



**Notice of a public meeting of
Area Planning Sub-Committee**

To: Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Craghill, Gillies, Hunter, Cannon, Looker, Flinders, Mercer and Orrell

Date: Thursday, 9 June 2016

Time: 4.30 pm

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

A G E N D A

The mini-bus for Members of the sub-committee will leave from Memorial Gardens at 10.00 am on Wednesday 8 June 2016.

1. Declarations of Interest

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

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

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

2. Minutes (Pages 3 - 8)

To sign and approve the minutes of the last meeting of the Area Planning Sub-Committee held on 5 May 2016.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 8 June 2016 at 5.00 pm.**

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4. Plans List

To determine the following planning applications:

a) Newington Hotel, 147 Mount Vale, York YO24 1DJ (16/00833/FUL) (Pages 9 - 42)

Conversion of existing hotel and outbuildings into 7no. residential units to include erection of new town house adjacent to no. 147 and demolition of extensions to rear of hotel with associated works including 3no.blocks of garages and alterations to car park and driveway to form access and individual gardens (resubmission) [Micklegate] **[Site Visit]**

b) 26 Hob Moor Terrace, York YO24 1EY (16/00828/FUL) (Pages 43 - 54)

Erection of detached two storey dwelling following demolition of bungalow [Dringhouses and Woodthorpe] **[Site Visit]**

c) Hilary House, St Saviour's Place, York YO1 7PJ (16/00701/FUL) (Pages 55 - 74)

Roof extension to provide additional apartment [Guildhall] **[Site Visit]**

d) Land to the South of Partnership House, Monks Cross Drive, Huntington, York (16/00665/FULM) (Pages 75 - 94)

Mixed use development including erection of electrical retail store with associated workshop, storage and offices and a drive-thru restaurant [Huntington/New Earswick]

e) Fossbank Boarding Kennels, Strensall Road, York YO32 9SJ (15/02843/FUL) (Pages 95 - 122)

Demolition of existing kennels, stables quarantine and cattery buildings, erection of 4no. detached dwellings with garages, and provision of new access road from existing driveway [Strensall] **[Site Visit]**

f) Royal York Hotel, Station Road, York, YO24 1AY (15/02596/FULM) (Pages 123 - 150)

Four-storey extension to provide 45no.additional bedrooms and reception area, alterations to parking areas [Micklegate] **[Site Visit]**

5. Urgent Business

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

Democracy Officer:

Name: Judith Betts

Contact Details:

- Telephone – (01904) 551078
- E-mail –judith.betts@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 and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

AREA PLANNING SUB COMMITTEE**SITE VISITS****Wednesday 8 June 2016**

**The mini-bus for Members of the sub-committee will leave from
Memorial Gardens at 10.00 am**

TIME (Approx)	SITE	ITEM
10.20	Fossbank Boarding Kennels, Strensall Road	4e
11.10	26 Hob Moor Terrace	4b
11.30	Newington Hotel, 147 Mount Vale	4a
12.10	Hilary House, St Saviour's Place	4c
12.45	Royal York Hotel, Station Road	4f

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City of York Council

Committee Minutes

Meeting	Area Planning Sub-Committee
Date	5 May 2016
Present	Councillors Galvin (Chair), Shepherd (Vice-Chair), Carr, Derbyshire, Gillies, Hunter, Cannon, Looker, Mercer, Orrell and Taylor (Substitute for Councillor Craghill)
Apologies	Councillor Craghill

Site	Visited by	Reason for Visit
71-73 Fulford Road, York	Councillors Cannon, Galvin, Gillies, Mercer and Shepherd.	As the application was recommended for approval and objections had been received.
8 Petercroft Lane, Dunnington	Councillors Cannon, Galvin, Gillies, Mercer and Shepherd.	As the application was recommended for approval and objections had been received.
99 Long Ridge Lane, Nether Poppleton	Councillors Cannon, Galvin, Gillies, Mercer and Shepherd.	As the application was recommended for refusal and had been called in by the Ward Member.

55. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda.

Councillor Taylor declared a personal interest in Agenda Item 4a) 71-73 Fulford Road as he lived on New Walk Terrace which was in a residential priority parking scheme zone area.

No other interests were declared.

56. Minutes

In regards to Minute Item 54a) Groves Chapel of the 7 April minutes, Councillor Taylor requested the deletion of the words “but they thought this was only to put a floor across the interior of the chapel to use it as a meeting room” reported in response to a question from a Member, on the grounds of accuracy.

Councillor Taylor moved deletion of this response. On being put to the vote, this fell.

Resolved: That the minutes of the meetings of the Area Planning Sub Committee held on 10 March and 7 April 2016 were approved as correct records and then signed by the Chair.

57. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council’s Public Participation Scheme on general issues within the remit of the Committee.

58. Plans List

Members considered a schedule of reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications outlining the proposals and relevant policy considerations and setting out the views of consultees and Officers.

58a) 71-73 Fulford Road, York, YO10 4BD (15/02888/FULM)

Members considered a major full application by the Skelwith Group for the conversion of a guesthouse to 10 no. flats (use class C3).

Officers gave an update to Members in which they informed them that revised plans had been submitted to show that applicants could make use of the rear alley at the rear of 63-69 Fulford Road to transport bins and cycles.

They also proposed an additional planning condition to require a travel plan, if Members were minded to approve the application.

They reported that Councillor D'Agorne had submitted comments in support of the recommended conditions of cycle parking, the offer of bus passes to the first residents and an additional car club spot in close vicinity. He had asked Highways Network Management if two car parking spaces outside of the site were suitable and asked for the short section of the 'guest parking' respark to be replaced with double yellow lines, as there were concerns over safety given the proximity of the junction opposite and to residents coming from Ellwood Court. However, Officers felt that this was not relevant to this particular application and could be dealt with under highway legislation.

Members sought clarification from Officers on access and rights of way in relation to parking on the site. It was reported that planning permission did not override private property rights so the owners of the rear access which belonged to the owners of Ellwood Court, could prevent future residents from crossing their land if they wanted to. However, there was a potential access from a footpath to the rear of 63-69 Fulford Road which could be used.

Representations in objection were received from Karen Lee, the Company Secretary of the owners of the freehold of Ellwood Court. She mentioned that the residents of Ellwood Court held the freehold of the rear access and that they had given conditional access to Saxon House when it was a hotel to cross over the land. This condition remained in place whilst it was a hotel, however it would no longer operate as a hotel and therefore that condition would be extinguished for the proposed flats. She expressed concerns that the only parking spaces that were proposed, were ones that would be accessed by crossing land owned by Ellwood Court residents, and that the applicants had not discussed the arrangements with residents.

Officers were asked whether residents could be provided with a bus pass as they had been excluded from the R20 zone as suggested by the Council's Highway Network Management. It was confirmed that they could be provided with bus passes and car club membership and this was encouraged within the travel plan for the development.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the prior

completion of a planning obligation under section 106 of the Planning Act to secure the following:

- Car Club Membership-1 year
- Bus Pass- 6 months

Reason: The development is acceptable in principle and compared to the extant use there is no evidence there would be harm on neighbour's amenity or highway safety. There would be adequate levels of amenity for future occupants. The scheme does not conflict with the policies of the NPPF.

**58b) 8 Petercroft Lane, Dunnington, York, YO19 5NQ
(15/02813/FUL)**

Members considered a full application from Mr Peter Hodgson for the erection of a dwelling to the rear and a replacement garage.

In their update to Members, Officers reported that Paragraph 4.7 should refer to Design Guideline 9 of the Village Design Statement. It was incorrect for the report to suggest that there was not a specific guideline, although the guideline did not oppose sub-division in principle.

Representations in support of the application were received from Martin Hodgson the son of the applicant. He informed Members that the proposed dwelling was for his father who was blind so that he could live more comfortably.

Representations were received from Stuart Kay on behalf of Dunnington Parish Council. He informed the Committee that they did not support back garden developments, of which this would be the third in the village. The development would be a single storey house with a dormer in a line of single storey houses.

Further representations were received from Councillor Brooks, the Ward Member. She spoke about the ineffective surface water drainage in Dunnington. She commented how she felt that small developments in the village added to the water discharge levels and she requested that if approved that a surface water run off rate of 1.4l/s/ha be conditioned.

In response to questions from Members about whether they could condition the surface water run off, Officers replied that the plans for the development had shown a hydrobrake system and a request could be made for a permeable driveway. Nonetheless, with a permeable driveway this was unlikely to reach the level desired.

Resolved: That the application be approved subject to the conditions listed in the Officer's report and the addition of an informative to state that permeable paving should be used as a means of surface water drainage.

Reason: As the application accords with the national planning policy in the NPPF and relevant policies in the 2005 City of York Draft Local Plan.

58c) 99 Long Ridge Lane, Nether Poppleton, York YO26 6LW (15/02940/FUL)

Members considered a full application from Mr Nicholas Reynolds for the erection of a raised platform with a children's playhouse and attached slide and steps (retrospective).

Officers informed Members that they had received additional comments from an objector to the application. The comments stated that those residents who were in support of the application would not be directly affected by the structure and that they had no objections to the ground level equipment.

Representations were received from the applicant Nicholas Reynolds. He informed the Committee how he had built the structure for his children out of reclaimed materials. Following comments from an objector he had increased the planted screening to restrict the view.

In response to a Member's question, the applicant confirmed that the platform had been constructed in 2011 and the playhouse in 2013 and that he did not intend to demolish it if he moved away as his daughters wished to retain it for their children.

Some Members suggested that if the playhouse had no windows and the walkway was not accessible that there would not be an issue with overlooking. Officers confirmed that it was not the playhouse that was issue, it was with the use of the slide and the platform.

Other Members suggested extending the fence and having dense planting on the platform to reduce overlooking of the neighbour's garden. Consideration was also given to giving a temporary approval of between three and fifteen years.

Councillor Gillies moved and Councillor Cannon seconded approval.

Resolved: That the application be approved; subject to the imposition of conditions related to screening to be delegated to Officers for consideration and approval.

Reason: Subject to a condition to increase the screen between the play structure and the neighbouring garden it is considered that any loss of privacy would not be so significant as to outweigh the presumption in favour of sustainable development.

59. Appeals Performance and Decision Summaries

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate between 1 January and 31 March 2016. The report also included a list of outstanding appeals to date.

Resolved: That the report be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate.

Councillor J Galvin, Chair
[The meeting started at 4.30 pm and finished at 5.50 pm].

COMMITTEE REPORT

Date: 9 June 2016 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 16/00833/FUL
Application at: Newington Hotel 147 Mount Vale York YO24 1DJ
For: Conversion of existing hotel and outbuildings into 7no. residential units to include erection of new town house adjacent to no. 147 and demolition of extensions to rear of hotel with associated works including 3no.blocks of garages and alterations to car park and driveway to form access and individual gardens (resubmission)
By: Mount Vale Venture LLP
Application Type: Full Application
Target Date: 2 June 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 The application seeks full planning permission for conversion of a group of grade II listed buildings on the east side of Mount Vale from a hotel to 7 no. residential units. The works include the sub-division of the buildings, currently in use as one hotel, to four dwellings; the removal of a two storey modern addition to the north of the existing building and its replacement with a three storey attached dwelling; the sub-division of the rear two storey coach house into two dwellings; and the physical works involved in converting the buildings and providing parking and amenity space to serve the new dwellings. Vehicle parking would be retained via the existing site entrance leading to the rear car parking area, which would be subdivided to provide private gardens and garaging for the dwellings.

1.2 The submission is accompanied by a planning statement, sustainability statement, design and access statement, heritage statement, tree survey and arboricultural impact assessment, air quality impact assessment, flood risk assessment and surface water management strategy, highways statement and daylight/sunlight assessment.

1.3 An application for listed building consent (ref. 16/00834/LBC) to cover the works to the fabric of the building is currently before the authority for consideration.

1.4 The application has been called in to Committee by the Micklegate Ward Member, Councillor Gunnell, on the grounds that the initial requirement was that the development should not be more than two storey in height and the proposal is for a three storey development, which is an overdevelopment and a severe intrusion of

privacy for the neighbours.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest: City Centre Area
- Conservation Area: Tadcaster Road
- Listed Buildings: Grade 2; Newington Hotel Mount Vale York YO2 2DJ

2.2 Policies:

2005 Draft York Local Plan (4th set of changes) – relevant policies include:

- CYGP1 - Design
- CYGP3 - Planning against crime
- CYGP4A - Sustainability
- CYGP6 - Contaminated land
- CYGP9 - Landscaping
- CGP15A - Development and Flood Risk
- CYNE1 - Trees, woodlands, hedgerows
- CYHE2 - Development in historic locations
- CYHE3 - Conservation Areas
- CYHE4 - Listed Buildings
- CYHE5 - Demolition of Listed Buildings and Buildings in Conservation Areas
- CYHE10 - Archaeology
- CYHE11 - Trees and landscape
- CYT4 - Cycle parking standards
- CYH3A – Mix of dwellings
- CYH4A - Housing Windfalls

Draft York Local Plan (2014) Publication Draft – relevant policies include:

- DP2 – Sustainable Development
- D1 – Landscape and setting
- D4 – Conservation Areas
- D5 – Listed Buildings
- D7 - Archaeology
- G14 – Trees and Hedges
- CC2 – Sustainable Development and Construction
- EN4 – Flood risk
- T1 – Sustainable Access

3.0 CONSULTATIONS

3.1 The application was publicised by a notice in the press and posted at the site as well as notifications to statutory consultees and adjoining neighbours. The consultation period expired on 11.5.2016. The following comments have been received.

INTERNAL

Public Protection

(i) Contamination

3.2 A contamination assessment should have been submitted with a planning application if the proposed development involves land which is known/suspected to be contaminated or if the development includes a vulnerable end use. On this occasion the applicant has failed to submit a contamination assessment. Consequently, the planning application should not have been validated as the application is incomplete. As no land contamination information has been submitted, Public Protection is unable to assess the application and cannot recommend planning approval.

(ii) Noise

3.3 The proposed site is adjacent to existing residential properties and the hotel has effectively been used for residential purposes for many years. As a result, no objections raised but would request that a condition is placed on any approval given to ensure that internal noise levels in the new properties comply with the requirements of BS8233 and WHO guidelines on community noise and a condition regarding control of noise and dust, etc during demolition and construction.

(iii) Air Quality

3.4 In terms of air quality and low emissions, paragraph 35 of the NPPF states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed where practical to: accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones; incorporate facilities for charging plug-in and other ultra-low emission vehicles; and, consider the needs of people with disabilities by all modes of transport.

The application details proposals to have a dedicated garage and car parking space for each residence, with each residence also provided with its own Electrical Vehicle EV Charging Point. Public Protection welcomes this proposal, but request that this be conditioned.

Flood Risk Management

3.5 Having assessed the submitted Surface Water Management Statement Re: 3011 dated October 2015 by PPIY Architects, the team is satisfied that a reduction in surface water run-off can be achieved and therefore has no objections to the development in principle. Requests conditions in order to protect the local aquatic environment and public sewer network.

3.6 With regards to the objection by the Internal Drainage Board, the Flood Risk Management Team, as Lead Local Flood Authority is satisfied that enough information has been provided to establish a drainage principle and that the detailed design to include the suitability of the permeable paving can be sought by way of the above drainage conditions.

Highway Network Management

3.7 No objections from a highway point of view. The scheme sees a site of a 44 bedroom hotel with 30 car parking spaces to 7 dwellings with 14 available spaces with room for visitor parking. The traffic generated by this development will be less than its use previously. Car and cycle parking is in accordance with CYC Appendix E standards. Cycle parking is available within the garages allocated to each property. The proposed development is close to amenities, public transport and is within 1 km of York Station.

3.8 Vehicular access will be taken from the existing access on to Mount Vale. Mount Vale is a busy pedestrian thoroughfare. Further details of means of enclosure affecting the access to maintain the existing pedestrian visibility enjoyed within 2 x 2m visibility splay from the existing access. Details should be submitted and approved. Details of surfacing have not been provided. A paved surface at the entrance to prevent loose material being dragged onto the highway is required and can be conditioned.

3.9 The site is on a critical traffic sensitive A Road. As such, measures to ensure free flow of traffic during construction are sought.

Design Conservation and Sustainable Development (City Archaeologist)

3.10 This site lies within the Central Area of Archaeological Importance. The site is within a Roman cemetery along the line of a Roman road approaching York from the south-west from Tadcaster, Calcaria. The extent of the cemetery is unknown.

In addition to Roman archaeology there is the possibility that evidence relating to the Siege of York may be present. This site is close to a Royalist held scone located on The Mount which was the scene of much artillery and musket fire in 1644. There is a high probability that Roman burials will be present on this site. Excavations for foundations and service connections may reveal or disturb these burials. Any burials must be excavated, analysed, published and deposited with Yorkshire Museum. Conditions requested.

Design Conservation and Sustainable Development (Conservation Architect)

3.11 The change of use would enable the layout and many of the architectural qualities of the principal buildings on site to be restored, and it would reinstate the characteristic setting of the buildings. Many of the unsightly C20th addition would be removed and there would also be improvements to the character of the C19th outbuildings. The new house would outwardly copy the main characteristics of the original terrace and therefore strengthen the presence of the buildings within the conservation area.

3.12 Specific comments are made on aspects of the proposal. In summary, the change of use would enable the layout and grain of the principal buildings on site to be restored. It would improve the settings by reinstating rear gardens and characteristic front boundaries onto the street. Many of the unsightly C20th additions would be removed. The new garages would be subsidiary in massing to both sets of buildings and they would re-establish the shared historic service access within the site.

3.13 The new house has been designed to compliment the existing terrace in its massing, proportions and details. It would be more characteristic of the original terrace than the existing C20th extension and therefore the presence of the buildings within the conservation area would be strengthened.

