard's Place York 0630

Listed Buildings GMS Constraints: Grade 1; Wall 5m North Of Kings Manor 0620

Listed Buildings GMS Constraints: Grade 2_; 6 St Leonard's Place York 0654

Listed Buildings GMS Constraints: Grade 2_; 5 St Leonard's Place York 0651

Listed Buildings GMS Constraints: Grade 2_; 8 St Leonard's Place York 0658

Listed Buildings GMS Constraints: Grade 2*; Council Offices 9 St Leonards Place York YO1 7ET 0660

Listed Buildings GMS Constraints: Grade 2_; 3 St Leonards Place York 0647

Listed Buildings GMS Constraints: Grade 2_; 7 St St Leonard's Place York 0656

Listed Buildings GMS Constraints: Grade 2; 4 Museum Street York 0636

Listed Buildings GMS Constraints: Grade 2_; 1 St Leonards Place York 0640

Listed Buildings GMS Constraints: Grade 2_; 2 St Leonards Place York 0645

Scheduled Ancient Monuments GMS Constraints: SMR 30 City Walls Bootham Bar To Museum Street 0176

2.2 Policies:

CYGP1- Design

CYSP7A -The sequential approach to development

CYGP4A- Sustainability

CYGP9- Landscaping

CYNE6- Species protected by law

CYHE2 -Development in historic locations

CYHE3- Conservation Areas

CYT4 -Cycle parking standards

CYE3B - Existing and Proposed Employment Sites

CYS6 -Control of food and drink (A3) uses

CYS7 -Evening entertainment including A3/D2

CYV3 -Criteria for hotels and guest houses

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development (Countryside Assistant) - A survey was carried out in March 2012 which concluded that the application site has a moderate potential for roosting bats. The report recommends that further work is required to assess all areas of the building to check for evidence of bat use and potential habitat. There are a number of hard to reach areas of the building which have not been fully investigated at present. Activity reports need to be carried out now and cannot be conditioned. The surrounding area is of particular value to bats as there is good quality foraging, commuting and further roosting habitat within close proximity, particularly Museum Gardens and the links to the River Ouse and Deans Garden.

3.2 Design, Conservation and Sustainable Development (Conservation Architect) - The application site is within the Central Historic Core Conservation Area. The

Application Reference Number: 12/01975/FULM

Item No: 4a

Page 3 of 26

proposed extensions to be demolished to the rear of the building do not positively contribute to the appearance of the building or character of the conservation area. The proposed extension would sit comfortably behind the terrace due to its height, mass and transparency. The scheme would enhance the conservation area and access to the site.

3.3 Design, Conservation and Sustainable Development (Landscape Architect) - No objections to the proposed tree removals for the reasons given in the tree survey, provided they are suitably replaced. The existing trees within the car park are shown as retained in the development proposals. The Beech and Birch to the rear of number 7 are attractive trees, but as they mature they will not be sustainable in this location. Therefore there is no objection to their removal. The new garden should include suitable large shrubs and small tree planting to compensate for the loss and to create an attractive rear garden.

The best tree is the Lime tree (T8) adjacent to the city wall. A tree protection method statement would be required to ensure this tree and others in the car park are protected. The method statement should include details and locations of protective fencing, locations of site compound, parking arrangements and working areas.

In respect of the three Sycamores at the entrance of the current Finance Centre off Library Square, these trees are not in good form so objections are not raised to their removal. Nonetheless purely from a visual perspective they do provide a valuable greening of the urban environment and the amenity of Library Square. They also provide a suitable foil for the juxtaposed buildings. To this end a replacement tree is expected to be included in the landscaping scheme at ground level i.e. not in a raised bed. This could be either a fastigiated tree with height, or a broader spreading tree with a clear stem to a good height, to provide a canopy over the entrance area, whilst allowing a direct and clear view to the glazed lobby, which it should complement.

3.4 Design, Conservation and Sustainable Development (Sustainability) - The submitted Planning Statement demonstrates how the application would comply with Development Control Local Plan Policy GP4a and a separate Energy Statement appraises low and zero carbon technologies which could be installed to provide energy to the building. The proposal complies with Policy GP4a to a high degree however extra information regarding reducing water use would be welcome given the high demand which hotels typically have for water. The Interim Planning Statement on Sustainable Design and Construction requires developers to achieve a BREEAM 'Very Good' rating and for 10 per cent of expected energy demand to be met through low or zero carbon technologies. The applicant has confirmed a commitment to achieving this requirement. The applicant has indicated that a combination of micro Combined Heat and Power and air source heat pumps could

be utilised to meet the requirement, however the final hotel operator is likely to choose the preferred technology.

3.5 Design, Conservation and Sustainable Development (City Archaeologist) - The site lies within the Area of Archaeological Importance and the Central Historic Core Conservation Area. The site lies in an area where there are both designated and undesignated heritage assets of national importance. There are no scheduled ancient monuments within the red line boundary; however the site has a boundary with York City Walls (SAM no. 30).

The applicant has submitted a comprehensive archaeological desk-based assessment. This identifies the range, quality, and significance of both the sub-surface and above ground archaeological features. The proposed works, including demolition, extension, pathway, walls, and landscaping may have an impact on sub-surface archaeological deposits. These impacts are acceptable if mitigation measures are in place. This can be achieved through an archaeological recording and publication through an archaeological watching brief. This should be conditioned within any approval. The significant collection of carved medieval stonework that is incorporated into the current landscaping at the rear of 1-9 St Leonard's Place must be retained on site and incorporated into the new landscaping for this development. This should be conditioned.

3.6 Highway Network Management - No objections are raised to the proposal. Officers have been involved in discussions with the applicant/agent from the pre application stage and are satisfied with the scheme from a transport, access and highways perspective, subject to the imposition of conditions covering cycle parking, travel plan and a construction traffic management plan.

3.7 Environmental Protection Unit - No objections to the proposals but would make the following comments; Regarding the impact of external noise on occupants of the hotel the EPU is satisfied that the 'Good' standard can be achieved through the measures proposed. In terms of the likely levels of noise which could be produced as a result of the proposed redevelopment, the proposed use is unlikely to result in excessive noise emissions and the area already experiences elevated noise levels. Considering this and the fact that there are no residential dwellings directly adjacent to the site, with the nearest properties located on Bootham, Duncombe Place and Museum Street.

Regarding air quality, recent monitoring has shown that concentrations of nitrogen dioxide are above DEFRA's technical guidance. To minimise ingress of pollutants into the building and potential exposure of future hotel guests to poor air quality (and noise), a ventilation strategy has been developed, which acknowledges that all rooms at basement level, together with bedrooms at all other levels facing onto St Leonard's Place and Museum St should be mechanically ventilated, with clean air

being drawn from roof level. This should be coupled with non-opening windows to all mechanically ventilated rooms.

EPU request that all bedrooms facing onto St Leonard's Place and Museum St be fitted with non-opening windows. Mechanical ventilation and non-opening windows would also be required for any other rooms, facing St Leonard's Place and Museum St, where members of the public may spend a period of 1-hour or more.

In line with the Council's draft Low Emission Strategy, any developer should strive to promote the use of low emission vehicles on site via provision of necessary infrastructure. The Environmental Protection Unit would like to see an electric vehicle recharge point installed within the development site boundary

Conditions suggested covering noise, air quality, contamination, contaminated land, construction, and odour.

3.8 Economic Development Unit - Would like to see some sort of employment opportunity but understand the difficulties associated with the building and in particular office use. From an economic development aspect it is more important to keep and improve the integrity of the buildings as a group which enhances the setting of the theatre, art gallery and Bootham Bar. In this way it encourages more visitors by adding to the historic value of York, improves what is hoped to be the Cultural Quarter, and therefore adds to the potential to expand the tourism economy.

3.9 Integrated Strategy Unit - The Council will be relocating to West Offices and therefore employment provision in the city would not actually be lost. Consequently a balanced approach should be taken in line with the guidance in the NPPF with input from the Economic Development Unit. Development Control Local Plan Policy E3b sets out the criteria for assessing the change of use of existing employment sites. The Integrated Strategy Unit raises no objections to the proposed loss of the site for employment purposes.

Hotels are considered by the NPPF to be town centre uses which can support and increase the viability and vitality of centres. As the proposal is in the centre a sequential test is not needed. The proposal is within a sustainable location which can be accessed by a variety of modes.

EXTERNAL

3.10 Guildhall Planning Panel - No objections

3.11 English Heritage - Broadly support the principle of using the building as a hotel. No objections to the principle of the removal of the extensions shown for neither removal nor the building of a small extension of the kind shown. Awaiting

comments regarding revised plans and details which were received following discussions with Council Officers and English Heritage. An update on this will be provided at Committee.

3.12 Visit York - Welcome the continuing interest in high quality hotel accommodation in York. This matches Visit York's well-established ambitions for York to focus on distinctive, quality and world class aspirations. Welcome the prospect of immediate investment into what will become a very large, empty building close to the heart of the city centre. Investment in such a building continues to portray York as a dynamic, economically active city.

There is planning permission for over 600 extra beds within hotel accommodation in York, Visit York increasingly believes that there is a need for a formal study into visitor accommodation capacity in York. Visit York is keen to encourage the Council to undertake such a review which needs to ensure that the views of existing hoteliers are taken into account.

3.13 Yorkshire Water - It is the developer's responsibility to ensure that an adequate supply of water can be made available.

3.14 Police Architectural Liaison Officer - Analysis shows that crime and anti-social behaviour levels connected with the existing site are low. The applicants Design and Access Statement and Planning Statement address issues of crime prevention. A number of general recommendations are made in respect of crime prevention measures such as suitable doors and windows, cctv, lighting, minimising the number of access points, and securing cycle parking. There is confidence that the security features appropriate for a hotel building would be incorporated by any prospective hotel operator.

3.15 Other Third Parties . A resident of 4 King's Manor states that the redevelopment of St Leonard's Place provides a very important opportunity to improve the presentation, access to, and the setting of the Roman fortress wall including the Anglian Tower which once formed part of St Leonard's Hospital. The Anglian Tower is currently in a 'dead end' location and in recent years has been closed off which has had a negative effect on the quality of the experience of the area. There is an impressive and interesting view of York from the top of the earthen rampart looking down onto the Anglian Tower and along the line of the Roman fortress wall towards the Multangular Tower. At present there is no sign or footpath leading to this viewing point. The present application presents an opportunity to create a viewing point. This suggestion needs to be seen in relation to current preparation of a Conservation Management Plan for the area around the City Library. It is suggested that this opportunity for improving the presentation, access to, and the setting of an extremely important set of ancient monuments is given very serious consideration and taken into account in the determination of the planning application.

4.0 APPRAISAL

4.1 Key Issues:

- Loss of employment use
- Principle of hotel use
- Impact on the character and appearance of the area
- Air quality
- Noise
- Neighbouring amenity
- Highways
- Sustainability
- Ecology

LOSS OF EMPLOYMENT USE

4.2 1-9 St Leonard's and 2-4 Museum Street are one of the main Council office sites in the city. Office use is classified as a main town and city centre use. The NPPF seeks to promote the vitality of town and city centres and requires Local Planning Authorities to set policies which are positive and promote competitive town centre environments. In part it is suggested that this should be done by allocating a range of sites for offices to ensure that office uses are met in full and not compromised by site availability. An assessment of need should be undertaken to ensure sufficient office supply is available.

4.3 Development Control Local Plan Policy E3b seeks to protect existing employment sites within their existing use class unless development proposals meet certain criteria. This criterion is: a) there is a sufficient supply of employment land in quantitative and qualitative terms in the immediate and longer term; and b) unacceptable environmental problems exist; or c) the development of the site for other appropriate uses would lead to significant benefits to the local economy; or d) the use is ancillary to an employment use.

4.4 As Members will be aware St Leonard's Place and Museum St offices are no longer required by the Council due to the imminent relocation of Council services to West Offices. Part of the West Office development includes substantial expansion of the amount of floor space. Therefore, seen as an overall development pack, the change of use of St Leonard's and Museum St offices to other uses does not result in a significant reduction in employment land.

4.5 The applicants submitted an Economic Statement supporting the planning application. This statement highlights that current estimates suggest there are around 45k sq m of vacant office space in York, and this accounts for 13% of office stock. It is claimed that annual take up of office space is very modest. It is predicted that using the current average uptake there is a minimum of 4 years

supply. Analysis indicates that where there is demand this is for Grade A specification floor plates with high parking ratios. Demand is for open plan offices, the layout of St Leonard's and Museum St offices do not meet modern day requirements, hence the Council's decision to vacate and move to West Offices. Given that the buildings are Grade II* and Grade II, there is no scope for significant internal alterations to create a modern office environment. It is predicted by the applicants that retaining the buildings as offices is likely to result in the building remaining vacant for a very long period and as such the buildings would deteriorate.

4.6 Given a relatively low market demand for office space in the city centre at present and over recent years, the fact that the buildings do not meet modern office standards, the desire to safeguard the future listed buildings, the potential economic benefits that an alternative use may bring, and the fact that West Offices is providing substantial replacement office accommodation, there are no objections to the proposed loss of an office use. The Integrated Strategy Unit and Economic Development Unit analysed the application and raised no objections to the loss of office use at the application site.

PRINCIPLE OF HOTEL USE

4.7 The application is speculative, it is understood that no end users are signed up. The applicants hope that gaining permission would provide the assurance needed to enable discussions to progress to the stage where an end user or end users are signed up. Given the level of uncertainty at present, the applicants are seeking to retain a degree of flexibility within the planning permission. The applicants' supporting Planning Statement states that the primary use of the buildings would be as a hotel. Additionally consent is sought for ancillary uses including restaurant, bar, leisure uses and associated office space. This would provide options for potential hotel operators to create a facility which meets their business model.

4.8 The NPPF outlines that hotels are main town and city centre uses. Therefore a sequential and impact test is not required given that hotels are considered to support the vitality of centres. Development Control Local Plan Policy V3 sets the criteria by which applications for new hotels are to be assessed. The criteria is that the proposed hotel: a) is compatible with its surroundings in terms of its siting, scale and design; and b) would not result in the loss of residential accommodation; and c) would not have an adverse effect on the residential character of the area; and d) is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions. The application site is close to the heart of the city centre and is clear from the NPPF and Policy V3 that hotel use within St Leonard's and Museum St offices is acceptable in principle. The Council's aspirations for creating a Cultural Quarter around the art gallery, Theatre Royal and Yorkshire Museum, would be further enhanced by a hotel use with ancillary restaurant/bar and leisure uses at the application site.

4.9 Some concerns were raised from Visit York within their consultation response regarding the number of hotel rooms which have planning permission. However, given that the application site is within the city centre and the fact that hotel use is defined as a main town and city centre use, it is not considered to be appropriate for the Local Planning Authority to interfere into issues of market competition without any evidence base or local policy framework.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.10 The application site is within the Central Historic Core Conservation Area. The whole of the application site is within Character Area Four: 'Museum Gardens and Exhibition Square' which contains a concentration of cultural and civic uses. The heritage assets surrounding the site are of the highest order and they are being documented in ongoing work as part of the Mint Yard Conservation Management Plan. A section of the earlier Roman wall (listed at grade 1) stands within the car park. The trees within the northern car park soften the setting of the heritage assets within the area and link them to context of St Mary's Abbey Precinct.

4.11 The crescent form of St Leonard's Place is unique within York, and the classical composition, with its first floor decorative balcony and giant twinned pilaster detail, dignifies the street. Nos. 2&4 Museum Street make a positive contribution to the setting of the structures around Library Square and the buildings are seen within views on a main approach to the Minster. The applicants are not proposing any material alteration to the front elevations of the buildings. Architectural details would be cleaned and restored bringing the building back to its original appearance.

4.12 At the rear of St Leonard's Place it is proposed that three extensions of later date would be demolished. This would allow the former billiard rooms at the rear of number 5 St Leonard's to be connected to a new extension with a terrace above. This would create a dining area with roof top terrace. The extensions proposed to be removed are of relatively low significance and would allow better access and light to the rear of the building. The extensions to be demolished generally currently have a negative impact on the setting of the building and character of the conservation area.

4.13 The proposed extension with terrace to the old billiard room is relatively small in scale. The terrace height would be below the height of the billiard rooms and the glazed drum around the access stair would be a relatively small component which would sit behind no 6 St Leonard's Place and therefore not impose itself on the wider environment. The form of the new extension has been modified to fit the grain of the terrace and the high intermediate boundary wall is shown as being retained. The height, mass and transparency of the extension appears to sit comfortably behind the terrace. The impact of the connections with the former billiard room has been minimised by reusing existing window positions. Although further details are required through conditions, the new extension would be of higher quality materials

and form than the 1960s flat-roofed extension which is currently in place and it would sit behind the existing garden wall. New gates would be provided within the wall. The scheme would enhance the conservation area and access to the site.

4.14 A letter was received from a local resident regarding the opportunity that the application presents for the opening up of public access to a set of ancient monuments to the rear. However, the applicants have rejected this opportunity at this stage because it is considered that most hotel operators would wish to retain a high degree of control over external space in their domain which at times would lack surveillance. A hotel operator is likely to wish to retain the connection between the semi-private garden and the dining facility in the rear extension. It is understood from the Conservation Officer that the 'Conservation Management Plan' for Mint Yard which is currently being created will pick up on various options and issues in relation to the surrounding monuments and potential connections between public and semi-public spaces. The CMP hopes to show how the area might be made available to the general public in various ways.

AIR QUALITY

4.15 Policy GP4b requires proposals for development within Air Quality Management Areas (AQMA) to assess their impact on air quality. Both of St Leonard's Place and Museum St are an AQMA. The streets are classified as AQMA due to elevated concentrations of nitrogen dioxide which are primarily produced by motor vehicles. The AQMA is given to the area as it is considered that their needs to be an improvement in air quality for the benefit of public health.

4.16 The submitted Environmental Statement states that the proposed use of the application site as a hotel would result in a net reduction in trips to and from the site. Therefore the proposed hotel use would not result in a reduction in air quality. Both the Environmental Protection Unit and Highway Network management are content that the application would not increase vehicle trips and therefore air pollution within the area.

4.17 Not adding to the existing air quality problems in the area is of importance, however the proposal would not significantly change the current situation. The existing office use exposes employees to the poor air quality. The Environmental Protection Unit has concerns regarding the air quality impacts on hotel staff and customers. There is the potential for hotel customers to spend longer periods of time within the building and therefore be exposed to the air pollution than office staff. Therefore the EPU consider that a hotel may be a more sensitive use. Concerns from EPU primarily focus on hotel rooms which have a window that directly opens onto a polluted facade.

4.18 The applicants have devised a strategy for overcoming this concern. A ventilation strategy has been submitted which allows all rooms at basement level

and with bedrooms facing onto St Leonard's and Museum St to be mechanically ventilated. Clean air is drawn from roof level and used to ventilate the rooms. This overcomes concerns raised and the EPU are content with this arrangement. In addition to a condition covering artificial ventilation, the EPU also recommend a condition that all windows fronting onto St Leonard's Place and Museum St which serve bedrooms or public areas be non-opening. The EPU justification for this is that air pollution reaches a level which could harm health even if only exposed to it for a short period of time. It is relatively common that dwellings which have been approved in AQMA have had non-opening windows. However, clearly hotel stays are for a relatively short period of time. St Leonard's Place and Museum St have been used as offices with open windows for a number of years. Whilst it is not advisable to continue exposure, the proposed change of use is considered by Officers to be a reduction in sensitivity to air pollution given that hotels attract a transient customer/user base. It is Officer opinion that any occupant should have the option of utilising mechanical ventilation and keeping windows shut or to be able to open a window if they so wish. Air pollution is most concentrated at certain hours of the day and does not exceed standards at all times. Given the likely length of stay of the majority of customers and the Council's aim to improve air quality in this area, it is considered reasonable to allow customers to open their windows if they so wish. The applicants would prefer the windows to be openable as it is considered that a non-opening window condition may reduce the number of potential hotel operators interested.

NOISE

4.19 A Noise Impact Assessment was submitted in support of the application. This included details of a noise survey which highlights the level of noise which is audible on the different facades of the building. It is deemed that some form of mitigation is required in order to achieve the required level in terms of average ambient noise levels and also individual noise events. British Standards provide ratings of 'Reasonable' and 'Good' in terms of resting and sleeping standards.

4.20 The proposed mitigation primarily consists of secondary glazing. Existing windows which serve bedrooms on the northern, eastern and southern elevations would be fitted with secondary glazing. No secondary glazing was considered necessary on windows within the western elevation. Based on the specification set out in the Noise Impact Assessment the Environmental Protection Unit is satisfied that the 'Good' standard can be achieved. A condition is recommended covering the internal noise mitigation strategy.