3.14 The scheme would reinforce and better reveal the heritage significance of the buildings and the site and it would therefore enhance the character and appearance of the conservation area and setting of the listed buildings.

Design Conservation and Sustainable Development (Landscape Architect)

3.15 The development is compatible with the existing trees to be retained with the exception of the large, mature, variegated Sycamore T5 - category A - 'an unusually large example of this ornamental species'.

3.16 The tree is already located amongst existing buildings, hard-standing and walls. However, the proposed construction of a garden wall to the rear of the coach house poses a severe risk of root severance that would result from the construction of foundations.

Therefore, this element of the scheme should be revised such that the rear garden boundary is set back in line with the rear of the existing single garage. Furthermore, this revised boundary line should be secured with a fence instead of a wall.

3.17 A further concern for the well being of the mature variegated Sycamore is the conflict that is likely to arise between the owner/occupier of the proposed Coach House dwelling and the tree due to its size, density of leaf and seed fall, and the extent of afternoon/evening shade it will cast across the entire rear garden. Such effects are more likely to be acceptable for a temporary resident e.g. guest house accommodation, than for a permanent dwelling. It is not unreasonable for an owner/occupier to expect to have reasonable garden use, therefore, it is foreseeable that applications will be made to the Council to carry out works to the tree e.g. crown reduction or even felling, which in turn could reduce the amenity value of the tree and its longevity. This, due to the presence of this tree with high amenity value, the coach house is better suited to temporary/guest accommodation. Nonetheless, if the garden boundary is revised to suit the above comments, it would at least be practicable to retain the tree during implementation of the development without significant risk of harm.

EXTERNAL

Yorkshire Water

3.18 The Surface Water Management Statement prepared by PPIY Architects - Report 3011 dated October 2015 - confirms surface water will discharge via SUDS and this will mimic the natural environment. A water supply can be provided under the terms of the Water Industry Act 1991.

Internal Drainage Board

3.19 The application sits adjacent to the Internal Drainage Board district and could have significant impacts on surface water drainage in the area. The drainage strategy appears somewhat unclear with the use of sewers, soakaways and sustainable drainage systems being mentioned in the application form and associated documentation. The Board objects to the application as it stands as there is insufficient clarity about how the strategy will operate and, in order to allow the Board to make a reasoned evaluation of the situation, further detail will be needed. Requests further information.

Local Residents

3.20 Responses have been received from the occupiers of 4 properties adjacent to the site, making the following points:

- Concerned that the replacement windows in rear elevation of coach house will erode privacy and requests windows are frosted and have limited opening;
- Pleased to see return to original homes, which will enhance the appearance of this area;
- Newington Villa would be overbearing due to increased height and mass and depth, which would be built on raised site in relation to 145 Mount Vale and 2a Trentholme Drive;
- The proposed 1st and 2nd floor windows to the rear elevation would be far too close at only 15m from rear windows and along with raised terrace would affect privacy;
- Invasion of privacy from side gable windows on Newington Villa;
- Revised sun-study is incorrect and should not be taken into account as newly approved house is not correctly shown and extensions and conservatory at 145 are only shown at half their actual size;
- Request that garage of a smaller Newington Villa be built up to our rear boundary wall to provide some screening and minimise potential nuisance;
- Request permitted development rights are removed;
- Rear terrace should be lowered or screened along the north edge of the terrace;
- Lack of accurate measurements on drawings.

4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:

- Principle of development;
- Impact on heritage assets;
- Design and visual amenity;
- Trees;
- Residential amenity;
- Access and highway issues;
- Flood risk.

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt.

The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.3 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including designated heritage assets. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as supporting the delivery of homes, seeking high quality design and a good standard of amenity for all existing and future occupants, taking full account of flood risk, encouraging the effective use of land, and conserving heritage assets in a manner appropriate to their significance.

4.4 Section 6 of the NPPF 'Delivering a wide choice of high quality homes' seeks to boost the supply of housing. Paragraph 49 states that housing applications should be considered in the context of presumption in favour of sustainable development.

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

4.6 Section 10 of the NPPF requires local planning authorities when determining planning applications to ensure flood risk is not increased elsewhere as a result of the development.

4.7 Section 12 of the NPPF requires local planning authorities to take account in determining planning applications of the desirability of sustaining and enhancing the significance of heritage assets and put them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. It advises consent to be refused where there is substantial harm unless it can be demonstrated that this is necessary to achieve substantial public benefits or where there is less than substantial harm, this be weighed against the public benefits of the proposal.

4.8 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

The relevant policies are summarised in section 2.2 above. The site is identified on the proposals map as lying within the main built-up area of the City, within the Tadcaster Road Conservation Area and City Centre Area of Archaeological Importance.

4.9 Policy GP1 'Design' expects, amongst other things, development proposals to respect or enhance the local environment, be of a density, layout, scale, mass and design that are compatible with neighbouring buildings and the character of the area as well as ensuring the amenity of nearby residents is not unduly affected.

4.10 Policies HE2 'Development in Historic Locations', HE3 'Conservation Areas', HE4 'Listed Buildings' and HE10 'Archaeology' reflect the advice of chapter 12 in the NPPF.

4.11 Policy H4a 'Housing windfall' permits the grant of planning permission for residential development on land not allocated for residential development where: the site is within the urban area and is vacant, derelict or underused, and has good accessibility by non-car modes; and the development is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

4.12 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF), although the evidence base underpinning the work to the emerging plan is capable of being a material planning consideration.

SITE AND PLANNING HISTORY

4.13 The application relates to a site on the east side of Mount Vale, north of its junction with Knavesmire Road. It comprises a terrace of four grade II listed C1820s properties - 147 to 153 Mount Vale - with modern additions to them and with two further curtilage listed properties to the rear - 155 and 157 Mount Vale. The buildings are in use as a hotel with a service and car parking area to the rear separating the front terrace of buildings from the rear outbuildings. Pedestrian and vehicular access is from Mount Vale, to the southern end of the front boundary, south of a bus stop on Mount Vale and north of the junction of this road with Knavesmire Road. To the north and east of the site are residential properties on Trentholme Drive; to the south, a landscaped area that separates the site from Knavesmire Road, beyond which are a Council grounds depot and grade II listed former Herdman's Cottage (159 Mount Vale); and to the west, on the opposite side of Mount Vale, are further grade II listed terraced properties in residential use. The site lies within the Tadcaster Road Conservation Area, the City Centre Area of Archaeological Importance and low risk Flood Zone 1.

4.14 There are various applications dating from 1975 for planning and listed building consent for changes of use and alterations to the buildings in connection with the hotel. The most recent applications, as you are aware, are for planning permission for the extension and change of use of the hotel to 7 no. residential properties and listed building consent for the associated alterations. These applications - 15/02789/FUL and 15/02790/LBC - were submitted in 2015 and withdrawn in February 2016. The application has been subject of a pre-application enquiry submitted following withdrawal of the previous 2015 applications.

4.15 Planning permission was granted in 2015 for the replacement of a dwelling with another on land adjacent to, though outside, the application site. Preliminary work has started to implement the permission for this contemporary designed house.

PRINCIPLE OF DEVELOPMENT

4.16 The site lies within the main built-up area of the City and within a predominantly residential area with good access to shops, local facilities and public transport routes. As such, it is in a sustainable and accessible location. However, in accordance with footnote 9 of paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established in the NPPF does not apply because the site is a designated heritage asset. Instead, the more restrictive policies in section 9 of the NPPF apply.

HERITAGE ASSETS

4.17 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('1990 Act') imposes a statutory duty on local planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interests which it possesses. Section 72(1) of the 1990 Act imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when determining planning applications. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.18 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF.

The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss. Paragraph 135 requires the effect of an application on the significance of a non-designated heritage asset, such as heritage assets with archaeological interest, to be taken into account in determining an application. Draft Local Plan policies HE2, HE3, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.19 The application site includes the grade II listed frontage buildings, 147-153 Mount Vale, known as Newington Hotel and the curtilage listed outbuildings to the rear, which served as a coach house to the frontage buildings. It falls within the Tadcaster Road Conservation Area and within the City Centre Area of Archaeological Importance.

4.20 The application is supported by a heritage statement prepared by PPIY architects on March 2016. This includes a statement of significance that explains the site history of this group of Grade II listed Georgian former houses, the extent of survival of historic fabric, notability and quality of the structure, relationship to adjacent buildings, functional character and historic associations. The building is deemed to contribute to the character and appeal of the historic approach of Tadcaster Road and the special interest of the listed building. The archaeological interest is identified.

4.21 The proposal is to restore the frontage hotel building back to its original use as four dwellings, with additional buildings being provided within the converted outbuildings and the provision of a new dwelling - Newington Villa - to the north side of no. 147 in place of an existing modern two storey extension. The design of the extension to form the new dwelling - Newington Villa - reflects the detail, proportions and massing of the existing buildings and balances the central building, no.147, with the lower properties on its south site, numbers 149-151. The removal of the large dormer window to no.149 and reinstatement of the roof covering and the replacement of the front boundary wall with a new wall and railings with openings serving each dwelling, considerably improves the appearance of the frontage of the listed buildings.

The southern side elevation would be improved by the reinstatement of the entrance to no.153 following the removal of the porch addition. The demolition of modern additions on the rear elevation and replacement of windows would benefit the visual appearance of this elevation. The alterations to the rear coach house, involving a single storey link addition and replacement fenestration, would retain the special character of this ancillary, curtilage listed building. The replacement of the existing car parking area with a smaller vehicle service space, garages and landscaped private gardens subdivided by brick walls, would improve the overall setting of the listed building.

4.22 The proposal would enable the layout and grain of the principal buildings to be restored, would improve the setting of the front and rear curtilage space and would remove many of the unsightly C20th additions. The new garages would be subsidiary in massing and Newington Villa has been designed to compliment the massing, proportions and details of the existing terrace and would improve on the existing addition, thereby strengthening the presence of the buildings within the conservation area. Overall, the scheme is considered to reinforce and better reveal the heritage significance of the buildings and the site and, therefore, it would enhance the character and appearance of the conservation area and the setting of the listed buildings. Conditions to cover detailed design matters are requested.

4.23 The site lies within the Central Area of Archaeological Importance, within a Roman cemetery (which runs along the line of a Roman road from Tadcaster to York, but whose extent is unknown) and in an area with the potential for evidence relating to the Siege of York. Excavations for foundations and service connections may reveal or disturb archaeological deposits and features, particularly Roman burials. An Archaeological Desk Based Assessment carried out by On Site Archaeology and dated October 2015 has been submitted in support of the application. This concludes that the site is unlikely to contain archaeological deposits or features of such significance so as to prevent development, but that further archaeological evaluation would be required. The City Archaeologist has considered the proposal and, based on the known archaeological significance of the area has requested conditions relating to archaeological evaluation of the site.

4.24 In light of the above, the proposal would preserve the setting of the listed building and its special architectural and historic interest, as required by section 66(1) of the 1990 Act. Further, it would enhance the character and appearance of the Tadcaster Road Conservation Area, as required by section 72(1) of the Act. Any harm to archaeological deposits and features can be adequately addressed and mitigated through the imposition of conditions. The proposal, therefore, complies with national and local planning policies in respect of the historic environment.

DESIGN AND VISUAL AMENITY

4.25 Chapter 7 of the NPPF gives advice on design, placing great importance to that design of the built environment. At paragraph 58 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, establish a strong sense of place, incorporate green and other public space as part of them, respond to local character whilst not stifling innovation, create safe and accessible environments and include appropriate landscaping. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.26 The advice in chapter 7 is replicated in Draft Local Plan policies GP1 (Design) and GP9 (Landscaping) and these policies, therefore, accord with the NPPF. In particular, Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials. Policy GP4a requires development to incorporate sustainable construction methods as well as be sustainable and accessible in its location.

4.27 The proposal involves the conversion of existing buildings of historic interest to provide a mix of dwelling sizes. It would remove unsympathetic modern additions. Proposed additions to the site include a three storey hipped roof extension to the northern elevation of no. 147 to form a dwelling house referred to as Newington Villa, hipped roof garages in the rear space and new walls and railings around the front and rear private amenity spaces. The design of Newington Villa would be in-keeping with that of the existing buildings to which it would be attached as would the garages to their context. The means of enclosure, with the exception of that the front garden of no.151, would be appropriate in design and materials. The side enclosure to the front garden of no.151 needs to be revised in order that it relates better to the front boundary wall and railings through either its omission or reduction in height. This could be addressed through condition.

4.28 The application is supported by a sustainability statement, undertaken by PPIY dated October 2015, which points to the sustainable site location, the proposal to reuse existing built fabric, the inclusion of electric vehicle charge point and the use, where possible, of new materials that positively contribute to the environment. The use of photo voltaic cells and ground source heat pumps has been ruled out due to the sensitive site location in the conservation area and area of archaeological importance.

4.29 On the basis of the above, the proposal would respect the local environment and would accord with the aims of the NPPF to achieve high quality and inclusive design.

A condition requiring material samples should be imposed if the application is approved and large scale details of architectural features of Newington Villa. Further details of hard and soft landscaping to the gardens and around the building should also be covered by condition.

TREES

4.30 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. Policies NE1 of the Draft Local Plan reflects this advice in relation to trees. There are no such designated sites within the vicinity of the site that would be adversely affected.

4.31 The application is supported by an Arboricultural Impact Assessment by Rosetta given the presence of mature trees on site, largely along the southern site boundary, which make a positive contribution to the setting of the site and the amenity of the area and conservation area. This highlights that there are four potential impacts on trees, requiring removal of trees and works to others due to the proximity to proposed dwellings. Those trees that would be required to be removed are considered to be of low amenity value and mitigation measures are proposed to address impact on the large Sycamore tree T5.

4.32 The Council's Landscape Architect has been consulted and raised concern about the impact of the proposed change of use of the southern coach house building to a dwelling along with the provision of the boundary enclosure to its garden, due to the potential adverse effect on the amenity value and longevity of this mature tree. A replacement of the proposed garden wall around the garden of no.155 with fencing would allow the tree to be retained during conversion. However, there is the potential to pressure on the tree from future occupants of the dwelling because of its impact on the quality of the private amenity space.

4.33 This harm needs to be balanced against the benefits of the scheme in terms of the improvements to the designated heritage assets. In addition, it is also noted that the tree is one of a group of mature trees that fall outside the site boundary on the section of Council land to the south of the site. A condition should be attached to any approval to require protection of those trees that are to be retained during construction.

HIGHWAY ISSUES

4.34 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations.

4.35 The application site is located on a main public transport and cycle route into and out of the city, within 1 km of York railway station and close to local amenities and services. The existing access to the site would be utilised for the proposed development. The level of traffic generation associated with the proposed development is likely to be less than the occupation of the site as a hotel - the hotel has 44 bedrooms with 30 car parking spaces and is proposed to be 7 dwellings with 14 car parking spaces available. Provision would be made for parking for two vehicles for each property, with space for cycle parking within the garages along with a charge point for electric vehicles. Bin and recycling storage is proposed within the curtilage of each dwelling away from the parking and turning space. The Council's Highway Network Management Team has been consulted and raises no objection in principle on highway grounds, though requests conditions including further details of the visibility splay at the existing access and details of surfacing.

4.36 In light of the above, the proposal is considered to be acceptable on highway grounds.

FLOOD RISK

4.37 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere.

4.38 The site lies in low risk Flood Zone 1 and, as such, should not suffer from river flooding. The application is supported by a Surface Water Management Statement, which shows that a reduction in surface water run-off can be achieved through the increase in the permeable area on site. As such, the Council's Flood Risk Management Team, as Lead Local Flood Authority, raises no objection to the proposal on drainage grounds, subject to conditions, despite the objection from the Internal Drainage Board.

4.39 As a result, the proposal is considered to be acceptable in terms of impact on flooding and complies with advice in the NPPF and Local Plan Policy GP15a.

RESIDENTIAL AMENITY

4.40 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants.

Paragraph 120 of the NPPF also states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability, with the responsibility for securing a safe development resting with the developer. Paragraph 123 in particular advises that planning decisions should avoid and mitigate any impacts from noise and light pollution. Policy GP1(i) of the Draft Local Plan seeks to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

4.41 The Public Protection Unit highlights the lack of information with regards to contamination. It is noted that the use would remain residential as it has been for many years (likely to have been since built in c.1820s), though the current hard surfaced parking area would be converted to private garden to serve the units. Contamination conditions could be attached to any approval to require further assessment and remediation of the external area prior to occupation as dwelling houses. The Unit raises no objections in terms of noise implications subject to a condition that all new properties comply with British Standard requirements and WHO guidelines regarding internal noise levels. In terms of air quality, an air quality impact assessment (carried out by PPIY and dated October 2015) has been submitted in support of the application. This concludes that the proposed development will cause no adverse impact on existing air quality due to a reduction in the number of vehicles using the site. It refers to the inclusion in the proposed scheme of cycle storage facilities and electric vehicle charge points. The Public Protection Unit has requested a condition to ensure the provision within the scheme of the proposed charge points.

4.42 The proposal would include a private amenity space for each of the dwellings along with vehicle parking, cycle storage and refuse/recycling provision. The amenity space serving the corner property, no.151, is very small, consisting of a terrace area at the front of the property adjacent to Mount Vale. It would be separated from Mount Vale by the low wall/railings and a planting area and from the access road by a new wall. This property is proposed to be a two-bedroom dwelling with a kitchen in the basement, lounge on the ground floor and a bedroom/bathroom on the first and second floors. Whilst the amount of space is substantially less than would usually be expected particularly given its location adjacent to a busy main road, this needs to be balanced against the position of the dwelling with a spacious living room providing views towards the racecourse and with easy access to this external space. As mentioned in 4.31 above, the private amenity space of the southern dwelling in the coach house, no.155, would be heavily shaded by the presence of the large Sycamore to its south-east.

4.43 Concerns have been raised from neighbouring occupants on Trentholme Drive to the north of the site. The two properties immediately north of the proposed addition Newington Villa, 145 Mount Vale and 2a Trentholme Drive, raise objections on amenity grounds.

They consider that the proposed three storey dwelling would adversely harm their level of amenity due to increased overshadowing, overlooking and over-dominance. The occupants of 8 and 10 Trentholme Drive express concerns due to the windows in the rear elevation of the coach house that they consider would erode the privacy in their gardens.

4.44 It is accepted that Newington Villa is higher than the existing addition by approximately 4.7m and would be visible from the properties and their gardens that sit to the north. The existing addition is a two storey, dual pitched extension that sits 1.5m from the northern site boundary. It has a depth at two storey of approximately 9m, but an overall depth at single storey of 21 metres. The proposed villa would be approximately 12m in depth overall and would be set back at three storey level approximately 5m at the front and 3m at the rear. A single storey element would project closer to the boundary. A kitchen window is proposed in the side elevation of the single storey element, with two windows proposed in the north facing elevation at first and second floor level. The window on first floor level would serve a galleried landing at the top of the stairs and that on second floor level would serve a family bathroom. Both of these windows could be obscure glazed and have limited opening to avoid any loss of privacy to the property to the north, no.145.

4.45 In terms of overshadowing and over-dominance, a comparison needs to be made between the impact of the existing extension and that of the proposed addition. Whilst visible from these neighbouring properties, the proposed three storey dwelling would be set back further from the site boundary than the existing two storey addition with a hipped roof that would slope away from the site boundary rather than presenting a gable elevation to these properties. The additional mass of the new dwelling would be viewed against the backdrop of the existing terrace property, no.147. The increase in height is balanced by the reduction in depth and set back from the site boundary. The property would be located to the SSW of the neighbouring properties, when the sun is high in the sky. Any casting of shadows would be for a limited period of time, during the early part of the afternoon, when there would already be some shading from the mass of the existing building.

4.46 Concern has also been expressed by the owners of no.2a about the potential for loss of privacy from the upper floor windows in the rear elevation and the raised terrace in the rear garden area on the amenity. The position of the windows and 90 degree angle in the rear elevation from that of the neighbouring property at no.2a, would minimise the potential for direct overlooking. The raised terrace serving the Villa is set below the height of the existing wall along the northern boundary by between 1.5m and 2m. This is comparable with the heights of boundary enclosures between residential properties within urban areas.

4.47 The concerns of the occupiers of 8 and 10 Trentholme Drive relate to changes to two existing openings in the rear elevation of the coach house. These two windows are existing.

When viewed from the outside, the right-hand window is the full-width of its opening and opens at the top into the room it serves. The left-hand window is half the width of its original opening and has a top hung window that opens over the neighbouring land. The intention is to replace both of these windows with full width sash windows. They would serve a master bedroom and its en-suite in no.155. The window serving the en-suite would be obscure glazed. It would be reasonable to require both windows to be obscure glazed through condition, given that there are other windows in the west facing bedroom wall and to design the windows so that only the top pane was opening. However, given that there is an existing relationship of overlooking over the gardens, that there is no loss of privacy to the existing dwellinghouses themselves and that the use of the room is not to be a main-habitable space, the restrictions may not be considered reasonable. An additional slim window is proposed in the master bedroom of no.157, which would serve a landing and be non-opening. It would be reasonable to restrict this additional window to be non-opening and obscure glazed.

4.48 The link extension between the two parts of the coach house in the north-eastern corner of the site has been reduced in height from two storey to single storey, which would reduce any impact on the neighbours to its north. The proposed garages are located away from the northern boundary wall.

4.49 In light of the above, whilst the concerns of residents adjacent to the site are noted, it is not considered that the scheme is unacceptable on amenity grounds, subject to the imposition of conditions. The proposal seeks to protect the amenity of all existing or future residents, as required by national and local planning policy.

5.0 CONCLUSION

5.1 The proposal would provide homes within a sustainable and accessible location and would improve the significance and presence of the grade II listed buildings, and consequently the character and appearance of the Tadcaster Road Conservation Area. Conditions are required to mitigate identified impacts. On balance, the proposal complies with the thrust of national and local planning policy and is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans

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

3 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) for the following approved works in accordance with the 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.

- Foundations for new build of 147 Mount Vale;
- Footprints of all new build at rear of 147-153 Mount Vale;
- All service connections and internal drive and parking areas;

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

4 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) on the following approved works 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.

- Demolition of part of 147 Mount Vale and removal of foundations;
- Removal of all hard surfaces at rear of 147-153 Mount Vale;

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.

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

Reason: In the interest of satisfactory and sustainable drainage.

6 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order.

Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 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.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

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

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

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

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

8 HWAY11 Initial 10m of access surfaced

9 HWAY19 Car and cycle parking laid out

10 Prior to the development coming into use 2.0 x 2.0m sight lines, free of all obstructions which exceed the height of the adjacent footway by more than the existing wall/railing arrangement, shall be provided both sides of the junction of any access with the footway, and shall thereafter be so maintained.

Reason: In the interests of pedestrian safety.

11 Before the commencement of development including demolition, excavations, building operations, an Arboricultural 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. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite if applicable. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

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

12 LAND1 Landscaping scheme (including hard and soft landscaping)

13 Large scale details of the following items shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details:

- Full details at a scale of 1:20 and 1:50 to demonstrate how the new house would match the brickwork, openings, eaves and other external details of the existing historic houses, with details showing specific elements in context;
- New windows, doors and door cases (notwithstanding the notes on the drawings, new doors in the listed buildings shall be wholly timber, not composite panels, and

windows shall be painted an off-white);

- All boundary walls, railings and gates, gate-piers, steps and balustrades within and around the site shall be provided, with a large scale section of the new boundary wall condition with the building on the adjacent site to the north (notwithstanding the details on the approved drawings, the pedestrian entrance gates from the street shall be single not double as shown);
- Details of the junctions between walls adjacent to the vehicle access (notwithstanding the approved drawings, the existing access width should be maintained and the side screen swept down to meet the front wall);
- Details of external lighting.

Reason: So that the Local Planning Authority may be satisfied with the details in the interests of preserving the special setting of the listed buildings and the character and appearance of the conservation area.

14 VISQ7 Sample Panel

15 VISQ8 Samples of materials (Materials shall match existing historic materials on site)

16 A section of original brickwork from the historic garden wall shall be reincorporated into the new house in the same position in accordance with a method statement that shall be submitted to and approved in writing by the Local Planning Authority beforehand. The method statement shall explain how this would be achieved.

Reason: In the interests of preserving the historic context of the grade II listed buildings.

17 Obscure glazing condition – first and second floor windows in north facing elevation of Newington Villa and bathroom and landing window in east elevation of Coach House

18 Prior to occupation, a three pin 13 amp electrical socket shall be provided to serve each property suitably located within the garage spaces to enable the charging of an electric vehicle using a 3m length cable. Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

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

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

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

Reason: To protect the amenity of local residents.

21 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45 dB L_{Amax} inside bedrooms at night (23:00 – 07:00 hrs) and 35 dB LAeq (16 hour) in all habitable rooms during the day (07:00 – 23:00 hrs) unless otherwise agreed in writing by the Local Planning Authority. These noise levels shall be observed with all windows shut in the particular and other means of acoustic ventilation provided. The detailed scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before the use approved in each respective dwelling is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the buildings shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents.

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Newington Hotel 147 Mount Vale

16/00833/FUL



GIS by ESRI (UK)



Scale : 1:1059

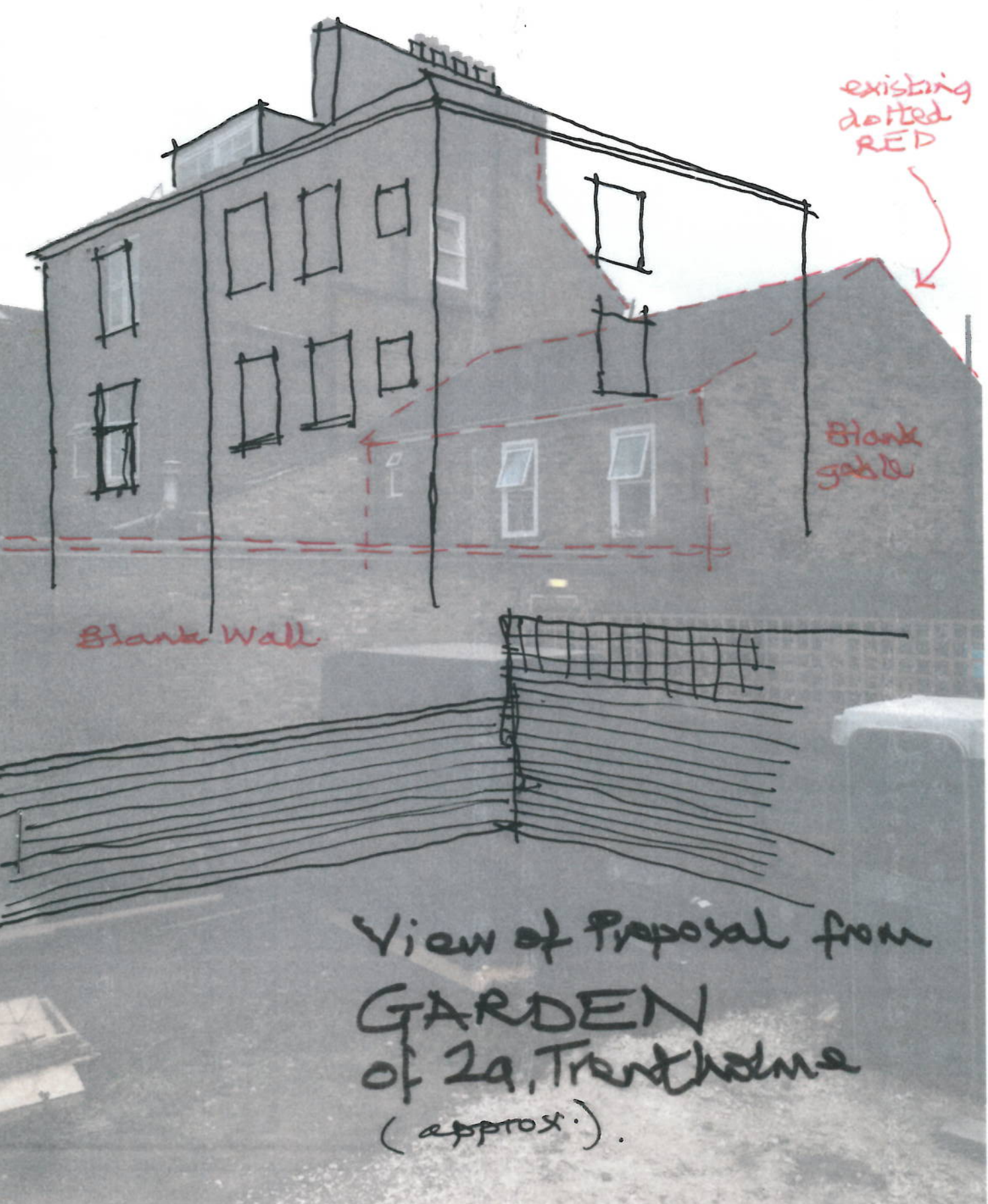
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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 May 2016
SLA Number	Not Set

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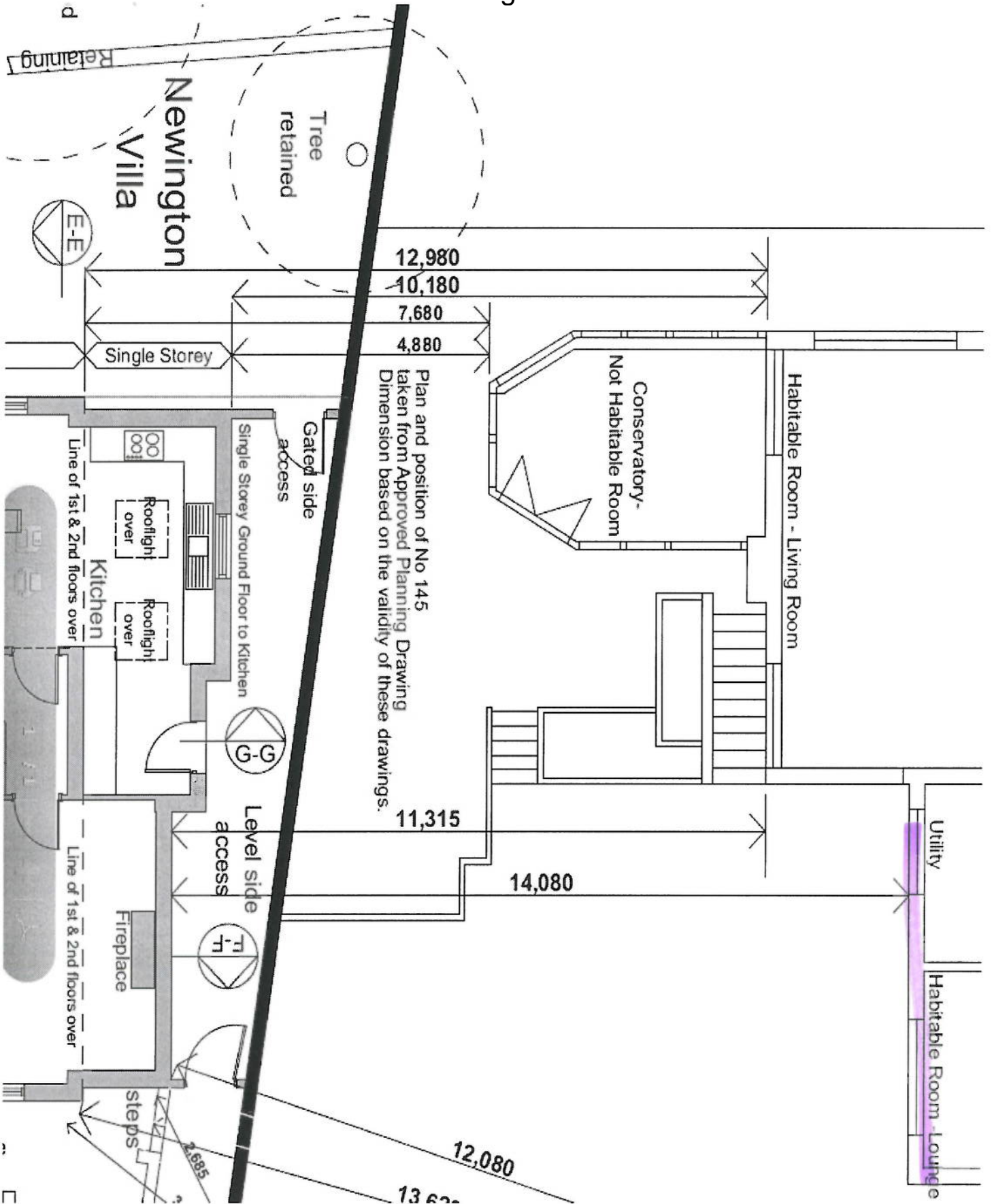
CIRCULATED AT MEETING - Page 35A ITEM 4A)
NEWINGTON HOTEL,
147 MOUNT VALE



View of Proposal from
GARDEN
of 2a, Trentholme
(approx.)