NEIGHBOURING AMENITY

4.21 Paragraph 123 of the NPPF states Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. There are few residential dwellings in close

proximity to the application site. The surrounding area experiences elevated sound levels given the level of traffic and general activity in the area associated with a city centre. It is considered that a hotel is unlikely to generate significantly more noise than the current office use. A hotel with restaurant and bar would create evening use which is not currently present at the site. The surrounding area already contains evening uses such as the theatre and a pub opposite on Museum St. The only part of the proposed development which includes external use is the rooftop sitting area associated with the restaurant. However, this is located to the rear of St Leonard's Place which is not sensitive to noise given that there are no residential dwellings within the immediate vicinity.

4.22 It is considered that licensing is the best legislative framework for controlling opening times and activities associated with any bar or restaurant at the hotel. The applicants are proposing the installation of plant towards the rear (west) elevation of the application site. It is considered that plant in this area could operate without significantly increasing noise audible at the nearest residential dwellings. It is within the interests of the hotel to install plant which is quiet given that any noise generated is more likely to affect customers than local residents. Nevertheless, a condition is proposed requiring details of all plant and machinery which is audible at neighbouring properties to be submitted and approved. This provides confidence that there would be no harm to amenity through noise as a result of the development. The EPU recommended a condition restricting delivery times. However, given the city centre location, the likely low level of deliveries associated with the proposed use, and the fact that it is in the hotels interest to carry out such activities without creating significant noise during sensitive hours of the day, it is not considered that this condition is necessary.

4.23 EPU recommends a condition requiring an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition. A condition is also proposed regarding the installation of an extraction system associated with the food preparation areas of the application site. This would ensure that there is no significant creation of odour in the surrounding area.

HIGHWAYS

4.24 The application is supported by a Transport Statement and Framework Travel Plan (in accordance with best practice/guidelines). The change of use is predicted to result in a net reduction in traffic generation as compared against typical office uses. Clearly the level of car parking influences travel mode choice and the 24 space car park is proposed to be retained (this being within LPA standards). The arrival/departure profiles from car travel associated with the Hotel and Restaurant, will not have any material implications on the highway network, the busiest hour is estimated to generate less than 10 car trips (total in/out).

4.25 No cycle parking has been indicated specifically within the submitted plans. In line with both transport policy and the importance of encouraging and facilitating cycling as a genuine option, it is felt that secure, covered and easily accessible/convenient cycle parking is provided within the site, this being essentially for staff employed by the end Hotel company and the Restaurant. Discussions and emails with the agent have provided assurance that such facilities can be accommodated within the buildings, either the main block or potentially the coach house. Despite such details not been demonstrated in plan form (up to the time of writing), it is felt that a suitably worded condition could be imposed which requires the submission of such details prior to the commencement of development. The officer preference would be for such cycle parking to be contained within the building rather than an external store.

4.26 Servicing of the building will take place primarily via the current access from St. Leonard's Place, utilising space within the car park for rigid vehicles to enter and exit in a forward gear. It may be preferable for the end user to modify some bay markings to formally facilitate this. Current use of the building as Council offices does generate some large servicing traffic (e.g. supplies) at this location, so nothing will alter in principle. However it is likely that the frequency of deliveries such as food/drink and other services such as laundry, will increase but not significantly. The other access to the building is from the rear lane via Library Square. The only noticeable servicing currently using this route is for refuse collection, with the wagons using Library Square and reversing down the lane. In the absence of any realistic alternative in this constrained city centre location, officers are accept that refuse wagons would still service the Hotel/Restaurant from here. However it would not be preferable for other service traffic to access via Library Square, which has quite recently been transformed by the Council into a place for people to enjoy, sit, and meet. Any increase in servicing traffic would be detrimental both environmentally and potentially from a safety perspective. Officers have therefore sought written assurances from the applicant/agent that they will work with the end operators, to promote and manage the bulk of servicing from the SLP access.

4.27 The 24 space car park at St Leonards Place is presently available to the public outside office hours. This loss is not predicted to create any problems in terms of parking availability for the public, as recent assessment of car parks in this part of the city has shown spare capacity well in excess of the 24 spaces even at the common peak times. This includes St. Marys, which is a convenient alternative.

SUSTAINABILITY

4.28 Policy GP4a of the Development Control Local Plan requires a sustainability statement to be submitted with a planning application. In addition, the Interim Planning Statement (IPS) on Sustainable Design and Construction provides additional guidance to developers in respect of complying with the sustainability requirements of Policy GP4a.

4.29 The submitted Planning Statement addresses issues of sustainability and Policy GP4a. This includes an Energy Statement which appraises potential low and zero carbon (LCZ) technologies which could be installed into the building. As the application is not submitted by a specific hotel operator, the applicants are seeking to retain some flexibility within the sustainability framework which has been submitted.

4.30 The applicant's submission identifies that the development aims to achieve a BREEAM 'Very Good' rating in accordance with the IPS. This is suggested to be conditioned if Members are minded to approve the application. The IPS also requires developments of this scale for at least 10% of a buildings energy demand to be met through LCZ technologies. At this stage the applicant has indicated a combination of micro CHP (combined heat and power) and air source heat pumps could be utilised. Use of these energy sources would exceed the 10% minimum requirement. However, as a hotel operator has yet to be confirmed, the preferred technologies may change. A condition is recommended that 10% of the building's energy demand is provided by LCZ technologies.

ECOLOGY

4.31 DCLP Policy NE6 states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating the proposed mitigation measures. Planning permission will only be granted for development that would not cause demonstrable harm to species protected by law or their habitats

4.32 The area around the application site is of value to bats with good quality foraging, commuting and roosting habitat. A survey was carried out by the applicants in March 2012 which concluded that the application site has a moderate potential for roosting bats. However, there are a number of hard to reach areas which were not surveyed and therefore at this point there is not sufficient evidence to determine whether bats use the buildings within the application site. The Council's Countryside Assistant believes that further survey work is therefore required. The applicants have agreed to carry out activity and emerging survey work, however at the time of writing this report it has not been completed. Once the report is received, it will be possible to determine whether there is a need for conditions and/or a license for any works would be required from Natural England. An update on this issue will be provided at Committee.

5.0 CONCLUSION

5.1 St Leonards Place and Museum St are to become vacant within the next year. The buildings are important individually as Grade II and II* listed as well as significantly contributing to the character of this part of the City Centre within the

Central Historic Core Conservation Area. Maintaining an active and economic use for these buildings is considered of utmost importance.

5.2 Due to the redevelopment and relocation of Council Services to West Offices there is to be no loss of office accommodation in real terms as a result of the proposed change of use. The buildings were originally built as individual housing and do not offer the type of office accommodation which is desirable in current times. The buildings cannot easily be adapted to meet modern office standards. Given the location of the application site within the heart of the city and being part of the proposed Cultural Quarter, it is considered that a hotel use is appropriate. The proposed development would retain the important character of the buildings whilst providing a new active and sustainable use.

5.3 For the reasons outlined in this report, the application is recommended for approval subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

- Drawing plans and reference numbers to be confirmed at Committee

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

3 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local

Planning Authority. The report of the findings must include:

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

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

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

4 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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

5 Prior to the first use of the hotel hereby approved, one electric vehicle recharge point shall be installed within the development site boundary to promote the use of low emission vehicles on the site. The location and specification for the recharge point shall be agreed in writing with the Local Planning Authority and the development shall be carried out in complete accordance with the approved details.

Reason: To promote the use of electric vehicles thereby contributing towards the aims of improving air quality within this Air Quality Management Area.

6 Construction work shall not begin until a scheme for protecting the proposed development from external noise has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the development is occupied.

Reason: To protect the amenity of future hotel guests

7 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is likely to be audible at any business, residential or hotel accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. 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.

Reason: To protect the amenity of local residents and businesses.

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

Reason: To protect the amenity of local residents and businesses

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

Monday to Friday 08:00 to 18:00

Saturday 09:00 to 17:00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents and businesses

10 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

DEFRA guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems available at:-

www.defra.gov.uk/environment/quality/noise/research/kitchenexhaust/documents/kit

Application Reference Number: 12/01975/FULM

Item No: 4a

chenreport.pdf should be consulted regarding the detail which is required to be submitted.

Reason: to protect the amenity of the neighbouring residents from odour and noise

11 Prior to the commencement of development full details of an artificial ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in complete accordance with the approved details prior to the first use of the hotel hereby approved.

Reason: To protect the amenity of future hotel guests

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants. The scheme shall include a suitable replacement tree, or trees, in place of the three Sycamores off Exhibition Square. The planting scheme shall be implemented within a period of six months of the first use of the hotel hereby approved. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

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

13 Prior to the commencement of development or associated operations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin where applicable. It is particularly important that the statement also includes construction details and methodology for the surfacing and kerbing of the car park.

Reason: To protect existing trees which are covered by a Tree Preservation Order

Application Reference Number: 12/01975/FULM

Item No: 4a

and/or are within a conservation area and are considered to make a significant contribution to the amenity of the development and public amenity.

14 Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall achieve at least a BREEAM Very Good rating (or equivalent) and at least 10% of the predicted energy requirements for the building shall be obtained from low or zero carbon technologies.

In addition the Considerate Construction scheme or equivalent shall be adhered to during construction, and all timber products used in construction shall be from sustainable sources.

Confirmation of how the building shall at least meet the 10% requirement shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and the development shall be carried out in complete accordance with the approved details..

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of first occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

15 Prior to the commencement of development details of the cycle parking areas, 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.

16 :Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in

writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

17 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines and the framework travel plan submitted with application 12/01975/FULM. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

Reason: To ensure the development complies with advice contained in NPPF, and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

18 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the extension walls and roof including areas of making good (supplemented by manufacturer's literature where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

19 Large scale details (scale 1:20 and 1:5) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of the development and the works shall be carried out in accordance with the approved details.

- drawings of the extension including sections and plans through all walls, roofs, roof terrace paving, and protective railings
- large scale details and/or manufacturers literature for all new external doors and windows (glazed and solid) associated with the new extensions and outside walls, details to include lintels, thresholds and reveals
- alterations to the former billiard room wall
- full section between the extension and the wall of number 6 St Leonards Place
- external alterations to the former finance centre including plans sections and elevations of the areas being changed including the glazed link to the rear
- plant, plant compounds, screens, extracts housing, vents and grill

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

20 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external hard landscaping materials to be used, including paths, paving, ramps, railings, gates and other fixed structures introduced into the grounds, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

21 Prior to the commencement of development, details of all external lighting, including locations, wiring runs, and details of luminaires, shall be submitted to and approved in writing by the Local Planning Authority. Ambient light levels shall be low particularly around trees. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure a visually acceptable appearance.