CIRCULATED AT MEETING - (ITEM 4A)
NENNINGTON HOTEL, 147 MOUNT VALE

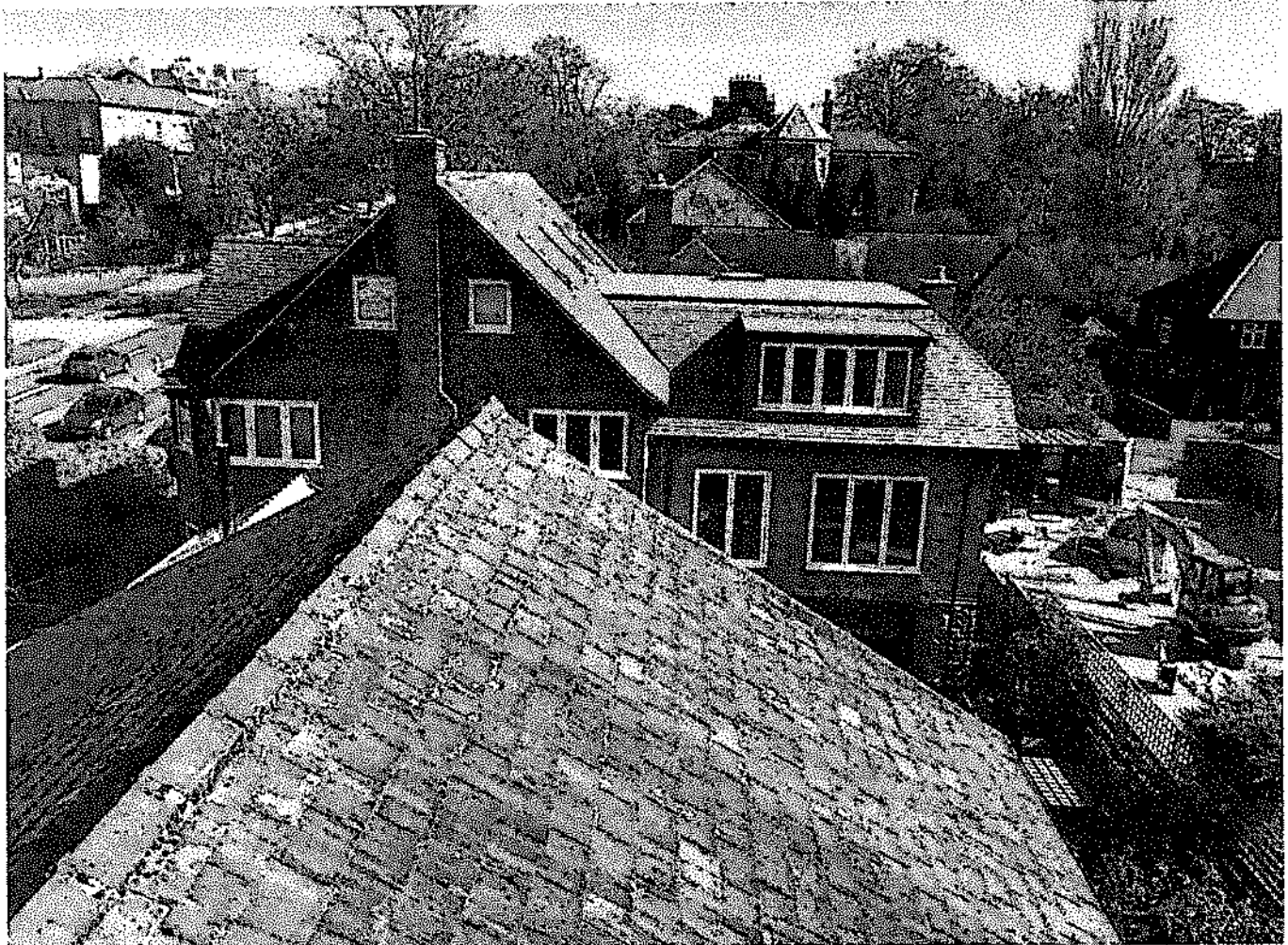
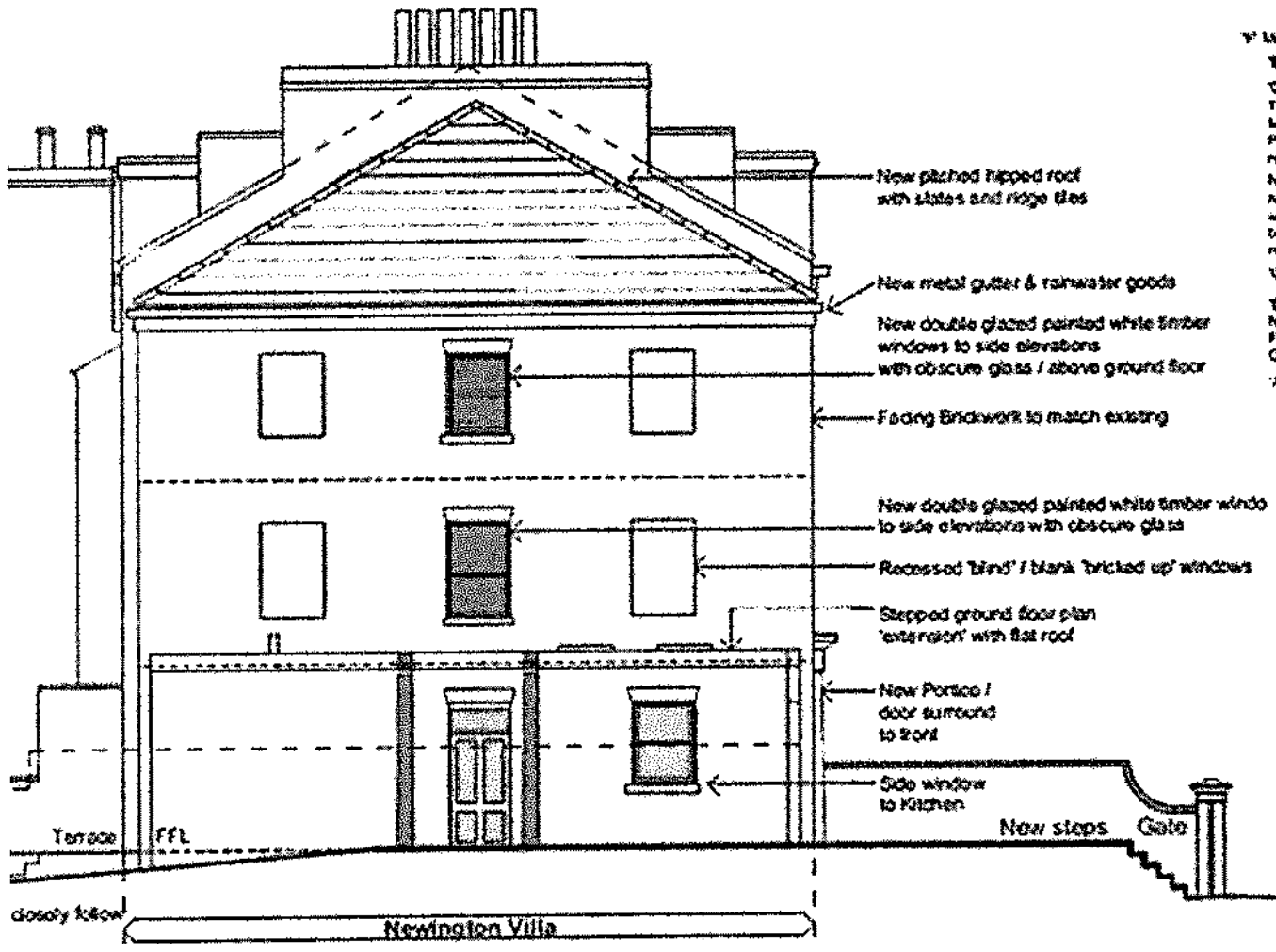




Plan and position of No 145 taken from Approved Planning Drawing Dimension based on the validity of these drawings.

CIRULATED AT MEETING AGENDA ITEM 4A) NEWINGTON HOTEL, 147 MOUNT VALE

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CIRCULATED AT MEETING AGENDA (TEM 4A) NEWINGTON HOTEL, 147 MOUNT VALE

Mount Vale Streetscape Elevation - As Existing 1:100



Mount Vale Streetscape Elevation - As Proposed 1:100



Do not scale off this drawing. If in doubt ask. Scale correct when printed at A1

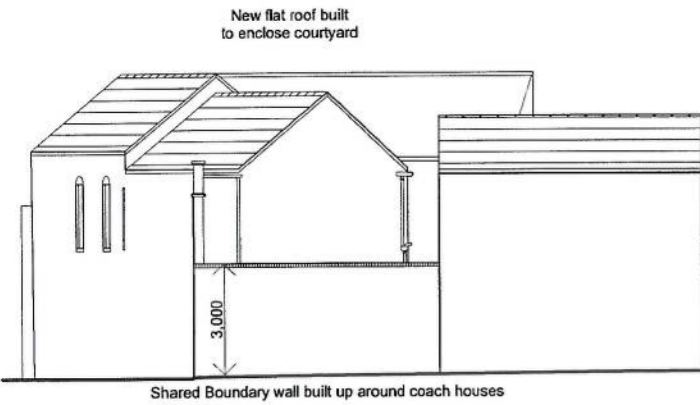
94 The Mount York YO24 1AR
 T:01904 623034 E:post@ppiy.co.uk

Newington Hotel, York
 Development Proposals
 Mount Vale - As Existing / As Proposed

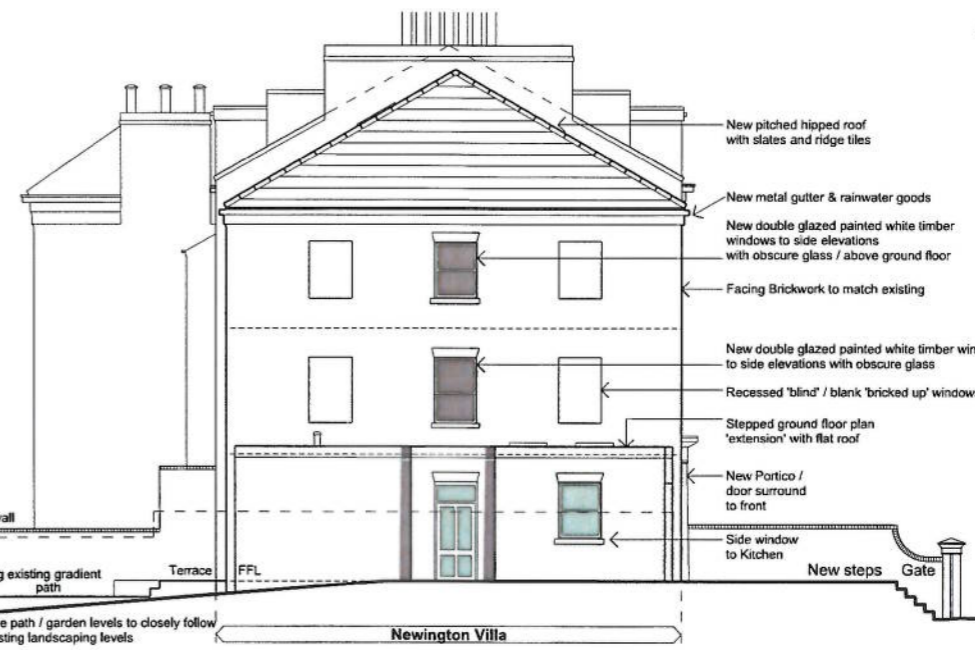
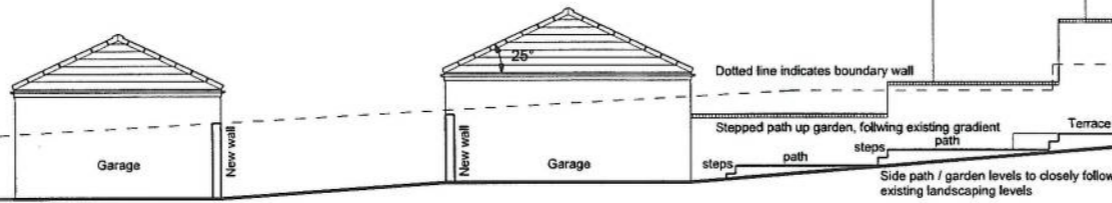
SCALE 1:100	REV
DATE MAY 16	3011/120
DRAWN DE/MDD	All Drawings Copyright of PPIY Limited

Sectional Elevation Across Site (Section B-B) - As Proposed

Coach Houses Side Elevation - As Proposed



Adjoining Owner's Elevation / From Trentholme Drive - As Proposed



- New pitched hipped roof with slates and ridge tiles
- New metal gutter & rainwater goods
- New double glazed painted white timber windows to side elevations with obscure glass / above ground floor
- Facing Brickwork to match existing
- New double glazed painted white timber window to side elevations with obscure glass
- Recessed 'blind' / blank 'bricked up' windows
- Stepped ground floor plan 'extension' with flat roof
- New Portico / door surround to front
- Side window to Kitchen
- New steps
- Gate

'F' May 2016 - Section BB - Railings shown to Front garden of No 151 leading to Mount Vale
 'E' May 2016 - Street elevation - dimensions removed for clarity - MDD
 'D' May 2016 - MDD
 To gable end of Newington Villa - windows confirmed as obscure glass. Note added.
 Mount Vale Street elevation - Dimensions Added. Elevations to No 145 updated.
 Position of existing Newington extension to be taken down, shown dotted and relative to the proposed and narrower Proposed New-Build of Newington Villa.
 Note added to 'High screening hedge' - High screening hedge at bottom of the garden No 2a Trentholme Drive was present at the time of this survey and when this drawing was originally submitted - The hedge at nearly twice the height of the boundary wall provided privacy and screening - The hedge has recently been removed by 2a owners, thus removing the existing benefit of screening and privacy.
 'C' May 2016 - Villa side section notes added to terrace, path & steps - MDD
 'B' April 2016 - Changed following Pre App Planning Meeting - MDD/ DE
 New replacement windows added to Hotel & Coach Houses
 Front Dormer to No 147 on Mount Vale removed
 Garages roof pitch lowered / Coach House Garages reduced in height
 'A' Feb 2016 - Newington Villa elevations revised - MDD
 Do not scale off this drawing. If in doubt ask. Scale correct when printed at A1

Page 40

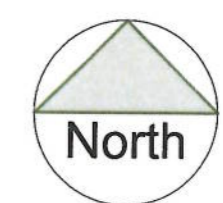
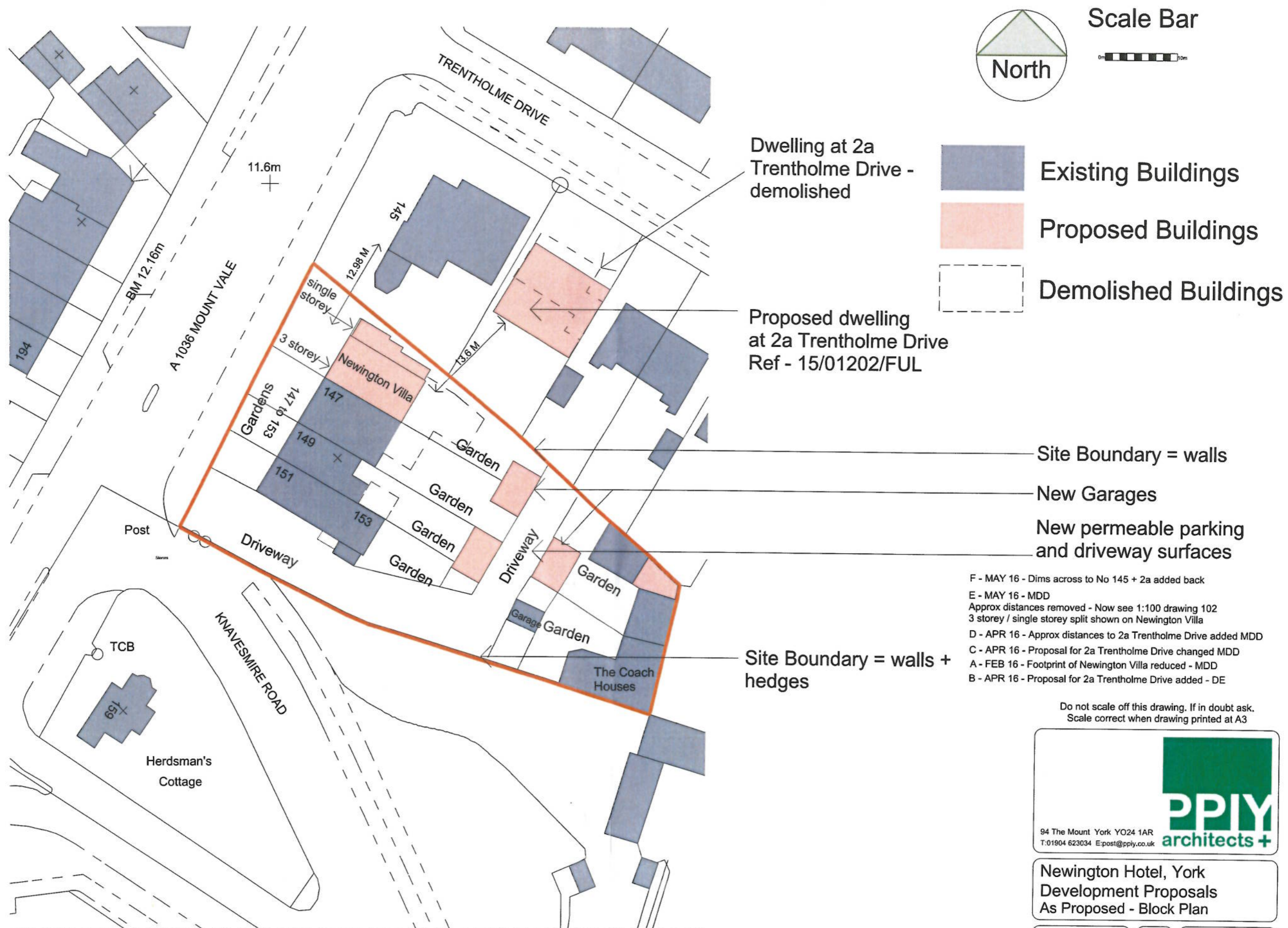


94 The Mount York YO24 1AR
 T:01904 623034 E:post@ppy.co.uk

Newington Hotel, York
Development Proposals
 As Proposed - Site Elevations

SCALE	1:100	REV	F
DATE	OCT.15	REV	F
DRAWN	mdd / de	3011/105F	

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- Existing Buildings
- Proposed Buildings
- Demolished Buildings

Dwelling at 2a Trentholme Drive - demolished

Proposed dwelling at 2a Trentholme Drive Ref - 15/01202/FUL

Site Boundary = walls

New Garages

New permeable parking and driveway surfaces

Site Boundary = walls + hedges

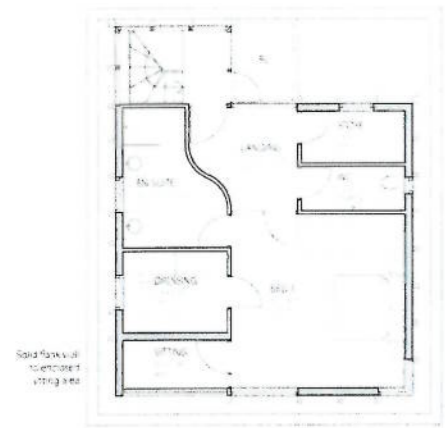
- F - MAY 16 - Dims across to No 145 + 2a added back
- E - MAY 16 - MDD
- Approx distances removed - Now see 1:100 drawing 102
- 3 storey / single storey split shown on Newington Villa
- D - APR 16 - Approx distances to 2a Trentholme Drive added MDD
- C - APR 16 - Proposal for 2a Trentholme Drive changed MDD
- A - FEB 16 - Footprint of Newington Villa reduced - MDD
- B - APR 16 - Proposal for 2a Trentholme Drive added - DE

Do not scale off this drawing. If in doubt ask.
Scale correct when drawing printed at A3

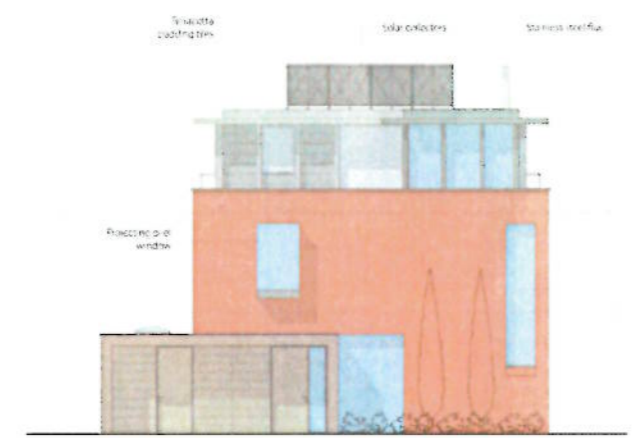
94 The Mount York YO24 1AR
T:01904 623034 E:post@ppiy.co.uk

Newington Hotel, York
Development Proposals
As Proposed - Block Plan

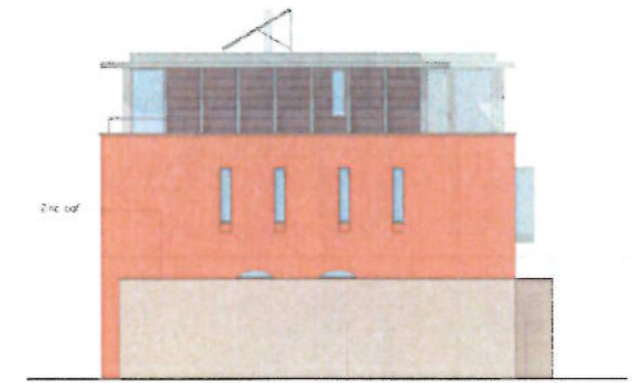
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DATE Oct. 2015		
DRAWN DE		All Drawings Copyright of PPIY Limited



SECOND FLOOR PLAN (1:100)



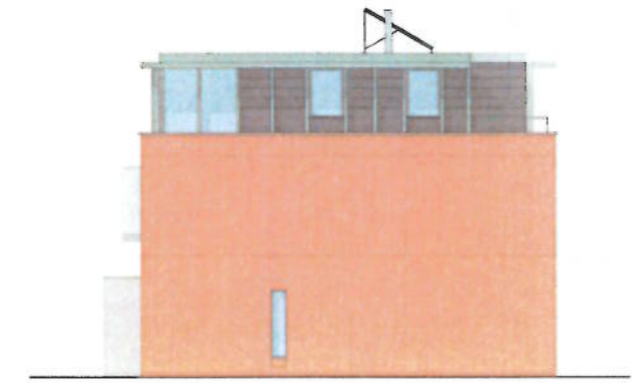
NORTH ELEVATION (1:100)



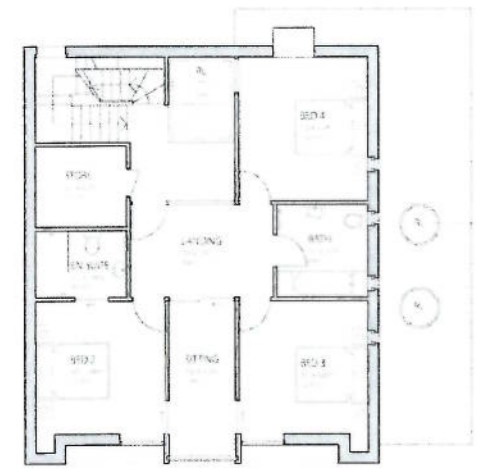
EAST ELEVATION (1:100)



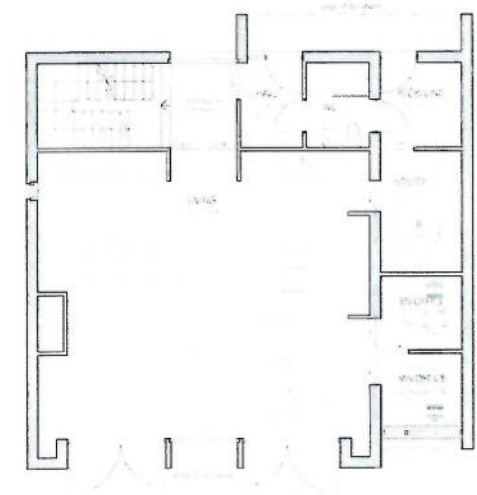
SOUTH ELEVATION (1:100)



WEST ELEVATION (1:100)



FIRST FLOOR PLAN (1:100)



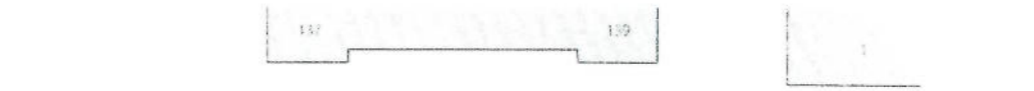
GROUND FLOOR PLAN (1:100)



STREET ELEVATION (1:100)



STREET ELEVATION (1:100)



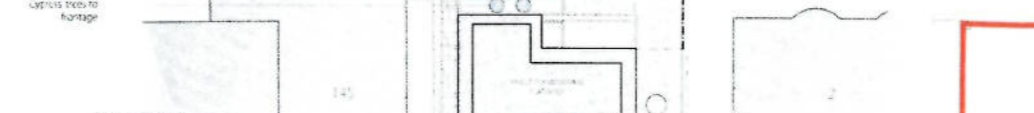
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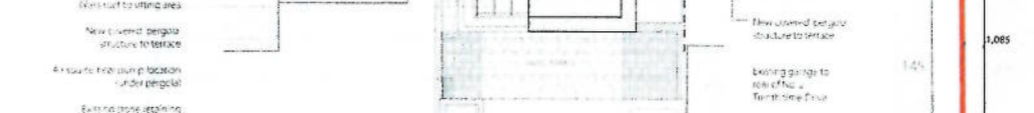
SECTION (1:100)



SITE PLAN (1:100)



SITE PLAN (1:100)



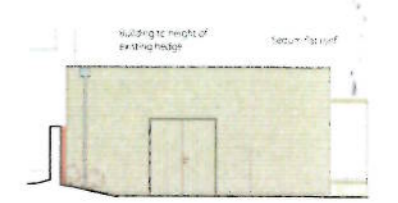
BLOCK PLAN (1:100)



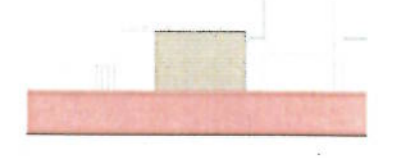
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BLOCK PLAN (1:100)



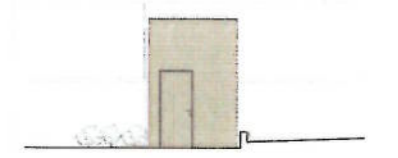
EAST ELEVATION (1:100)



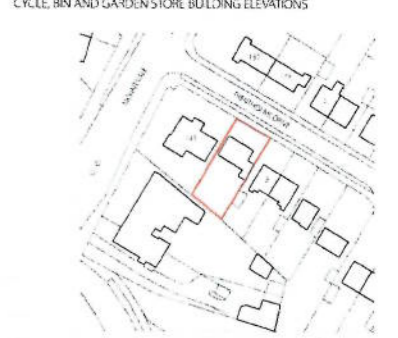
SOUTH ELEVATION (1:100)



WEST ELEVATION (1:100)



NORTH ELEVATION (1:100)



LOCATION PLAN (1:100)

PLANNING ISSUE

0 04/2011 TJT RAB Windows added to first floor living room. Terrace added to rear. Solar collectors added. Terrace added to rear. Existing access to rear under by 15cm. Back and terrace existing. New access added. Second floor terrace removed and replaced with enclosed parking area. Terrace existing on level above terrace. New Date: Drawn: Client: Designer

bramhall blenkarn

RIBA Chartered Practice
The Maltings Malton North Yorkshire YO17 7DP
t 01653 683333
f 01653 683605
e mal@bramhall.com
www.bramhall.com

Project:
Nicholas House
Address:
2a Trentholme Drive, York
Client:
Mr & Mrs M Nicholas

Drawing:
PROPOSALS

© Bramhall Blenkarn. Do Not Scale From This Drawing: 1197_01.ppt
Sheet Size: A1
Date: 26/05/2015
Scale: Varies
Drawing No: 1197_AR50_01_G

COMMITTEE REPORT

Date: 9 June 2016 **Ward:** Dringhouses and Woodthorpe

Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 16/00828/FUL

Application at: 26 Hob Moor Terrace York YO24 1EY

For: Erection of detached two storey dwelling following demolition of bungalow

By: Mr Tim Shepherd

Application Type: Full Application

Target Date: 1 June 2016

Recommendation: Approve

1.0 PROPOSAL

1.1 This is an application for the replacement of a single storey dwelling with a two storey property at Hob Moor Terrace York.

1.2 The site is located on the west side of Hob Moor Terrace. To the north is a row of terraced properties and beyond that the open area of Hob Moor. To the south is a semi detached bungalow, to the west is open land and public access managed by Mayfield Trust and to the east are semi and detached houses. The properties to the east are elevated above the road level, about 1 metre above the application site.

1.3 The proposal is to demolish the existing brick constructed single storey bungalow and garage and to construct a new two storey, three bedroom property on a similar footprint. The new dwelling, like the existing, is to be orientated so that the main windows face towards the side garden on the south of the plot. The existing access position is to be retained with the vehicular crossing point widened.

1.4 This application has been called into committee by Cllr Fenton who is concerned about the impact of the proposed development in terms of its fit with the current street scene, and also concerns that properties opposite would be overlooked in relation to the respective heights of the bedroom windows in the proposed new property and the living room windows in the existing properties opposite.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1 Design
CYGP4A Sustainability

Application Reference Number: 16/00828/FUL

Item No: 4b

Page 1 of 9

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Comments awaited

Flood Risk Management Team

3.2 Comments awaited

Public Protection

3.3 No objections in principle an electric car recharging point should be conditioned and a construction informative placed on any approval. Gas monitoring is required because of the site's proximity to a former landfill site.

EXTERNAL

Dringhouses and Woodthorpe Planning Panel

3.4 Support the application.

Ainsty Internal Drainage Board

3.5 Acknowledges the applicants intention to attenuate flow of surface water and to employ sustainable drainage measures. It is recommended that conditions are imposed to ensure satisfactory surface water drainage.

Publicity and Neighbour Notification

3.6 Eleven letters of objection have been received covering the following points:-

- Concerned about the white finish of the building and possible glare
- Loss of privacy to properties opposite the site. These properties are set higher and the bedroom window of the new property will look directly in to lounge windows.
- Concerned about disruption during the construction phase of the development.
- Concerned about the glare from solar panels, would like to ensure that panels are matt so that windows in the property to the south are not affected.
- Proposed materials out of character with those on Hob Moor Terrace
- The development will cast a larger shadow on the garden area of the property to the north and will introduce windows overlooking the site.

3.7 One letter of support has been received on behalf of Mayfield Community Trust confirming that there are no objections to the scheme; the landscape details are considered to be sympathetic to the surroundings.

4.0 APPRAISAL

4.1 Key Issues:

- Principle of Development
- Siting and design
- Highways access and parking arrangements
- Residential amenity
- Drainage

PLANNING POLICY

4.2 The core planning principles set out at paragraph 17 of the National Planning Policy Framework (NPPF) include the expectation that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives and should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 49 of the NPPF says that applications for new housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (Para 49). Local Planning Authorities should widen opportunities for home ownership and create sustainable, inclusive and mixed communities (Para.50).

4.4 Section 7 of the NPPF requires good design. Paragraph 56 says that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.5 The site is located within the urban area of the City in the City of York Draft Development Control Local Plan (DCLP) approved for development control purposes in April 2005. Policies in the DCLP are considered to be relevant to this development where they are consistent with the advice within the NPPF. The main policies relevant to this development are GP1 'Design' and GP4a 'sustainability' .

ASSESSMENT

4.6 The application proposes the replacement of an existing bungalow with a house on a very similar footprint. The principle of the re-development of the site is supported by national and local policy.

Design and Siting

4.7 The proposed house and attached store is sited in the same location as the existing bungalow and garage; that is on the north side of the plot with its main elevation facing towards the south and looking on to a side garden area. The plot has very limited land to the rear about a 1 metre strip; land beyond this is under the control of Mayfield Trust. The proposal is to introduce a house designed with pitched roofed gable facing Hob Moor Terrace. A bank of solar panel are placed in the southern slope of the roof and the building is to be faced in render and wood cladding with the wall of the attached store on the joint northern boundary constructed of brick. There are a number of different house types within Hob Moor Terrace. To the north of the site is a row of terraced, two storey properties, to the south is a semi detached property with bungalow eaves height and upper floor in the roof space, to the east are detached and semi detached relatively modern houses. The land on Hob Moor Terrace rises west to east so that the houses opposite are set about 1 metre higher than the application site. The majority of buildings along the street are constructed of brick but there are other materials present, mainly as small details on otherwise brick buildings. Concerns have been raised by objectors that the material proposed for the construction of the building will be out of character with the area. In particular objectors are concerned that the use of a white render would result in a building that could look out of place in an area of otherwise brick/muted palette of materials. The applicant has indicated that the render would not be pure white but would be more likely to be an off white (a sample will be available at committee). Officers consider that in an area of mixed house types with no overriding design character it would be difficult to impose any particular design criteria on the applicant. The NPPF advises that the Local Planning Authority should not refuse planning permission for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape. In this case the site is in a sustainable urban location, incorporates sustainable design features and is not part of a distinctive area that is designated for any special architectural or landscape character. Officers consider that the siting and design of the building can be accommodated on the site.

Highways Parking and Access Arrangements

4.8 Hob Moor Terrace provides pedestrian and cycle access to Hob Moor and there is a public footpath to the rear of the plot. The existing access position is to be retained and widened for the new house and the scheme provides for the parking of two vehicles off road.

The number of traffic movements is not expected to increase (other than during the construction phase of the development). There are no objections to the proposed scheme from a highway perspective.

Residential Amenity

4.9 The scheme has raised concerns from the adjacent occupiers; particularly those on the east side of Hob Moor Terrace. These properties are about 1 metres higher (at finished floor) than the application site so that windows in the first floor of the development will align more closely with the ground floor windows of properties opposite. The proposed house stands 7.6 metres high the gable end elevation facing the existing houses has two upper floor windows within it serving bedrooms. One window is a secondary light with a relatively high sill height. The second window is a larger window and is designed to be in keeping with other window sizes in the building. The room is also served with a roof light so it would be possible to remove the window and for the room to have sufficient light within it. However being on the front elevation the loss of the window would unbalance the appearance of the building and would not be a favoured option by the applicant or Officers. The distance between the front elevation of the proposed house and the existing properties is just over 21 metres; between the properties is the road and intervening vegetation. The applicant is proposing a tree in the front area and has reconsidered the front boundary to retain and introduce more landscaping thus breaking up the view between properties; this would also enhance the landscape context of the structure. Overall Officers consider that the distance between properties and the intervening landscape features are such that there will be no loss of amenity as a result of the siting of the bedroom window that could justify a refusal of planning permission.

4.10 The end of terrace property to the north of the site has a side parking and garden area adjacent to the northern site boundary. The new house is set 3 metres from the boundary with the new store being set on the boundary with a single storey eaves height. Windows in the north elevation are at ground floor level with roof lights provide additional lighting to the upper floor. The existing terrace property has no side facing windows. This property will not be overlooked by windows as these are at ground floor level and look at the joint boundary. At three metres from the boundary the increased height of the new dwelling will not dominate or detract from the amenities of the existing property.

DRAINAGE

4.11 Details of drainage have not been submitted as part of the application. As the site is occupied by an existing dwelling Officers are satisfied that details of drainage can be sought by condition.

OTHER MATTERS

4.12 Public Protection require conditions to ensure gas monitoring; the site is close to a former refuse site. Facilities to charge electric vehicles is sought via condition and is justified having regard to advice in paragraph 35 of the NPPF.

5.0 CONCLUSION

5.1 In the opinion of the Local Planning Authority, subject to the conditions listed, the proposed development including its design and siting, parking and access arrangements, impact on residential amenity and drainage would comply with policies within the National Planning Policy Framework and the Draft Development Control Local Plan approved for development control purposes April 2005.

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 no.2015HMT-03-012 rev.B - Floor plans and sections

Drawing no.2015HMT-03-013 rev.A - Elevations

Drawing no.2015HMT-03-014 rev.B - Site plan

Drawing no.2015HMT-03-015 rev.A - Site elevation/section

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 sample panel of the brickwork, render and cladding to be used on the building shall be erected on the site and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The approved development shall be carried out using the approved sample.

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

4 Before the dwelling is first occupied there shall have been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs proposed to the front and side boundaries of the site. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site in order to ensure flood risk is not increased elsewhere and in accordance with the aims of Section 10 of the National Planning Policy Framework. The approval of details is required at this stage in order to ensure that the implementation of an acceptable drainage solution is not compromised by the premature commencement of works at the site.

6 Prior to commencement of development, gas monitoring and/or a risk assessment shall be carried out by a competent person to assess landfill gas generation and migration. Based on the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors work. The approval of details is required at this stage in order to ensure that the gas monitoring and any required protection is not compromised by the premature commencement of works at the site.