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

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

23 The existing rear garden area of St Leonards Place contains carved stonework. This stonework shall be retained on site as part of the garden unless otherwise specified through archaeological conditions and agreed in writing with the Local Planning Authority. These evidential remains should be protected whilst work is being carried out on site and the protective measures should be agreed with the Local Planning Authority. Notwithstanding the drawings the external ground level terrace being created shall be developed as a garden terrace rather than introduce a large area of hard paving.

reason: To create a visually acceptable appearance and to retain stones on site which are of archaeological value.

24 HWAY40 Dilapidation survey -

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Loss of employment use
- Principle of hotel use
- Impact on the character and appearance of the area
- Air quality
- Noise
- Neighbouring amenity
- Highways

- Sustainability

- Ecology

As such the proposal complies with Policies SP7a, GP1, GP4a, GP9, NE6, HE2, HE3, T4, E3b, S6, S7, and V3 of the City of York Development Control Local Plan.

2. Informatives

We would also recommend that the following informatives be placed onto the application to ensure the developers of the site are aware of the relevant Legislation governing their activities.

A) If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction 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 IIA of the Environmental Protection Act 1990.

B) The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- 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".
- 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.
- 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.

- 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.

C) There shall be no bonfires on the site.

D) The proposed hotel is sited within a smoke control area made under the Clean Air Act 1993. This legislation prohibits the burning of unauthorised fuel on open fireplaces or the burning of other fuels on non exempted fireplaces. For more information please contact the environmental protection unit on 01904 551555.

Contact details:

Author: Michael Jones Development Management Officer

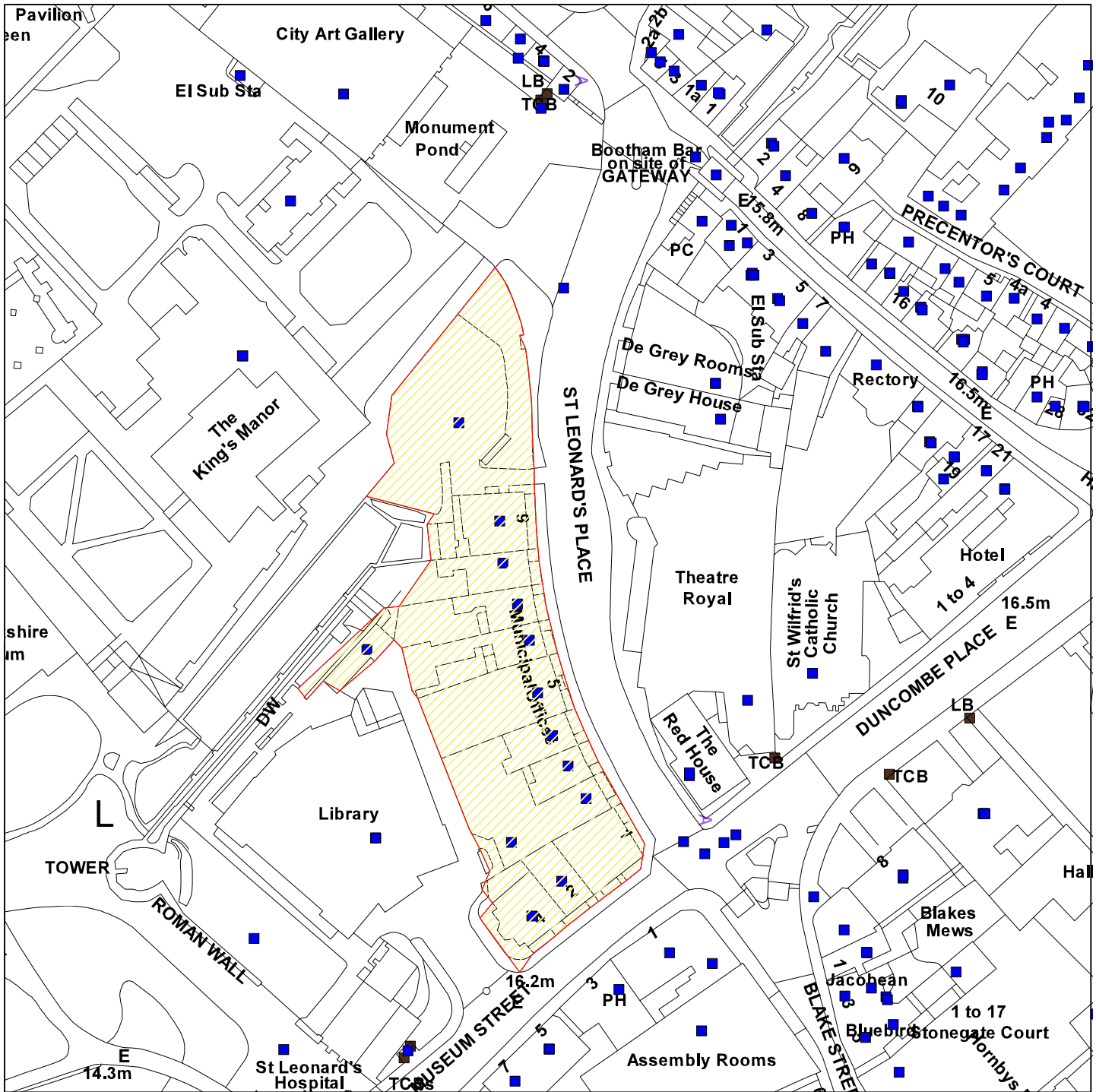
Tel No: 01904 551339

12/01975/FULM

City of York Council, 9 St Leonards Place



GIS by ESRI (UK)



Scale : 1:1250

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	Planning and Sustainable Development
Comments	
Date	13 August 2012
SLA Number	Not Set

This page is intentionally left blank

COMMITTEE REPORT

Date: 23 August 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 12/01976/LBC
Application at: City Of York Council 9 St Leonards Place York YO1 7ET
For: Internal and external alterations to 1-9 St Leonards Place and 2 and 4 Museum Street including alterations to internal walls and windows, selective demolition and erection of rear extension
By: Rusbond PLC
Application Type: Listed Building Consent
Target Date: 20 July 2012
Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks listed building consent for internal and external alterations of 1-9 St Leonards Place and 2 and 4 Museum St. This application is considered alongside a full application for the change of use of the application site into a hotel with restaurant and/or bar with ancillary business and leisure uses (Ref. No. 12/01975/FULM).

1.2 1-9 St Leonards is Grade II* listed, this listing includes the railings to the front. The buildings date from 1834, with the Terrace designed by John Harper with various architects creating individual interiors within the nine units. The buildings are three storeys in height with accommodation also in the basements and attics. 2 and 4 Museum St are Grade II listed, this listing includes the railings to the front and side. The buildings were designed by JB and W Atkinson and were constructed as two houses in 1851. The buildings are four storeys in height with a basement.

1.3 Both sets of buildings were designed to appear as separate unified building compositions. 1-9 St Leonard's Place was developed in response to a speculative venture by the York Corporation and the City Commissioners to increase rental value whilst creating a new street to by-pass the bottleneck of Bootham Bar. Its formal symmetrical stuccoed facade, described as 'palace like', masks the informality of the nine individual properties as seen from the rear. The buildings were created as houses with fine interiors designed by different architects, though no 1 originally housed the York Subscription Library and no 5 was initially used by the Yorkshire Club. The crescent form is unique within York and the classical composition, with its first floor decorative balcony and giant twinned pilaster detail, dignifies the street. Nos 2&4 Museum Street make a positive contribution to the setting of the structures around library square and the buildings are seen within views on a main approach to the Minster.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2_; 4 St Leonards Place York 0649

Listed Buildings GMS Constraints: Grade 2; 2 Museum Street York 0638

Listed Buildings GMS Constraints: Grade 1; Wall 2m N Of 9 St Leonard's Place York 0630

Listed Buildings GMS Constraints: Grade 1; Wall 5m North Of Kings Manor 0620

Listed Buildings GMS Constraints: Grade 2_; 6 St Leonard's Place York 0654

Listed Buildings GMS Constraints: Grade 2_; 5 St Leonard's Place York 0651

Listed Buildings GMS Constraints: Grade 2_; 8 St Leonard's Place York 0658

Listed Buildings GMS Constraints: Grade 2*; Council Offices 9 St Leonards Place York YO1 7ET 0660

Listed Buildings GMS Constraints: Grade 2_; 3 St Leonards Place York 0647

Listed Buildings GMS Constraints: Grade 2_; 7 St St Leonard's Place York 0656

Listed Buildings GMS Constraints: Grade 2; 4 Museum Street York 0636

Listed Buildings GMS Constraints: Grade 2_; 1 St Leonards Place York 0640

Listed Buildings GMS Constraints: Grade 2_; 2 St Leonards Place York 0645

Scheduled Ancient Monuments GMS Constraints: SMR 30 City Walls Bootham Bar To Museum Street 0176

2.2 Policies:

Application Reference Number: 12/01976/LBC

Item No: 4b

Page 2 of 12

CYHE4 -Listed Buildings

CYHE5 -Demolition of Listed Buildings and Buildings in Conservation Areas

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation and Sustainable Development (Conservation Architect) - The proposals demonstrate a realistic proposition which shows significant potential for a successful hotel with very limited, though justifiable, impact on the less significant parts of the building. See main body of report for detailed analysis of the proposal.

EXTERNAL

3.2 Guildhall Planning Panel - No objections.

3.3 York Civic Trust - Support the principle of the terrace being in one ownership and management. The submitted plans would have a minimum effect on the principle elevation to St Leonards Place. There is a collection of unsuitable buildings at the rear and the proposal would 'tidy' up this rear elevation without adversely affecting the overall appearance. Ten detailed points are raised covering:

- services for toilets/baths of each guest room not being stated;
- service entry to the rear should be limited to certain hours of the day to ensure that enjoyment of Library Sq is not compromised;
- partitions within the interior of the building should be scribed around cornices and be reversible with stud partitions having cornices replicated on the inside;
- remodelling for lifts and stairs, kitchen extract, and the extension to the billiard room could affect the interior of this historic building;
- the external signage needs to be carefully considered;
- consideration needs to be given to improving interior decorations and fire regulations;
- works to the Coach House would be acceptable as long as works replicate original features of the building;
- the loss of staircase number 5 to be replaced by a lift, this could be improved by providing a lift in the existing toilets on the half landing;
- there is a part of a fireplace wall which is proposed to be curtailed on the first floor of number 7;
- the drawings for the LBC needs to show the main features which would survive such as fireplaces, doors, cast-iron balustrade, ceilings, cornices, and staircases.

3.4 English Heritage - Awaiting comments regarding revised plans and details which were received following discussions with Council Officers and English Heritage. An update on this will be provided at Committee.

3.5 20th Century Society - No correspondence received.

3.6 The Georgian Group - No correspondence received.

3.7 Ancient Monuments Society - No correspondence received.

3.8 Council for British Archaeology - No correspondence received.

3.9 The Victorian Society - No correspondence received.

3.10 Society for Protection of Ancient Buildings - No correspondence received.

3.11 Other Third Parties - One letter received from a nearby resident states ; The redevelopment of St Leonards Place provides a very important opportunity to improve the presentation, access to, and the setting of the Roman fortress wall including the Anglian Tower which once formed part of St Leonards Hospital. The Anglian Tower is currently a dead end and in recent years has been closed off which has had a negative effect on the quality of the experience of the area. There is an impressive and interesting view of York from the top of the earthen rampart looking down onto the Anglian Tower and along the line of the Roman fortress wall towards the Multangular Tower. At present there is no sign or footpath leading to this viewing point. The present application presents an opportunity to create a viewing point. This suggestion needs to be seen in relation to current preparation of a Conservation Management Plan for the area around the City Library. It is suggested that this opportunity for improving the presentation, access to, and the setting of an extremely important set of ancient monuments is given very serious consideration and taken into account in the determination of the planning application.

4.0 APPRAISAL

4.1 The key issues are the impact on the character, appearance and setting of the listed buildings.

4.2 The NPPF seeks to conserve and enhance the historic environment. Paragraph 126 states that Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

4.3 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. Paragraph 134 goes on to states 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 viable use.

4.4 Policy HE4 of the Development Control Local Plan (DCLP) states that consent will only be granted for demolition, internal and external alterations, and change of use of a listed building where there is no adverse effect on the character, appearance or setting of the building.

4.5 The applicants have approached the proposed change of use by firstly considering the existing and original fabric of the building. Assessing what the key features are and trying to devise a scheme around this framework that would work for a hotel operator. The original development of the application site created 9 units along St Leonard's Place and 2 units on Museum St. These individual units have been altered over time, most recently by the Council as occupants to create usable office accommodation. The most significant alterations were to allow access between the original individual units. The need for horizontal movement between the individual units provides one of the greatest challenges to converting the application site into a hotel which meets end user requirements.

4.6 The submitted Heritage Statement adequately supports the application. Whilst it does not entirely follow the Conservation Principles Approach it identifies important qualities of the building and its setting, and it describes how the scheme has been designed to avoid or mitigate impact in the most significant areas.

4.7 The functions of the hotel have been disposed to work within the existing configuration of spaces. However the buildings are over 100m in length overall and whilst it would be desirable to avoid internal corridors between houses on the principle floors, it is not possible to do so whilst achieving a high degree of accessibility for clients and also efficient circulation for hotel staff. Omitting the connecting corridors would result in a higher number of lifts being required and this would be destructive of the fabric.

4.8 The architect has used the existing configuration of rooms to inform the amount and disposition of accommodation. Generally there appears to be a high degree of retention in most areas allowing the individuality of the building interiors to be appreciated and understood as former houses.

4.9 Surprisingly the office use has enabled a high degree of retention of original layouts, interiors and decorative details (Nos. 1-4 have been altered more than 5-9). In the current proposals there are areas where the fine interiors would be better revealed than at present, such as in the central area at first floor (No. 5) where room divisions would be removed and the tri-partite ceiling would be revealed. Similarly there would be an increase in the quality of the interior of the ground floor as the central corridor could be removed and rooms restored to their original size.

4.10 There are limited areas where loss of fabric would be required to allow for the new use. These are generally in areas of less significance such as:- in the entrance hall of no2 Museum Street where a connection is required into the restaurant; at the entrance to the former billiard room to avoid crowding and to provide better access to facilities in the basement; two service staircases would be removed to meet regulations with regard to means of escape and to provide lift access. These areas have been inspected with the Historic Buildings Inspector from English Heritage and, subject to a recording condition and further large scale details provided through conditions, the losses would appear to be justified.

4.11 Further indicative room layouts have been provided at larger scale showing how the corridors would be introduced through the principal rooms to avoid undue impact. The walls would stop well below ceiling height to enable the rooms to be experienced as a whole; they would avoid decorative details at the abutment position, they would be simply detailed as contemporary interventions to assist legibility. These would be reversible introductions. Further large scale details will be required through conditions.

4.12 The former library in no 1 St Leonard's Place would be further subdivided. However the additional walls would follow the line of the beams which have already been introduced to support the more recent insertion of an intermediate floor. So the additional impact is limited.

4.13 In general it is the intention to retain doors, fireplaces, principal staircases, other elements and their decorative details, unless expressly stated where removal has been justified. To assist with communication on site a room by room schedule should be prepared at 1: 50 showing only items to be removed/altered. A comprehensive photographic record should also be made following EH Guidance in accordance with level 1 recording condition.

4.14 The large scale indicative bedroom layouts show several ways in which bathrooms could be introduced into the principal rooms without harming their spatial quality. The drawings should be listed in the conditions.

4.15 These additional drawings indicate how the rooms might be serviced with plumbing, drainage and ventilation. The option of providing the duct through the chimney has not been explored fully. This is our preferred option and large scale drawings should be provided through conditions.

4.16 Large scale drawn information has been submitted showing how secondary glazing could be introduced whilst still allowing the shutters to be eased for use. Shutters should be eased to increase thermal and acoustic performance and provide privacy. The addition of blinds or curtains close to the window (if required) should be covered by condition.

4.17 An outline fire strategy has been indicated which divides the basement into separate compartments and identifies means of escape routes. Generally the staircases and bedrooms are separated by corridors acting as fire lobbies. Existing doors on escape routes would be upgraded to ½ hr resistance through application of intumescent paint or paper. Fire shutters would need to be added to lifts in identified areas but these would be designed into the lift compartment to reduce their impact on the interiors.

4.18 The abutment details between new extensions and the rear facade would need to be carefully detailed and this should be covered through conditions. In addition making good areas where extensions have been removed should be detailed further to demonstrate how existing features (eg colour glass, stair-windows) would be retained and incorporated.

4.19 Roof level plant is shown as being included in localized areas of the central valley where it would not be seen; and above the billiard rooms where it would be screened. Kitchen extracts have been integrated in the angle between the two buildings. Further details will be required through conditions when the systems can be fully designed for an operator.

4.20 Proposals for repair and re-decoration would improve the long term health of the building and improve its appearance within the conservation area. Details of how the interiors would be redecorated should be covered through conditions. Generally earlier schemes of interior decoration should be retained beneath new paint layers unless a paint analysis is carried out.

4.21 The documentation states that external areas would be improved; however there is little drawn information to show how this would be achieved at detailed level and we have concerns about the loss of trees and the loss of carved stonework within the garden. So a landscape condition should be added covering all external

areas, the car park and the new terrace which includes: hard and soft landscape (including any walls), lighting, gates, railings, other boundary treatments and the placing and design of ancillary structures such as cycle parking. It would also be desirable to improve the appearance of the external wall along the rear lane.

4.22 There will be archaeological requirements to fulfil in accordance with a specification from the City Archaeologist. The loose medieval stonework within the garden should be retained on site unless otherwise specified by the city archaeologist.

4.23 A separate application for signage would be expected when a hotelier has been identified

4.24 The conversion scheme has been well considered to mitigate impact on the special architectural and historic interest of the building. The proposals demonstrate how robust the original building designs are in being able to accommodate the changes required by the new use. The additional information provides assurance that a viable scheme can be achieved without causing substantial harm to the buildings. The new use would compliment other uses in the area and enable the buildings to be enjoyed by a wider range of people.

5.0 CONCLUSION

5.1 It is considered that, subject to conditions, the proposed development would have no adverse effect on the character, appearance or setting of the building. As such the application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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

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

- Drawing plans and reference numbers to be confirmed at Committee

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

3 A fully detailed schedule of repairs and redecoration shall be provided for approval. This shall include specifications of materials and methods where appropriate and recommendations for a maintenance regime. The development shall be carried out in complete accordance with the approved details.

Application Reference Number: 12/01976/LBC

Item No: 4b

Reason: To protect and preserve the appearance and character of the listed buildings

4 Prior to the commencement of development, large scale details of elevations and sections of each house shall be submitted. Similarly, drawings shall be submitted for proposed works of alteration and making good associated with the new extensions. Any modifications shall be annotated. Existing materials and details shall be retained unless otherwise specified. The development shall be carried out in complete accordance of the approved details.

Reason: To protect and preserve the appearance and character of the listed buildings

5 Prior to the commencement of development a full set of record photographs shall be taken on a unit by unit basis. Photos should be cross referenced to key plans and elevations in accordance with recommendations for a level 1 recording standard as specified in English Heritage's publication 'Understanding Historic Buildings' A guide to good recording practice. Copies shall be made available to the LPA for inclusion on the Historic Environment Record and a further set shall be deposited with the City Archive.

These photos should be used to inform the design work to help ensure that details are not overlooked or harmed unnecessarily.

Reason: To protect and preserve the appearance and character of the listed buildings

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

- As existing and as proposed drawings of each space shall be prepared at 1:20 or 1:5 depending on the level of detail required and they shall be annotated with proposed alterations. All fixtures and fittings shall be marked up on the drawings (e.g. chimney pieces, doors, architraves, cornices, plasterwork, cupboards, skirtings and other joinery etc). Drawings of the existing situation shall be supplemented by photographs. It is taken that all historic features remain in-situ unless specifically marked on the drawings for removal and prior written agreement has been obtained from the LPA. These drawings could be themed according to the proposed use in order to avoid duplication of any spaces which are the same. A copy of the as proposed drawings shall be attached to the wall in the relevant space during the works. The information shall be provided to the LPA for approval and details should be made available for inclusion on the HER.