7 Prior to occupation of the development, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 The applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. It should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles

7.0 INFORMATIVES: Notes to Applicant

1. INFORMATIVE:

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Clarification of proposed material details
- Amendments to front boundary landscaping

Contact details:

Author: Diane Cragg Development Management Officer (Mon-Thur)

Tel No: 01904 551351

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26 Hob Moor Terrace

16/00828/FUL



Scale : 1:1059

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 May 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 June 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 16/00701/FUL
Application at: Hilary House St Saviour's Place York YO1 7PJ
For: Roof extension to provide additional apartment
By: St Catherine's Developments
Application Type: Full Application
Target Date: 27 May 2016
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to Hilary House; a 5-storey office building, above a semi-basement car park which dates from the 1960's. The property has just recently been converted from offices into apartments.

1.2 The site is within the Central Historic Core Conservation Area. In the conservation area appraisal the host building is identified as a detractor. The surrounding buildings are predominantly domestic in character and scale and generally in residential use. The terraces of houses that line St Savourgate to the SW are listed buildings as are the group of buildings to the eastern side of the host building which overlook Peasholme Green.

PROPOSALS

1.3 The application is to add a roof-top extension which would provide one further dwelling. The accommodation would be contained under a sculptural series of angled zinc clad roofs.

1.4 The application comes to committee at the discretion of the Assistant Director. This is because similar applications to extend upwards buildings identified as detractors in the Central Historic Core Conservation Area Appraisal have typically been rejected and as other applications for development at this site have been subject to a call in.

RELEVANT PLANNING HISTORY

1.5 There were three applications made proposing changes to the building in 2013. A prior notification application for change of use of the building into residential, a full planning application for the associated required changes to the buildings exterior; which was approved and an application to add an extension to the roof. The later application was withdrawn. English Heritage (now Historic England) did not support the application, they considered that the addition would compound the harm that the host building already had on the conservation area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area
Conservation Area GMS Constraints: Central Historic Core
Listed Buildings: Grade 2; 60-62 Aldwark York YO1 2BU

2.2 Relevant policies of the Draft 2005 Local Plan:

CYHE2 Development in historic locations
CYHE3 Conservation Areas
CYGP1 Design

2.3 Emerging Local Plan

2.4 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. The policies relevant to this application area as follows:

DP2 Sustainable Development
DP4 Approach to development Management
D1 Landscape and Setting
D2 Placemaking
D4 Conservation Areas

3.0 CONSULTATIONS

Design and Conservation

3.1 Members to be updated at meeting.

Conservation Area Advisory Panel

3.2 The Panel felt that this building had integrity of design and was of its time. The Panel objected very strongly to the addition of a penthouse. The building is already out of scale with the buildings on St Saviour's Place and St Saviourgate, and the addition of another storey would add further harm to the surrounding context and long distance views.

Guildhall Planning Panel

3.3 Object. Adding extra bulk will not diminish the impact of the building. Adding an extra storey worsens the situation and would breach the principle of not having tall developments inside the conservation area. The panel has advised previously that this building was a eyesore adding another floor does not diminish this. The building is still an eyesore and this application motivated by pure greed. This application was refused previously and we see no additional merit in the current submission, and this should also be refused.

Historic England

3.4 Advice is that the application could be approved subject to conditions to agree finer detailing and the materials.

3.5 The proposal has the potential to considerably improve the appearance of Hilary House within the streetscape and from the City Walls. HE would therefore regard this as an enhancement. This is providing the detailing and use of materials are of high quality and that the cladding materials are recessive in character (rather than shiny) whilst at the same time being interesting.

Neighbour Notification and Publicity

3.6 There have been 14 objections. The objections were as follows:-

Impact on setting

- The building is excessively tall already and identified as one which detracts from the setting in the conservation area appraisal; to add to its height would harm the setting. Hungate should not provide justification for appropriate building height in this area, because it is at a lower ground level.
- The extension would not complement the appearance of the host building or its setting, it would look awkward and draw attention and not enhance the building's appearance. The building would appear over-dominant over The Minster in views from the public route recently created to the side of the Hiscox building.
- The charm and predominately low-rise nature of St Saviours Place, Spen Lane and Aldwark would be degraded by this development

- Allowing the proposal could set a precedent for over-development in the conservation area. To develop buildings of such a height would conflict with advice in the conservation area appraisal which recommends against buildings over 4-storey in height in the Central Historic Core Conservation Area.
- The images provided attempt to show that the impact on the setting will be low due to various trees and this is inaccurate.

Issues over the decision-making process

- The application should be determined by committee rather than delegated to officers.
- Those who have objected to previous applications at the site were not notified by letter of this application.

Amenity

- The development would lead to a loss of visible sky from 10 Spen Lane.
- Increased disturbance due to noise from residents using the outside space. Disturbance during construction.

Traffic

- Re-development of the host building has led to parking issues in the locality. This problem would be enhanced by adding a further apartment.

4.0 APPRAISAL

4.1 KEY ISSUES

- Impact on the character and appearance of the Central Historic Core Conservation Area
- Amenity of surrounding occupants
- Highway network management

Impact on the character and appearance of the Central Historic Core

RELEVANT PLANNING POLICY

4.2 The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas. The NPPF in paragraphs 131-134 establish the approach for dealing with applications and when it is possible to allow development which would have a harmful impact.

4.3 In consideration of design National Planning Policy Guidance (NPPG) states layout, form, scale and detailing are all relevant considerations.

With regards scale the size of individual buildings and their elements should be carefully considered, as their design will affect the: overshadowing and overlooking of others; local character; skylines; and vistas and views. The guidance recommends that developments either creating distinctive skylines or respecting the existing. Local Plan policy in the emerging plan is consistent with national advice in this respect. Policy D2: Placemaking states that proposals will be supported where they:

- Respect York's skyline by ensuring that development does not challenge the visual dominance of the Minster or the City Centre roofscape.
- Respect and enhance views of landmark buildings and important vistas.

4.4 Local Plan policy HE2 relates to development in historic locations. HE2 advises proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.5 The Central Historic Core Conservation Area Appraisal contains an assessment of the area and includes a management strategy to inform development proposals. The host building is identified as a detractor within the Aldwalk Area assessment.

4.6 The assessment explains that although ancient in origin, Aldwark is now the most modern suburb within the walls. The host building is one of the two buildings in the area identified as ones which detract. It explains the five-storey Hilary House as "an ugly terminus to the view down the largely Georgian St Saviourgate. It replaced a late Georgian chapel. Taking little notice of the form and proportions of its surroundings, it is neither a good example of its time nor built of high quality materials". The building has since been refurbished and its facade updated as part of a conversion into residential use.

4.7 The Management strategy in the conservation area appraisal seeks to enhance or replace buildings identified as detractors (5.4.3). Section 5.8 explains that new development should:-

- respect the characteristics which define York's distinctive urban form
- place importance on the design of roofs and the roofscape: and contribute positively to the character of York's distinctive skyline in this respect

ASSESSMENT

4.8 In the 2013 scheme which was withdrawn the proposed extension had a curved roof, its sides were to be rain-screen cladding and the roof aluminium.

The extension continued the lift up to the new top level and it was not set back from the SE elevation. The addition would have been unsightly in views from Peasholme Green and the City Walls.

4.9 The proposed extension is designed so the accommodation would be setback typically 2m from the edge of the existing roof. The roof slopes down over the accommodation apart from on the west elevation which faces towards the Minster. The roof form varies, when it slopes down to the edge, it is 2m higher than the parapet of the existing building, at its highest point at the west end it would be 4.5m above the parapet. The design intent is that the extension appears as a profiled roof form, rather than an obvious extra storey added to the building.

4.10 Whether the proposals are acceptable in design terms has been considered by an assessment of the impact on key public views from within the conservation area.

Elevated views from the Minster

4.11 In views from the Minster the flat roof of the existing building is apparent and detrimental to views of this part of the conservation area. The proposed modelled roof would improve the appearance of the building and setting in views from The Minster.

Views from Hungate (design view 1)

4.12 It is proposed to re-develop the currently vacant site between the new Hiscox office building and the listed Black Swan public house. The re-development proposal with outline planning permission would have the new building setback and a public realm created between the Black Swan and the Hiscox building. The space between the proposed building and Hungate will become a public route and part of the strategic cycle network.

4.13 From the proposed public route Hilary House will be obscured by the development intended for the vacant site. Hilary House will be seen from the new public realm, alongside the Minster in the distance. The proposed extension in this view would be set 2m from the (east) side elevation and the roof would slope down so it would almost meet the existing parapet at each in end. The addition would be subtle in this view. Views of the Minster would remain and Hilary House would not appear over-dominant.

Views from St Saviourgate (DV3)

4.14 Along St Saviourgate Hilary House is part screened and framed by the housing to each side. As one approaches the host building it becomes increasingly apparent that the building is of a larger scale than its neighbours.

The elevations of the proposed extension would be setback 2m from the buildings edge and partially screened by the oversailing roof. The addition proposed would have a low impact on the townscape. It would be apparent, but again recessive in scale and form and not dominant in the setting.

Views from Aldwark (DV2)

4.15 Hilary House is setback from the street and only becomes apparent at the NW end of Aldwark where it meets St Andrewgate. The view affected would be a fairly distant and brief view of the building and one in which the top floor and existing flat roof form of the existing building appears incongruous.

Views from the City Walls

4.16 The building and the extent it is out of keeping with its setting is most apparent in views from the walls, beyond each side of the Merchant Taylors Hall. The full extent of the building in context is apparent from these views. The top two floors extend beyond the surrounding streetscape. The building appears out of scale, too bulky and lacks interest due to its flat roof. The buildings in the immediate surrounds are predominantly of a smaller scale and have pitched roofs clad in pantiles. Whilst a considerable number of these buildings are modern, the roofscape respects the character of the conservation area. The telecommunications structure also looks alien and harmful to the setting (see picture in DV4) but other larger scale buildings nearby; Stonebow House and development at Hungate are far less prominent in this view.

Assessment

4.17 The judgement to be made therefore is whether when viewed from the City Walls and to a lesser extent from Aldwark (views 2 and 4 in the applicant's assessment) the proposed addition amplifies the prominence of the host building to the extent it increasingly detracts from the city skyline. Alternatively whether the addition helps to moderate the scale and bulk of the building and is a distinctive addition which would add interest to the skyline. The latter impact would be one which would be acceptable given national advice on design and compliant with the management strategy in the conservation area appraisal.

4.18 The management strategy in the conservation area appraisal provides guidelines on the design of new buildings and makes the following recommendations:

- Respect the characteristics which define York's distinctive urban form, for example: building lines, historic street patterns, building scale, plot and block dimensions
- Respect local building heights.

- Place importance on the design of roofs and the roofscape, which is often highly visible from raised viewpoints (walls, Clifford's Tower, the Minster), and contribute positively to the character of York's distinctive skyline in this respect.
- Preserve existing views and look to create interesting new ones;
- Seek to add to the variety and texture of the Conservation Area, which is one of its defining characteristics.

4.19 The existing building fails to be compliant with the first two recommendations because of its excessive scale and uncharacteristic form. This would be amplified as a consequence of adding to the height of the building. However due to the design of the extension proposed it would add interest and form a more appropriate termination to the building, compared to the existing flat roof. The development to this extent follows the design guidelines within the conservation area appraisal.

4.20 The view affected from the City Walls is towards Stonebow and Hungate in the opposite direction of views of the Minster. None of the key views of the Minster, as identified in the Central Historic Core Conservation Area Appraisal, would be materially affected by the proposed development. In addition when viewing the area from the City Walls there would be no harm to the setting of listed buildings, identified buildings of merit in the Aldwark area or landmark buildings or important vistas. The proposals are consistent with design policy D2 in the emerging Local Plan on placemaking in this respect.

4.21 A building within the conservation area which has been identified as a detractor would become more prominent. However from the viewpoint on the City Walls from which the extension would be most apparent, the building already appears out of scale. There are buildings of variable heights and design in this view, as there are throughout the city centre. The structure would be of recessive design; the building as a composition would be enhanced and there would be added interest to the city skyline. It is concluded there would not be harm to the character and appearance of the conservation area.

Amenity of surrounding occupants

4.22 The National Planning Policy Framework requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.23 The edge of the proposed roof overhang would be 2m higher than the parapet of the existing building and inset 1.2m. The extension would be at least 20m from the buildings on the opposite side of Aldwalk and 16m from the nearest house on St Saviours Place.

Considering guidelines from the Building Research Establishment (BRE 45 degree guidelines) the extension would not have a material impact on light gain to neighbouring buildings. Due to the scale and design of the building it would not appear over dominant and would not cause overlooking.

Highway network management

4.24 The NPPF states that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

4.25 The application is compliant with the NPPF in terms of impact on the highway network –

- The site is in the city centre where sustainable modes of transport are a viable alternative to private car use.
- Adequate cycle storage, compliant with local plan policy standards, will be secured through a planning condition.
- Despite the extra dwelling proposed there would still be far less traffic movement associated with the residential use of the building in comparison to the historic office use.

Other matters

4.26 Objections have referred to the perceived lack of publicity of the application. In this respect the council has fulfilled statutory requirements; there was a notice in the press and displayed at the site and occupants of adjoining buildings were consulted.

5.0 CONCLUSION

5.1 Officers recommend approval as the scheme is compliant with national and local planning policy:-

- The development would provide an improved termination to the host building. The design follows the principles within the management strategy in Central Historic Core Conservation Appraisal and adds distinctiveness and interest to the skyline.
- Planning conditions would be used to retain control of the execution, to approve large scale details and all materials.
- There has been no identified harm to the setting of listed buildings and the character and appearance of the conservation area.
- There would be no adverse impact on highway safety and residential amenity.

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:-

Drawings HHY3037
Floor Plans DP02
Elevations DE01
Sections DS01

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

3 Materials

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

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

Reason: The details must be agreed prior to works commencing given the prominence of the site and to ensure an acceptable impact on the character and appearance of the conservation area.

4 Large scale details

Large scale details (at 1:10 or 1:20) showing a typical section of each elevation, including notes on materials, 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.

Reason: The details must be agreed prior to works commencing given the prominence of the site and to ensure an acceptable impact on the character and appearance of the conservation area.

5 Storage

Prior to occupation of the dwelling hereby approved details of adequate space for cycle storage, which is covered and secure (i.e. within the building) shall be submitted and approved by the Local Planning Authority and provided for use in accordance with the approved details.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with Local Plan policies GP1 and T4 and section 4 of the National Planning Policy Framework.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: gave pre-application advice on the design of the scheme and in particular how to ensure an appropriate design which suited the host building and preserved the conservation area in views from Peasholme Green.

Contact details:

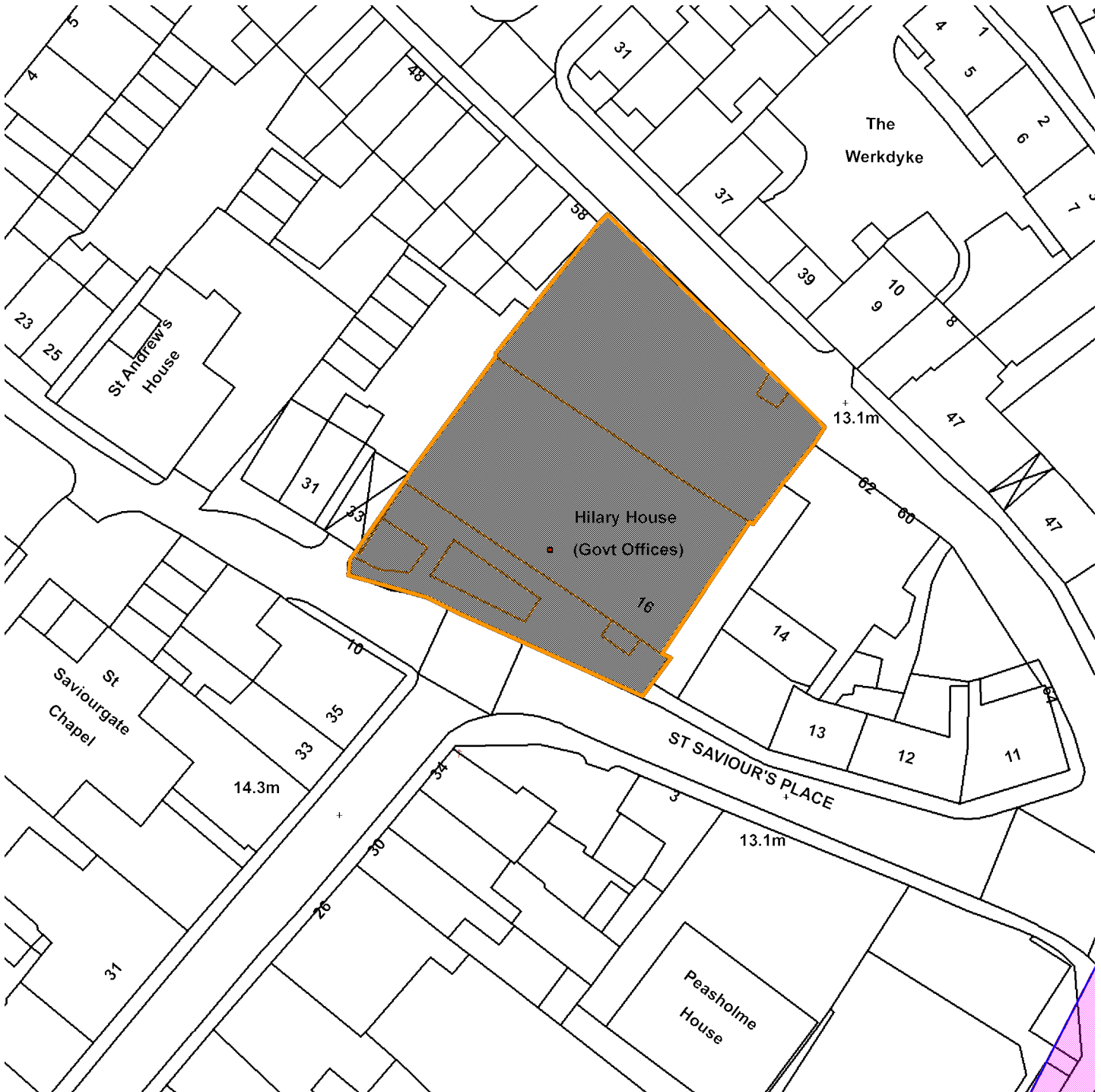
Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