- Alterations to staircases and stair compartments
- lifts and lift compartments (including integration of fire shutters)
- internal ramps,
- new and altered doors, doorcases and screens (including up-grading for fire resistance and any alterations to ironmongery).
- typical blocking details at door positions. Doors and their architraves must be retained in-situ.
- inserted corridor partitions and integral doors (including abutment conditions)
- details of bathrooms
- new internal openings within the historic buildings (linings might be provided in some areas and exposed arises should be softened)
- details of secondary glazing shown in context(drawings have already been supplied)
- any fixtures or fitting to windows
- a method statement for over-hauling windows (including easing shutters and changes to ironmongery)

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

7 Prior to the commencement of development a method statement shall be submitted and approved in writing by the Local Planning Authority covering the below listed items of work. The statement shall be supplemented with drawings/specifications as necessary showing the ductwork/pipework/wiring runs. The development shall be carried out in complete accordance with the approved details.

- Plumbing and above basement level drainage
- Ventilation provision
- Mechanical & Electrical services for heating and lighting (sub-contractors drawings will not be accepted)
- Fire strategy - measures for prevention, detection, and means of escape (some

drawings have already been received)

- Acoustic attenuation between spaces
- Removal of any asbestos
- New interior lighting scheme
- Any special measures to upgrade basement areas in respect of damp in proposed habitable rooms
- Any special measures for kitchens and kitchen storage areas

Reason: To protect and preserve the appearance and character of the listed buildings

8 Details of the general approach to the interior design shall be provided and these shall be supplemented by large scale details and specifications of any fixtures and fittings. Generally earlier schemes of decoration should be retained beneath new paint and paper layers unless a paint analysis is agreed and carried out before work commences.

Reason: To protect and preserve the appearance and character of the listed buildings

9 All new partitions within the buildings shall be scribed around existing architectural details.

Reason: To protect and preserve the appearance and character of the listed buildings

10 The 'making good' of all parts of the buildings shall be carried out to a high standard to match existing materials, details and finishes.

Reason: To protect and preserve the appearance and character of the listed buildings

11 Prior to installation of any renewable energy generation, details of locations, fixings and equipment for renewable energy generation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect and preserve the appearance and character of the listed buildings

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character, appearance and setting of the Grade II* and II listed buildings. As such the proposal complies with Policies HE4 and HE5 of the City of York Development Control Local Plan and the guidance within the National Planning Policy Framework.

Contact details:

Author: Michael Jones Development Management Officer

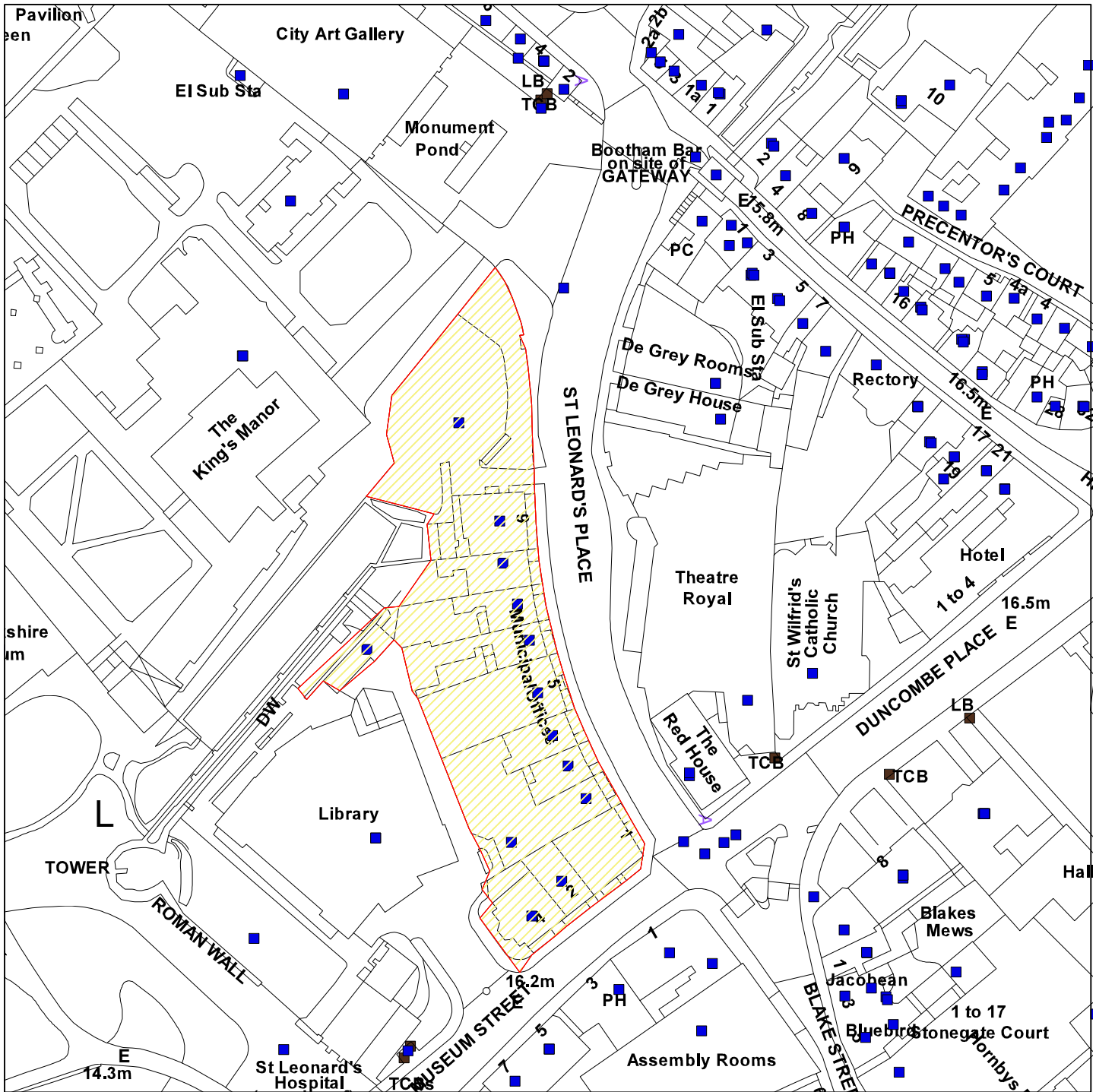
Tel No: 01904 551339

12/01976/LBC

City of York Council, 9 St Leonards Place



GIS by ESRI (UK)



Scale : 1:1250

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	Planning and Sustainable Development
Comments	
Date	13 August 2012
SLA Number	Not Set

This page is intentionally left blank



Planning Committee23rd August 2012**Appeals Performance and Decision Summaries****Summary**

- 1 This report (presented to both Sub Committees and Main Planning Committee) informs Members of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st April to 30th June 2012, and provides a summary of the salient points from appeals determined in that period. A list of outstanding appeals to date of writing is also included.

Background

- 2 Appeal statistics are collated by the Planning Inspectorate on a quarterly basis. Whilst the percentage of appeals allowed against the Council's decision is no longer a National Performance Indicator, it has in the past been used to abate the amount of Housing and Planning Delivery Grant (HPDG) received by an Authority performing badly against the average appeals performance. Appeals performance in York has been close to (and usually above) the national average for a number of years.
- 3 The table below includes all types of appeals such as those against refusal of planning permission, against conditions of approval, enforcement notices, listed building applications and lawful development certificates. Figure 1 shows performance on appeals decided by the Inspectorate, in each CYC Sub Committee area and in total, from periods from 1st July 2011 and 30th June 2012, and 1st April 2012 to 30th June 2012.

Fig 1: Appeals Decided by the Planning Inspectorate To 30th June 2012 in Quarter and 12 month Period

	1/4/12 to 30/6/12 (Last Quarter)			1/7/11 to 30/6/12 (Last 12 months)		
	East	West/ Centre	Total	East	West/ Centre	Total
Allowed	6	1	7	9	6	15
Part Allowed	1	0	1	1	0	1
Dismissed	4	1	5	16	15	31
Total Decided	11	2	13	26	21	47
% Allowed	54.0	50.0	53.85	34.61	28.57	31.91
% Part Allowed	16.67	0	7.69	3.85	0	2.13
Withdrawn	0	0	0	2	2	4

Analysis

- 4 The table shows that between 1st April and 30th June 2012, a total of 13 appeals relating to CYC decisions were determined by the Inspectorate. Of those, 7 were allowed. At 53.85%, this rate of appeals allowed is significantly higher than the 33% national annual average. The appeals that were allowed in the quarter highlighted certain issues
- i) The Council decided the related applications decided prior to the publication of the National Planning Policy Framework. However the appeals were decided following its publication and so the guidance within the Framework was taken into account by the Inspectorate. In particular the lack of a formal local plan and the employment land strategy within the draft Core Strategy were highlighted as issues.
 - ii) In one appeal, the use of conditions to secure contributions towards open space provision was considered contrary to Circular 11/95 related to the use of conditions. It was suggested that a Section 106 legal agreement was the appropriate method for securing financial contributions. Other appeal decisions have accepted the use of the condition, which is constructed to allow financial contributions as one option for provision of a contribution (the other being on or off site land). Nonetheless officers have produced a draft template for a Section 106 Unilateral Obligation for completion by an applicant and to be used as part of the pre-application and application process, which can more readily allow payments to be agreed prior to issue of the planning permission, rather than delay the issue of a consent pending the formulation and completion of full Section 106 Agreements.

- 5 Between 1st July 2011 and 30th June 2012, CYC performance was 31.91 % allowed, higher than the previously reported 12 month period of 27.08% but still below the national average.
- 6 The summaries of appeals determined since 1st April are included at Annex A. Details as to whether the application was dealt with under delegated powers or Committee (and in those cases, the original officer recommendation) are included with each summary. Figure 2 below shows that in the period covered, one appeal determined related to applications refused by Committee.

Figure 2: Appeals Decided against Refusals by Committee 1st April to 30th June 2012

Reference	Site	Proposal	Outcome	Officer Recom.
11/01468/OUT	Arabesque House, Monks Cross Drive	Retail warehouse after demolition of existing offices	Allowed	Refuse
11/02371/FUL	93 Newland Park Drive	Extensions	Allowed	Approve
11/02371/FUL	1 Meam Close	First floor extension	Dismissed	Approve
11/02318/FULM	Plot 6b Great North Way Poppleton	Care Home	Allowed	Refuse

- 7 The list of current appeals is attached at Annex B. There are 26 appeals lodged with the Planning Inspectorate, 9 in the West and City Centre Sub Committee area and 17 in the East Sub Committee area. 16 are proposed to be dealt with by the Written Representation process (W), 4 by Informal Hearing (I), 5 by the Householder procedure (H) and 1 by Public Inquiry (P).

Consultation

- 8 This is essentially an information report for Members and therefore no consultation has taken place regarding its content.