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Hilary House, St Saviours Place

16/00701/FUL



Scale : 1:566

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Organisation	City of York Council
Department	CES
Comments	Site Plan
Date	31 May 2016
SLA Number	Not Set

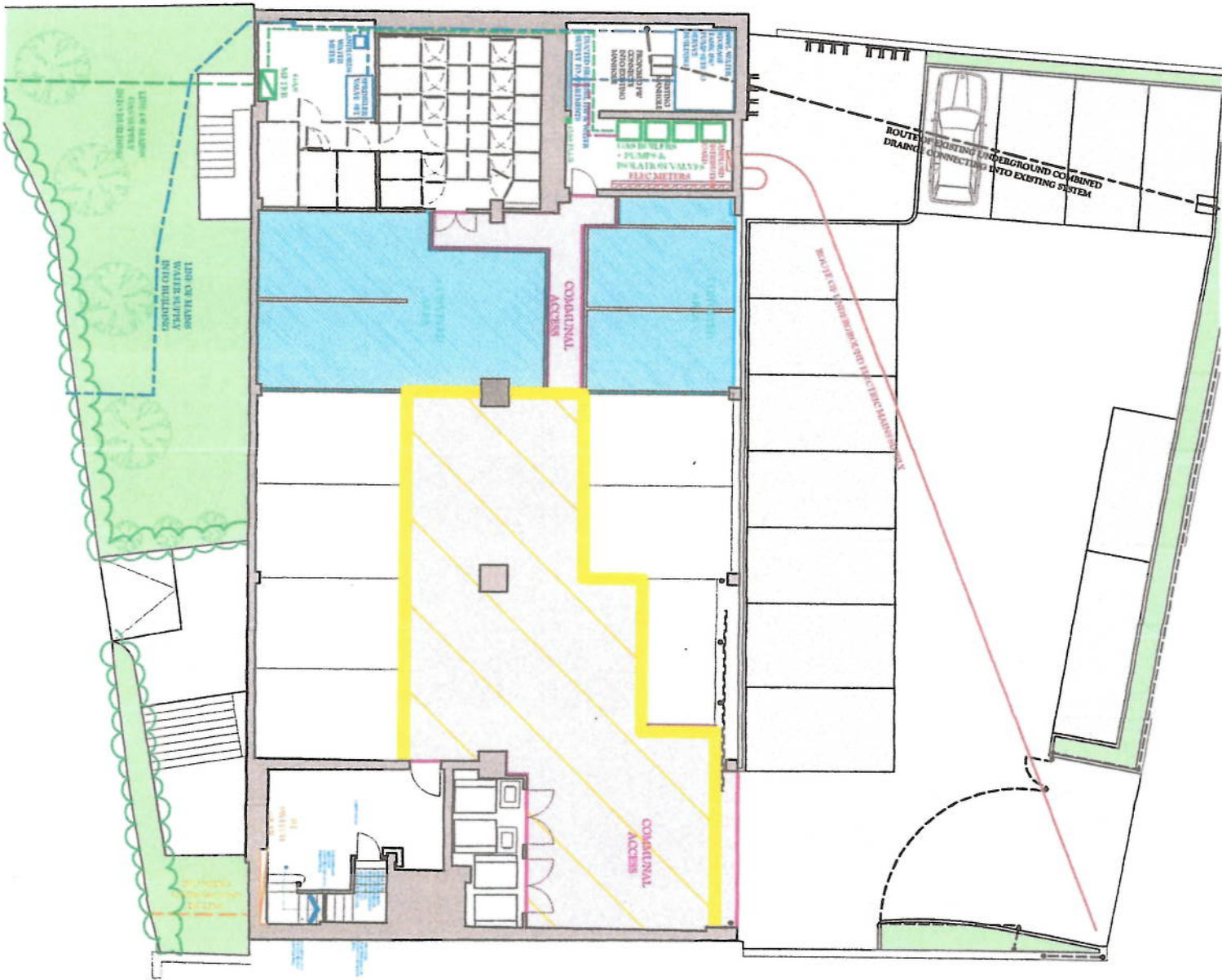
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**City of York Council Planning Sub-Committee
Hilary House, now Biba House, YO1 7PJ
9th June 2016**

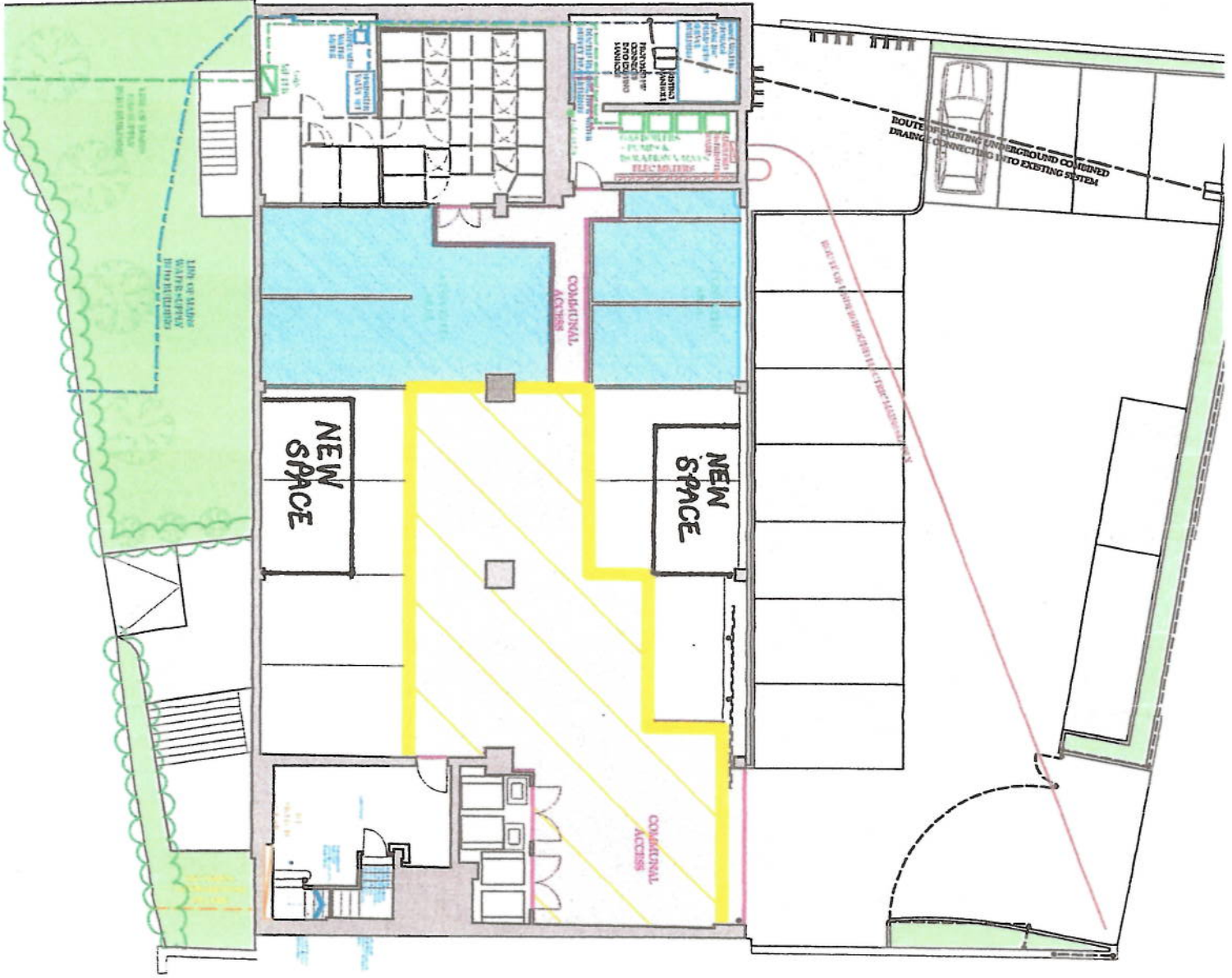
The attached Plan A shows 13 spaces outside the building and 11 in the basement. We have no issue with the outside parking. However, inside the building there is not room for 11 usable spaces, only 9 - the lines on the ground are entirely misleading.

There are 4 flats unsold in the development and at least one which is sold but not let. Therefore none of the parking allocated to these flats is in use, and most of the basement parking is unoccupied. Once these flats are sold, however, and the car park is full, it will be physically impossible to access the four far end spaces and extremely difficult to park in the remaining spaces.

Plan B shows an alternative layout which would create real spaces as opposed to fictitious ones. However, this does mean reducing the number of indoor spaces to 9 and would leave no available space for allocation to the proposed penthouse. If the Applicant has indicated that there is parking available, this is not true.



PLAN "A"

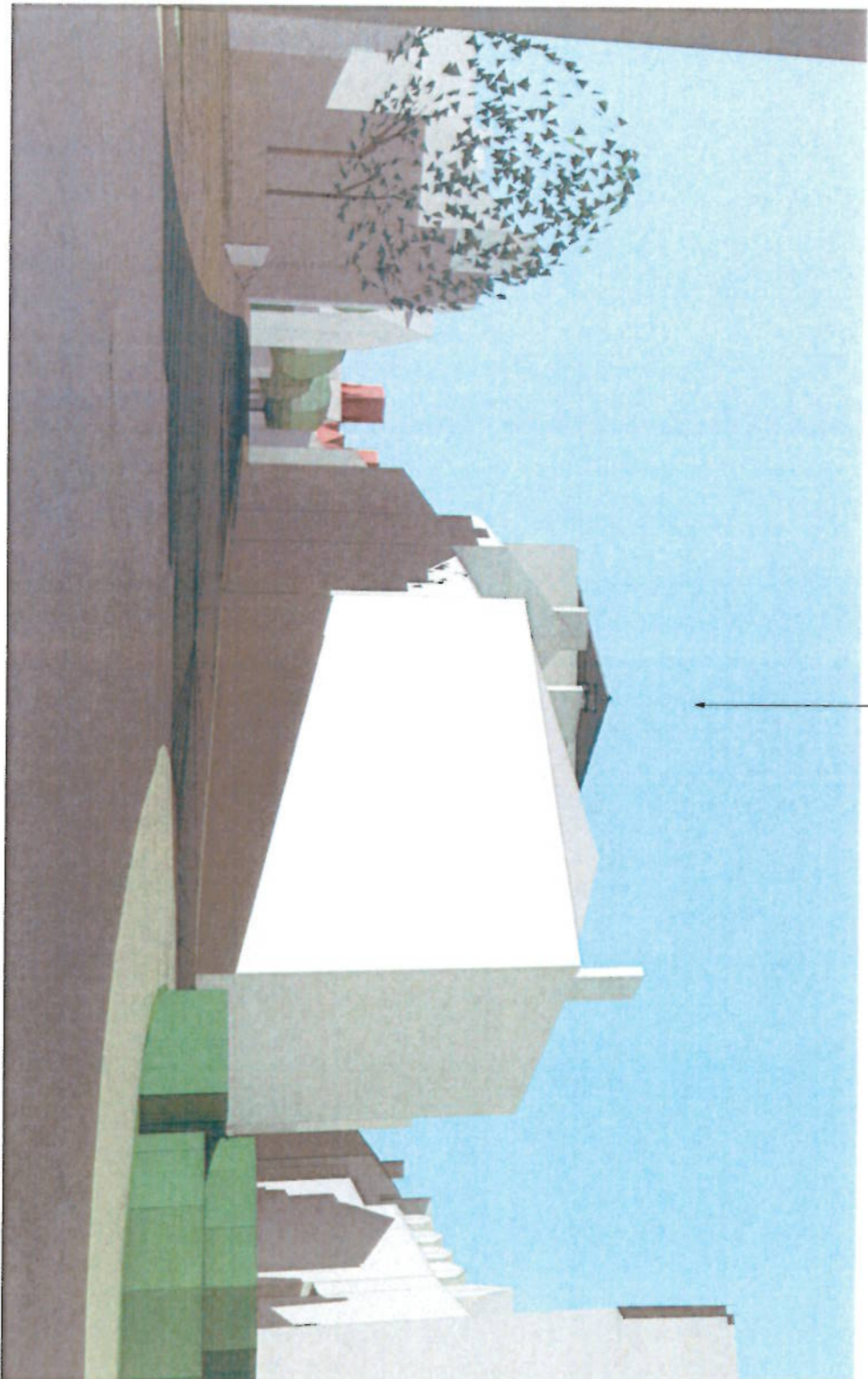


PLAN "B"

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Always compare other drawing/document types with the latest published PDF version to confirm you are referring to current information.
DIMENSIONS All dimensions and areas shown are as designed only. Actual (as built) dimensions and areas are to be confirmed by site measurement. Dimensions and areas on this drawing are measured as shown. If in doubt, please request confirmation.

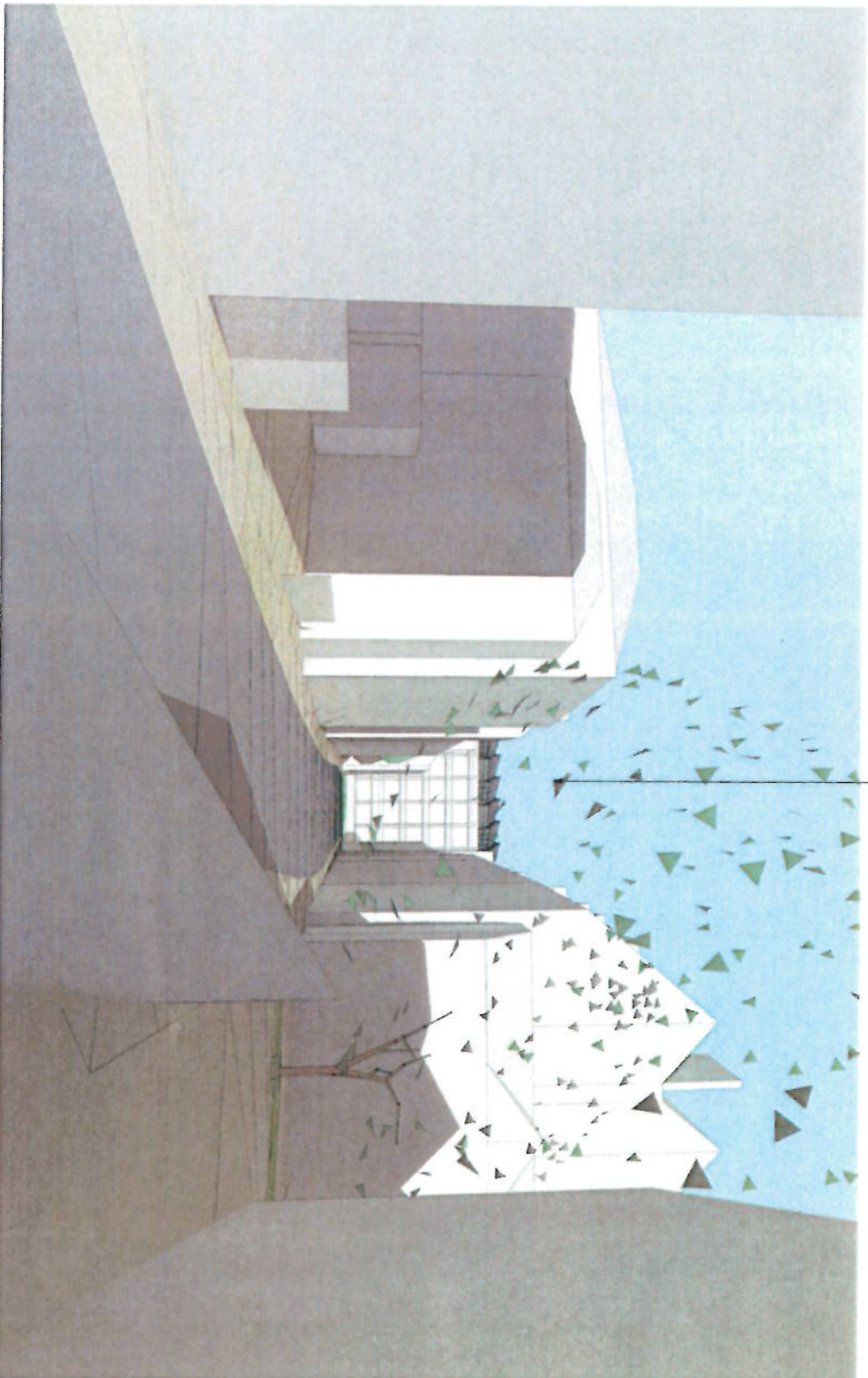
Glimpse of new pitched roof adds a more vertical emphasis and skyline interest and improved visual harmony on Paasholme Green. The roof sweeps down at this end and is only 1.9m above the parapet.



Model View as Proposed

A more fragmented and appropriate scale is introduced to the roofscape on St Saviours Place beyond. Interest is added to the focal point of the vista. Any increase in apparent height is minimised by using a different grid to that below so that vertical elements do not run through. However, the grid module is the same as that of the parent building for better visual integration.

PDF version to confirm you are referring to current information.
DIMENSIONS All dimensions and areas shown are as designed only. Actual (as built) dimensions and areas are to be confirmed by site measurement. Dimensions and areas on this drawing are measured as shown. If in doubt, please request confirmation.