Corporate Objectives

- 9 The report is relevant to the furthering of the Council's objectives of making York a sustainable City, maintaining its special qualities, making

it a safer city, and providing an effective organisation with high standards.

Implications

- 10 Financial – There are no financial implications directly arising from the report.
- 11 Human Resources – There are no Human Resources implications directly involved within this report and the recommendations within it other than the need to allocate officer time towards the provision of the information.
- 12 Legal – There are no known legal implications associated with this report or the recommendations within it.
- 13 There are no known Equalities, Property, Crime & Disorder or other implications associated with the recommendations within this report.

Risk Management

- 14 In compliance with the Council’s risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

- 15 That Members note the content of this report.

Reason: So that members can continue to be updated on appeal decisions within the CYC area and informed of the planning issues surrounding each case for future reference in determining planning applications.

Contact Details

Author:

Jonathan Carr,
Head of Development
Management,
Directorate of City Strategy

01904 551303

Chief Officer Responsible for the report:

Mike Slater
Assistant Director Planning & Sustainable
Development, Directorate of City Strategy

**Report
Approved**



Date 30th July 2012

Specialist Implications Officer(s) None.

Wards Affected:

All Y

For further information please contact the author of the report.

Annexes

Annex A – Summaries of Appeals Determined between 1st April and 30th June 2012

Annex B – Outstanding Appeals to 30th July 2012

This page is intentionally left blank

Appeal Summaries for Cases Determined 01/04/2012 to 30/06/2012

Application No: 11/00497/FUL
Appeal by: Mr Robert Winston
Proposal: Conversion of stable to 2 bed holiday let (resubmission)
Address: Holly Tree Farm Murton Way York YO19 5UN

Decision Level: DEL
Outcome: ALLOW

The application was refused because the site was in the functional flood plain (zone 3b). As part of the appeal the applicant commissioned a Flood Zone Investigation which re-categorised the land within Zone 3a. This was accepted by the Environment Agency and the City Council and as such the appeal was contested only in respect of an inadequate flood risk assessment and the raising of ground levels around the site. The Inspector concluded that the conversion of the building could proceed without an unacceptable increase in flood risk in the area, and as such would not conflict with the NPPF, its associated Technical Guidance of the Council's Strategic Flood Risk Assessment. In imposing conditions he considered it necessary and reasonable to restrict the use of the building to holiday accommodation and that a further flood risk assessment was necessary to safeguard future users of the accommodation. He also required that the existing ground levels be retained to prevent the displacement of water in the event of flooding. An application for the Council to pay the appellant's costs was refused.

Application No: 11/00869/FUL
Appeal by: Miss J Graves
Proposal: Erection of 2no. pig rearing units to rear (retrospective)
Address: The Market Garden Eastfield Lane Dunnington York YO19 5ND
Decision Level: DEL
Outcome: DISMIS

The application sought retrospective planning permission for the erection of two pig rearing units at the Market Garden in Dunnington. The application was refused on the grounds that the development is harmful to neighbouring amenity through odour generated within the pig rearing units and the associated storage of waste. The pig rearing units are in close proximity to a large number of residential dwellings and evidence provided by local residents clearly identified that the units have a significantly harmful impact on the living conditions of local residents and their ability to enjoy their homes and gardens. The Inspector concluded that the proposed pig activities at the site represented a substantial business venture which is in close proximity to a large number of residences. Despite weather conditions on the day of the site visit resulting in relatively low odour levels, the Inspector concluded that the proposal could cause significant odours which would harm the amenity of local residents. The Inspector stated that the number of objections received highlighted the odour problems which the pig enterprise creates. The appeal was dismissed.

Application No: 11/01015/FUL
Appeal by: St Peters School
Proposal: Erection of two storey dwelling to the rear
Address: St Catherines House 11 Clifton York YO30 6AA

Decision Level: DEL

Outcome: DISMIS

The application sought planning permission for the erection of a two storey dwelling to the rear of 11 Clifton. The application site would be occupied in connection with St Peter's School and the proposed house would be accessed via the school grounds. The application was refused on two grounds. The first was the visual impact on the character and appearance of Clifton Conservation Area. The second was that the proposed building could result in the loss of two trees within the curtilage which were considered to positively contribute to the character and appearance of the area. The appeal was dismissed on the grounds of the Council's reasons for refusal. The Inspector concluded that the application site is an important open space and provides a suitable interface between the older residential developments along Clifton and the later higher density developments to the south west. Views of the site from North Parade were considered to be particularly important as the application site provides a green open outlook from what is an enclosed victorian street. The proposed development would erode this. The Inspector agreed with the Council that the Sycamore and Copper Beach trees on the site are of importance and contribute to the character and appearance of the area. Whilst the applicants specialist stated that the development could be created without harming these trees, the Inspector felt that the plans had no margin for error and the trees could be damaged despite tree protection measures. It was also felt that the size of the trees and their closeness to the proposed house would result in pressure for them to be felled in the future. For the reasons above the Inspector did not feel that the application represented sustainable development and the appeal was dismissed.

Application No: 11/01468/OUTM
Appeal by: Smith And Ball LLP
Proposal: Outline application for erection of a retail warehouse following demolition of existing office building (resubmission)
Address: Arabesque House Monks Cross Drive Huntington York

Decision Level: COMPV

Outcome: ALLOW

The was an appeal against the refusal of planning permission for the demolition of an office building and erection of retail warehouse development at Monks Cross. The reason for refusal related to the need to maintain a menu of office properties around different sites in the city, of varying sizes and quality providing for the immediate and longer term employment requirements of York. The Inspector allowed the appeal considering in spatial terms that the site is as much a part of the retail area as the partially developed office area. Weight attached to RSS diminished by forthcoming likely abolition but in any event its relevance, other than in the broadest sense is minimal. Inspector says relying on the core strategy policies at the stage when it has not been independently examined and tested against the evidence base is counter to the intention of national policy that decision taking should be genuinely plan-led. The draft local plan does not accord with Paragraph 215 of the NPPF and so little weight can be afforded to it, but the employment aims of E3b are similar to the framework requirements. The Inspector's view was that the choice and churn required by the core strategy policies have not been sufficiently tested through the independent assessment process and little weight could therefore be attached to having an excess of supply to provide choice in the office market. The Inspector attached weight to the fact that the building could be demolished even without any new scheme being brought forward and to the fact that employment would come from the retail use of the site despite the proposal being speculative and such employment not be certain. Despite objections from third parties the Inspector saw no reason why a bulky good retail could not be acceptable on the site. The view was that when the core strategy got closer to adoption policies within it may preclude further such developments

Application No: 11/02318/FULM
Appeal by: Miss Tracey Kay
Proposal: Erection of 3 storey 64 bed care home for older people
Address: Plot 6 Great North Way Nether Poppleton York

Decision Level: CMV

Outcome: ALLOW

The decision was recommended for refusal following a strong objection from City Development and their concerns that the loss of the site would cause the loss of usable employment land that was immediately available for development (CD argued that the usable employment land figure availability was less than the figure for employment land availability) and that the use was not considered an employment use as set out in PPS4. Committee refused the application on the same grounds. Between the decision and the appeal the NPPF was issued which stated that policies should avoid the long term protection of employment use sites. The definition of employment that was in PPS4 was not carried over into the NPPF. The Inspector considered that as a garden centre has been allowed on the neighbouring site and that the Monks Cross Stadium site was being considered that the loss of this site was not considered to be significant. The Inspector concluded that the benefits of the provision of employment opportunities through the provision of a care home, together with the community benefits associated with that provision, outweighs any disbenefit from the loss of a relatively small area of B1, B2 or B8 employment use land.

Application No: 11/02371/FUL
Appeal by: Mr And Mrs Luke-Wakes
Proposal: First floor side extension
Address: 1 Meam Close Osbaldwick York YO10 3JH

Decision Level: CMV

Outcome: DISMIS

The East Area Planning sub-Committee refused the application because of the oppressive and overbearing impact on the adjacent neighbours and impact on the street scene. On the basis that the proposal would create an incongruous feature by occupying part of the gap above the adjoining garages. The inspector dismissed the application because of the extension would articulate the overall facade of the building creating a poorly proportioned gap that would be incongruous in the street scene. However, the inspector ruled out the neighbour amenity issues.

Application No: 11/02711/FUL
Appeal by: Mr And Mrs Pierson
Proposal: Removal of condition 7 (open space) for approved outline application 10/02271/OUT for erection of detached bungalow
Address: Yew Tree House Vicarage Lane Naburn York YO19 4RS

Decision Level: DEL

Outcome: ALLOW

Outline planning permission was granted for a bungalow (10/02271/OUT). The permission included the council's standard open space condition requiring a financial contribution of #1172. A s.73 application later sought to remove the condition on the ground that there was sufficient open space in the area. The council acknowledged that, in the interim, a children's play area had been provided in the village. Nevertheless there remained a shortfall in the other categories of open space. The council therefore did not remove the condition but reduced to #680 the amount quoted in the informative. The applicant appealed. The inspector quoted paragraph 83 of Circular 11/95 which states that, when granting planning permission, a local planning authority cannot require, by means of a planning condition, a financial contribution from the developer. As such, condition 7 was clearly contrary to the advice. He said that if a contribution were justified the council should have negotiated it by means of a s.106 obligation. Notwithstanding this, and even if it were reasonable to seek a contribution by means of a planning condition, there was no certainty or specificity as to the sorts of open space to which the money would have contributed. The council indicated only that any money would probably be spent on improving sports pitches in Fulford without any details of what this might entail or the necessity for it. Condition 7 was neither necessary nor reasonable, contrary to the tests in Circular 11/95. Accordingly, the appeal was allowed and condition 7 was removed.

Application No: 11/02774/FUL
Appeal by: Mr And Mrs Rodwell
Proposal: Single storey side and rear extension with rooms in roof (amended scheme)
Address: 42 Dikelands Lane Upper Poppleton York YO26 6JF

Decision Level: DEL

Outcome: DISMIS

Two main issues regarding the effects of the proposed extension. The effect upon the appearance and character of the host bungalow and the surrounding area. Second, the effect upon the living conditions of the neighbouring residents at No 2 Montague Walk with particular regard to levels of sunlight and visual impact. The proposed rearward extension would be intrusive in views from Dikelands Lane. It would not appear subservient to the modest bungalow but instead disproportionate and unduly dominating the host building in views from Dikelands Lane. The Inspector concluded that the rear extension would harm the appearance and character of the host bungalow and the surrounding area. The works to the front garage elevation would add interest and be more in keeping but does not outweigh the detrimental impact of the rear section. The Inspector also concluded that there would be an increased overshadowing effect upon the secondary kitchen/breakfasting window and a reduction in afternoon/evening sun to the adjoining section of rear garden of the neighbouring property. The enlarged structure would in addition have an intrusive and overbearing effect upon the neighbours rear rooms and garden. He concluded there would be unacceptable harm to the living conditions that the neighbours at No 2 could reasonably expect to enjoy.

Application No: 11/02949/FUL
Appeal by: Mr Richard Pearce
Proposal: Garage to side after demolition of existing sheds (resubmission)
Address: Glencoe Main Street Elvington York YO41 4AG

Decision Level: DEL

Outcome: DISMIS

Planning permission was refused on the basis that the garage because of its size and scale would have a negative visual impact on the character and appearance of the conservation area by virtue of its mass, design and inappropriate detailing. The inspector considered that Glencoe is an important component within this part of the Conservation Area, where built development is characterised by cottages in the local vernacular and larger period properties surrounding the open expanse of The Green. The inspector dismissed the appeal on this basis the scale and proportions of the building and the inappropriateness of the garage door would be evident, resulting in a disruptive feature in the Conservation Area.

Application No: 11/03052/FUL
Appeal by: Mr And Mrs Poole
Proposal: Single storey rear extension
Address: 40 Fordlands Road York YO19 4QG

Decision Level: DEL

Outcome: ALLOW

permission was refused for the following reason. 'The proposed rear extension would project approximately 5 metres from the rear elevation of the application property, in close proximity to the boundary with the adjoined semi-detached property at no. 42 Fordlands Road. It is considered that the size and scale of the extension is such that the development would unduly dominate the side boundary and would cause significant harm to light levels and outlook. As such the proposal conflicts with policy GP1 (criterion i) and H7 (criterion d) of the City of York Draft Local Plan (fourth set of changes) approved April 2005.' The inspector stated that the existing high hedge between the properties, although a less permanent, solid feature than the extension proposed, should be taken into account when assessing the impact. He asserted that an extension projecting 3 metres could be erected under permitted development, which together with a 2 m high fence beyond, would not be significantly different to the proposed extension. He considered that the necessary removal of the hedge to make way for the extension would be an improvement to the outlook from the adjoining property.

Application No: 11/03187/FUL
Appeal by: Mr And Mrs Prescott
Proposal: Extension to garage and erection of boundary wall
(retrospective / resubmission)
Address: 4 Springbank Avenue Dunnington York YO19 5PZ

Decision Level: DEL

Outcome: PAD

The appeal related to alterations to a previously approved garage and retention of a front boundary wall. The Council was not opposed to the alterations to the approved garage. However, planning permission was refused for the retention of the boundary wall as it was considered that the higher section of the wall and timber infill panels would, as a result of its design and scale, appear as an unduly imposing and incongruous feature, which would be out of character with other front garden boundaries within Springbank Avenue. The Inspector concurred, asserting that along Springbank Avenue front boundary walls are generally very low, which gives the street an open and uncluttered character, with views over front gardens. He concluded that amidst such surroundings the front boundary wall at 4 Springbank Avenue looks incongruous and unduly imposing. It makes this part of the road appear far more built up and obscures views of front gardens. As a result it detracts from the streetscene. The appeal was allowed insofar as it related to the alterations to the approved garage, but was dismissed in respect of the retention of the wall. It is understood that the wall has subsequently been reduced in height and now falls within permitted development tolerances.

Application No: 11/03191/FUL
Appeal by: Mr Steve Oates
Proposal: First floor side extension
Address: Kilburn View Murton Way York YO19 5UW

Decision Level: DEL

Outcome: ALLOW

The application was for a first floor rear extension with balcony. The application property is a recent back land development in the conservation area. The area still has in parts the visual character of an agricultural settlement. It was felt that the development would further encroach on open land and that the balcony would appear unduly ornate in its context. The Inspector allowed the appeal. He considered that there was a wide variety of building styles in the conservation area and that the first floor rear extension would have minimal impact on the open character.

Application No: 12/00091/FUL
Appeal by: Mr D Rose
Proposal: First floor side and rear extension.
Address: 93 Newland Park Drive York YO10 3HR

Decision Level: CMV

Outcome: ALLOW

This application was to erect a first floor side extension and single storey rear extension which was recommended for approval. The East Area Planning sub-Committee refused the application because of the visual appearance within the street scene. The inspector allowed the appeal on the basis that it was felt the extension would be in accordance with the councils SPD, thus it would harmonise with the visual appearance of the surrounding area. Furthermore there would be no impact on residential amenity. The inspector confirmed that the proposal was for a residential extension and the local objections relating to student occupation could not be considered as part of the application.

Decision Level:

DEL = Delegated Decision

COMM = Sub-Committee Decision

COMP = Main Committee Decision

Outcome:

ALLOW = Appeal Allowed

DISMIS = Appeal Dismissed

PAD = Appeal part dismissed/part allowed

Outstanding appeals

Officer: Andy Blain						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
05/10/2011	11/00044/EN	APP/C2741/F/11/2160562	W	91 Micklegate York YO1 6LE	Appeal against Enforcement Notice	
Officer: Carolyn Howarth						Total number of appeals: 2
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
14/03/2012	12/00020/REFL	APP/C2741/E/12/2172676	W	36 Clarence Street York YO31 7EW	Single storey outbuilding to rear	
04/05/2012	12/00027/REF	APP/C2741/A/12/2174584	W	7 The Horseshoe York YO24 1LY	Dormers to front and rear	
Officer: Diane Cragg						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
10/02/2012	12/00008/REF	APP/C2741/H/12/2170797	W	Sainsbury Plc Monks Cross Drive Huntington York YO32	Display of 4no. timber frame banner signs	
Officer: Heather Fairy (Mon - Wed)						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
17/07/2012	12/00039/REF	APP/C2741/D/12/2178222	H	21 Wolsey Drive Bishopthorpe York YO23	Erection of 6ft boundary fence (retrospective)	
Officer: Jonathan Kenyon						Total number of appeals: 1
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
26/04/2012	12/00028/REF	APP/C2741/A/12/2173369	W	Site To Rear Of 22A Huntington Road Dennison	2no. semi-detached dwellings	
Officer: Kevin O'Connell						Total number of appeals: 4
Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:	
27/02/2012	12/00009/REF	APP/C2741/X/12/2170664	W	2 St Aubyns Place York YO24 1EQ	Use of property as a House in Multiple Occupation	
14/03/2012	12/00017/REF	APP/C2741/X/12/2172646	W	25 The Avenue Haxby York YO32 3EH	Certificate of lawfulness for proposed siting of caravan/mobile home within the curtilage	

12/06/2012	12/00034/REF	APP/C2741/A/12/2174807	W	Fleurdelys 5 Princess Road Strensall York YO32 5UE	Erection of dwelling following demolition of existing dwelling (resubmission)
12/06/2012	12/00035/REF	APP/C2741/A/12/2174807	W	Fleurdelys 5 Princess Road Strensall York YO32 5UE	Demolition of dwelling (resubmission)

Officer: Michael Jones **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
13/03/2012	12/00015/REF	APP/C2741/A/12/2170530	W	12 Malton Way York YO30 5SG	Two no. 2 storey detached dwellings with garages after demolition of existing bungalow and outbuildings (amended scheme)

Officer: Matthew Parkinson **Total number of appeals: 6**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
17/06/2011	11/00026/EN	APP/C2741/C/11/2154734	P	North Selby Mine New Road To North Selby Mine	Appeal against Enforcement Notice
20/03/2012	12/00023/EN	APP/C2741/C/12/2172765	I	238 Strensall Road York YO32 9SW	Appeal against Enforcement Notice
20/03/2012	12/00024/EN	APP/C2741/C/12/2172766	I	238 Strensall Road York YO32 9SW	Appeal against Enforcement Notice
11/05/2012	12/00030/EN	APP/C2741/C/12/2176016	W	House Of James Stamford Bridge Road Dunnington	Appeal against Enforcement Notice issued 10 April 2012
11/05/2012	12/00031/EN	APP/C2741/C/12/2176005	W	House Of James Stamford Bridge Road Dunnington	Appeal against Enforcement Notice dated 10 April 2012
19/06/2012	12/00036/EN	APP/C2741/C/12/2178152	W	The Market Garden Eastfield Lane Dunnington	Appeal against Enforcement Notice

Officer: Neil Massey **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
04/07/2012	12/00040/REF	APP/C2741/D/12/2179080	H	27 Wigginton Road York YO31 8HJ	Single storey side extension

Officer: Paul Edwards **Total number of appeals: 1**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
24/07/2012	12/00041/REF	APP/C2741/D/12/2179414	H	29 Sandringham Close Haxby York YO32 3GL	Single storey rear extension with replacement attached garage to side and canopy to front

Officer: Rachel Tyas **Total number of appeals: 3**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
26/01/2012	12/00004/REF	APP/C2741/A/12/2168876/NWF	I	Relay Recruitment 116 Micklegate York YO1 6JX	Change of use of recruitment consultancy (Class A2) to bar/restaurant
25/04/2012	12/00026/REF	APP/C2741/E/12/2172471	W	Athena 5 Feasegate York YO1 8SH	New shopfront and signage (retrospective)
09/07/2012	12/00038/REF	APP/C2741/A/12/2172469	W	Athena 5 Feasegate York YO1 8SH	New shop front (retrospective)

Officer: Sharon Jackson **Total number of appeals: 2**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
13/06/2012	12/00033/REF	APP/C2741/D/12/2177140	H	8 Rowley Court Earswick York YO32 9UY	Two storey and single storey side extensions
28/06/2012	12/00037/REF	APP/C2741/D/12/217894	H	16 Vicarage Lane Naburn York YO19 4RS	Detached garage to rear (retrospective)

Officer: Victoria Bell **Total number of appeals: 2**

Received on:	Ref No:	Appeal Ref No:	Process:	Site:	Description:
20/03/2012	12/00021/REF	APP/C2741/A/2172764	I	238 Strensall Road York YO32 9SW	Erection of two storey live/work annex (retrospective) (resubmission)
31/05/2012	12/00032/REF	APP/C2741/A/12/2177126	W	Unit 2 Moor Lane Bishophorpe York YO23	Change of use from storage unit (use Class B8) to vehicle workshop (use Class B2)

Total number of appeals: 26

This page is intentionally left blank