Model View as Proposed

CIRCULATED AT MEETING AGENDA ITEM 4C) HILARY HOUSE, ST SAVIOUR'S PLACE

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COMMITTEE REPORT

Date: 9 June 2016 **Ward:** Huntington/New Earswick
Team: Major and Commercial Team **Parish:** Huntington Parish Council

Reference: 16/00665/FULM
Application at: Land to the South of Partnership House Monks Cross Drive Huntington York
For: Mixed use development including erection of electrical retail store with associated workshop, storage and offices and a drive-thru restaurant
By: Mr Chris Hale
Application Type: Major Full Application (13 weeks)
Target Date: 15 June 2016
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a building to provide accommodation for an electrical contractors and retail business and a drive through cafe/restaurant on 0.5ha of land located between Partnership House and Monks Cross Drive, Huntington, York.

1.2 The application site is rectangular area of grass land located on the Monks Cross Drive frontage. To the east is a three storey office block partially occupied by Aviva. To the north is an office building (known as Partnership House). To the south is Monks Cross Drive and to the west is the road access which serves the existing office development (to the north) and the proposed site. The land is set above the level of the footpath along Monks Cross Drive.

1.3 The proposal has two distinct elements; the east half of the site is to be used by Herbert Todd and Son to provide new modern premises for their electrical sales, repair and contracting business. The proposal is to construct a long rectangular structure on a north south orientation. The retail showroom would occupy the south end of the ground floor facing Monks Cross Drive. The north half would accommodate storage and workshop space. Offices, WC's and staff facilities would be accommodated between the showroom and storage area. A small mezzanine would be located in the centre of the building and accommodate more storage and office space. The agent indicates that the primary purpose of the building is electrical retail store and showroom; however the building would also serve as a base for the company's contracting team that employs 9 of the 17 staff. The total floor area of the building is 924 sq.m. on a footprint of 701 sq.m.

The height of the building is 6 metres to eaves and 10 metres to ridge. The external walls and roof would be clad in grey profiled sheeting.

1.4 The proposed cafe is sited on the west side of the site. There is no specific end user for the cafe but the applicant says that negotiations with a national coffee chain are at an advanced stage. The cafe building has a footprint of 169 sq.m. It is single storey with a mono-pitched roof and is to be clad in a mix of render, timber and glazing. An outside seating area is proposed on the south side of the building.

1.5 Access is via a new entrance point on the north west corner of the plot; sixty car parking spaces are proposed between the two buildings. Visitor and covered and secure employee cycle parking is proposed for each use. The scheme includes a pedestrian and cycle access point from the Monks Cross Drive frontage.

PLANNING HISTORY

1.6 Permission was granted for the erection of 5 no. two storey and 2no. three storey office units (B1) in February 2007 (06/02541/FULM)

1.7 A temporary planning permission for 3 years was granted in July 2012 for the use of the land as a car park by Aviva employees (12/01917/FUL).

2.0 POLICY CONTEXT

2.1 Policies:

CYE3B Existing and Proposed Employment Sites
CYGP1 Design
CYS6 Control of food and drink (A3) uses

3.0 CONSULTATIONS

INTERNAL

Highway Network Management

3.1 Comments awaited.

Planning and Environmental Management (Countryside And Ecology)

3.2 Based on current information and using Natural England's rapid assessment tool the proposed development is highly likely to impact on great crested newts and therefore a European Protected Species Licence would be required. When a European Protected Species licence is required the competent authority (in this case City of York Council) must consider the likelihood of a licence being granted and therefore need to be satisfied that the 'three tests' of overriding public interest, no satisfactory alternative and maintenance of favourable conservation status are

met. With regards to the maintenance of the population of the species concerned at a favourable conservation status in their natural range the Countryside and Ecology Officer is satisfied that the mitigation proposed will ensure this, particularly as it utilises existing mitigation land which, through monitoring, has shown to be successful. Conditions are proposed to ensure the implementation of ecology measures, further ecology work is sought if the development is not commenced within two years and an informative is sought to protect nesting birds during the nesting season.

Planning and Environmental Management (Forward Planning)

3.3 The site is identified as an employment allocation within the 2005 Local Plan and draft Publication Local Plan (2014). However there is evidence to show that there is a reduced demand for office space at Monks Cross from the council's economic policy officer and the applicant. The proposal will retain a York business and also continue to provide employment for 17 staff at the electrical store and create employment at drive-thru restaurant which are all welcomed. Satisfied that the sequential information submitted to show that there are no suitable sites for the development in the city centre or edge of centre locations is acceptable and the sequential test is passed. No impact test (assessment of the impact of the development on the city centre vitality and viability) is required as the development is below the locally set threshold of 1500 sqm. Conditions should be imposed to restrict the retail floor space to that proposed.

Public Protection

3.4 No objections to the principle of the proposal. Noise - likely to involve the provision of a number of items of plant and equipment, including air conditioning units and possible kitchen extraction systems. A condition is requested that details of all plant and equipment audible outside the building is provided. Odour - details of extraction systems are requested by conditions. The phase 1 contamination details submitted are acceptable a condition re unexpected contaminants is requested. In line with the Council's Low Emission Strategy and the National Planning Policy Framework (NPPF) developers are required to demonstrate that they are making all reasonable efforts to minimise total emissions from development sites during both construction and operational phases. As the total number of car parking spaces associated with development is over 50, it is recommended that two electric vehicle recharging points, serving 2 dedicated bays, should be provided on the site. A development informative is requested.

Flood Risk Management Team

3.5 comments awaited.

EXTERNAL

Huntington Parish Council

3.6 No objections however the Parish Council point out that whilst individual applications are considered in a piecemeal way that the cumulatively effect this extra development is having/and will have is exacerbating the problems of congestion and speeding traffic especially on the B1237, Malton Road and New Lane and they consider this is an issue that should be considered in full by planning.

Yorkshire Water

3.7 Company records indicate an existing 110mm diameter live water main crosses through the red line site boundary. The presence of the main may affect the layout of the site and therefore I consider it to be a material consideration in the determination of this application. It is recommended that no obstruction encroaches within 3 metres on either side of the main i.e. a protected strip width of 6 metres. Please note, the proposal at the north eastern end of the site for secure overnight parking appears to have fencing and locked gates very near to or over the water main. To clarify if there will be an impact on the water main, the 'exact line of the main' will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense. The cost of these works may be prohibitive. Foul water from kitchen areas should be passed through grease traps. Surface water - Sustainable development requires appropriate surface water disposal. Yorkshire Water promotes the surface water disposal hierarchy. Surface water from hard-surfaced car parks should be passed through interceptors.

Internal Drainage Board

3.8 Insufficient information has been provided by the developer in order for the Board to determine the potential impact that proposals may have on existing drainage systems or existing access arrangements.

Details of the existing surface water system should be provided in conjunction with details of the proposals for the new development. This will facilitate the assessment of any impact of the proposal on the downstream watercourse.

Police Designing Out Crime Officer

3.9 Initially raised concerns about the design of the development considering that there has been significant crime in the area, mostly shoplifting. The applicant has provided details of security measures proposed within the scheme. Crime prevention have now confirmed that they are satisfied with the details.

4.0 APPRAISAL

4.1 Key issues

- Policy background
- Principle of the development considering employment and retail issues
- Design and siting
- Highways access and parking arrangements
- Sustainability
- Ecology
- Crime prevention
- Drainage

POLICY BACKGROUND

National Planning Policy Framework (NPPF)

4.2 Paragraph 14 of the NPPF indicates that the heart of the framework is a presumption in favour of sustainable development. For decision-taking this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless; any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

4.3 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. At paragraph 20, to help achieve economic growth, the NPPF sets out that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. The government attaches great weight to supporting existing business through paragraph 21 which states: 'Local Planning Authorities should... support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area.' Paragraph 22 advises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.4 Paragraph 23 of the NPPF says that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. Local planning authorities at paragraph 24 are directed to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Paragraph 26 states that when assessing applications for retail development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

4.5 Paragraph 56 of the NPPF states that the government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also states at paragraph 57 that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

4.6 The NPPF says at Annex 1, paragraph 216, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the Framework policies, the greater the weight that may be given). Weight may also be given to relevant policies in emerging plans according to the stage of preparation (the more advanced, the greater the weight that may be given), the extent to which there are unresolved objections (the less significant, the greater the weight) and the degree of consistency of the relevant emerging plan policies to the Framework policies (the closer they are, the greater the weight).

National Planning Policy Guidance (NPPG)

4.7 In terms of retail the NPPG sets out that the sequential test should be considered first as this may identify that there are preferable sites in town centres for accommodating main town centre uses (and therefore avoid the need to undertake the impact test). The sequential test will identify development that cannot be located in town centres, and which would then be subject to the impact test. The impact test determines whether there would be likely significant adverse impacts of locating main town centre development outside of existing town centres (and therefore whether the proposal should be refused in line with policy).

Development Control Local Plan

4.8 The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) (DCLP) is not adopted policy but was approved for Development Management purposes. Policies in the DCLP are capable of being material considerations in the determination of planning applications where these are consistent with those in the NPPF.

4.9 The site is identified as a Premier Employment Allocation on the 2005 Proposals Map. Policy E3b stipulates that standard employment sites (including E1a.2/North of Monks Cross) should be retained within their current use class and that planning permission for other uses will only be given where there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period, the development of the site for other uses will lead to significant benefits to the local economy.

4.10 Policy S6: Control of Food and Drink (A3) Uses seeks to control the development impacts of food and drink premises that give rise to residential and visual amenity concerns.

4.11 The retail policies of the 2005 plan have been superseded by the evidence base to the emerging local plan (Retail Study Update (2014)).

4.12 Policy GP1: 'Design' says that development proposal must respect or enhance the local environment.

Emerging Local Plan

4.13 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of the planning application.

4.14 The emerging Local Plan aims to support the city's economy, recognising economic growth as a key driver to growth within the city. The plan identifies sites to meet the economic needs of the city over the plan period. Monks Cross currently offers a range of employment opportunities and is acknowledged to be part of a range of sites which form York's core employment offer. Policy EC1: Provision of Employment Land, identifies the application site for 3,000sq.m.of light industrial, storage and distribution (B1b/B1c/B2/B8) uses (Allocation E2: Monks Cross Drive).

4.15 Policy EC3: Loss of Employment Land aims to retain employment subject to a satisfactory statement submitted by the applicant that demonstrates that:

- i. The existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and /or compatibility with adjacent uses; and
- ii. The proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

4.14 Policy R1 seeks to maintain and enhance the vitality and viability of the City Centre, district and local centres and neighbourhood parades through sequential site assessment.

4.15 Policy R4 relates to out of centre retailing and aims to direct development to city centre locations first. The policy seeks to restrict floorspace or goods sold by condition to prevent out of centre proposals having a negative impact on the vitality and viability of the city centre.

Evidence Base

i Employment

4.16 The DJD Economic Baseline Report which formed part of a suite of documents known as the Economic and Retail Growth and Visioning Study (2014) says that York's ability to attract and retain investment into the city and support business expansion is in part dependent on ensuring the availability and suitability of employment land.

4.17 The application site has been taken through the site selection process for the emerging Local Plan as Site 635: Land North of Monks Cross Drive. The site passed the criteria assessment and was analysed for its employment potential. This site was shortlisted for employment use through the employment analysis. Consequently the site was allocated for an office employment allocation in the Preferred Options and Publication Draft Local Plan.

ii Retail

4.18 The most relevant evidence base is the Retail Study Update (2014). The document is supportive of the town centre first approach to retail development set out in the NPPF.

PRINCIPLE OF DEVELOPMENT

Loss of Employment Land

4.19 The site is allocated for employment use in the DCLP and in the emerging local plan. The Policy aim of both documents is to reduce the loss of employment sites for non-employment uses. The NPPF says that employment allocations should be regularly reviewed and where there is no reasonable prospect of the site being used for the allocated employment use applications for alternative uses of land should be treated on their merits. It is recognised by the Council's Economic Policy Officer that there is currently less demand for office space at Monks Cross.

In addition he indicated that unmet office demand in York is largely city centre focused due to the city's excellent rail links, or where it is linked to particular assets, such as the University of York. Because of the location of Monks Cross on the northern outer ring road, access and levels of congestion mean that there are other more favourable sites, both out of town and city centre, for office development. A transition away from office space in this location is considered acceptable. This view is consistent with information provided in a letter included in the applicants Planning Statement (Appendix 4), which was written on 24th February 2016 by Reeves & Co Chartered Surveyors. The letter indicates that the site was first marketed for office development in 2007 by Savills and King Sturge.

The property is still marketed by Reeves and Co. Chartered Surveyors and has remained on the Monks Cross website since first marketed. Despite the continued marketing of the site there has been no viable interest in the site for employment use and there has been a fall in demand for office space in the Monks Cross area.

4.20 The retention of a York business is also welcomed as is the continued employment for the existing 17 staff working for the electrical store and the new jobs that will be created as part of the drive-thru cafe. The application supports desired outcomes of business growth and jobs in the city albeit different to the identified use set out in emerging policy.

Retail

4.21 The key policy test, in national policy and local guidance, for new retail floor space is the sequential test. Policies are aimed at ensuring that the vitality and viability of the city centre (and other identified centres Acomb and Haxby in this case) are protected from out of town development. Under the sequential test, applications for main town centre uses (Main town centre uses are defined in Annex 2 of the NPPF and includes office and retail floor space) should be located first in town centres, then on the edge of centres and, only if suitable sites are not available in these locations, out of centre. If the proposals fail to satisfy the sequential test there would be a policy objection. The up to date retail evidence base to the emerging local plan supports the sequential approach to development.

The application seeks the re-location of the business from its existing site in Percy's Lane. The applicant considers that the area has changed since the business established there 40 years ago, to a point where the site is no longer viable. The company is competing with national electrical goods retailers in prominent locations. Added to this the business has expanded as far as it can on the current site and has to relocate to grow the business further.

4.22 A thorough assessment of the suitability, viability and availability of locations for main town centre uses has been undertaken by the applicant. The applicant has looked at all the major city centre allocation and concluded that none are available to accommodate the retail floor space.

In addition the applicant has looked at vacant buildings in the city centre, 11 in all, and concluded that eight were unavailable and three did not match the floor space criteria and were discounted for this reason. Based on the information submitted it is considered that the sequential test is passed.

4.23 The Retail Study Update (2014) requires impact tests on sites over 1500sq.m. As the proposals are under the locally set threshold of 1,500sqm an impact assessment would not be required for this development.

4.24 Restrictions are proposed on the retail floor space of the electrical contractors building to ensure that there is no impact on the vitality and viability of the city centre through the provision of small scale retail units providing similar facilities to those available within the city centre. Similarly the cafe will be restricted to A3 use to ensure that consideration of a shop use (A1 retail) has regard to the sites out of town location.

4.25 Overall, Officers consider that the development represents sustainable development and is in principle supported by relevant policies in the NPPF subject to the detailed considerations set out below.

ECOLOGY

4.26 The application is supported by a preliminary ecological appraisal carried out by RDF Ecology, March 2016. An extended Phase 1 Habitat Survey was undertaken on the site in December 2015. The site predominantly comprises a mosaic of semi-improved grassland with tall ruderal vegetation and an area of dense bramble. There are no permanent water bodies on site but the terrestrial habitat is suitable for amphibians.

4.27 As a result of other developments there is a high level of information on great crested newts in the surrounding area. The site is separated from ponds and existing great crested newt mitigation land to the west by small roads and the cement works.

To the east of the application site is a small pond adjacent to the AVIVA building, connected to the site by a strip of vegetation interspersed with hardstanding (e.g. footpaths). This pond had initially been assessed as having average suitability to support great crested newts. Surveys undertaken of this pond in April 2016 have revealed a large population of stickleback fish. These fish are known to be voracious predators eating invertebrates and amphibian larvae. Studies have shown that although smooth newts can survive and breed in ponds with a few small fish, great crested newt rarely does. Accounting for the presence of fish the Habitat suitability is poor. It is therefore very unlikely that great crested newts are present in this pond.

4.28 However as there is known to be Greater Crested Newts in the area it is highly likely that a European Protected Species Licence would be required.

When a European Protected Species licence is required the competent authority (that is City of York Council in this case) must consider the likelihood of a licence being granted. As the competent authority three tests need to be satisfied in order for the application to be acceptable. The three tests are whether the development is of overriding public interest, no satisfactory alternative (to the development of the site) exists and maintenance of favourable conservation status. With regards to the maintenance of the population of the species concerned at a favourable conservation status in their natural range the Countryside and Ecology Officer is satisfied that the mitigation proposed will ensure this, particularly as it utilises existing mitigation land which, through monitoring, has shown to be successful. In terms of public interest this is an area of land that has been allocated for employment use and has had planning permission for the erection of office development. The development of the site is considered to be sustainable development having regard to advice in the NPPF which balances social, economic and environmental issues. It is considered to be in the public interest that such sites are brought forward where no other planning constraints exist and where planning permission has previously been granted for development. The site is allocated for employment in the emerging local plan and the allocation has been informed by a site selection process. The applicant has also undertaken a sequential test which has not identified an alternative, more sustainable location for the development. Officers conclude that no satisfactory alternative to the development site can be identified at this time. Officers consider that the three tests are satisfied and that as the competent authority (the Council) have discharged their obligation to consider the likelihood of a European Protected Species licence being granted.

4.29 Conditions are proposed to ensure ecology is reviewed if the scheme is not implemented in a two year period and to ensure measures to protect Greater Crested Newts within the ecology report are implemented.

DESIGN, SITING AND LANDSCAPING

4.30 This area of Monks Cross is predominantly modern development with no overriding building design or character that would inform the approach to the layout and design of new buildings. The land has a number of underground services which has determined where buildings can be sited. The proposed retail element of the electrical contracting business requires a road frontage presence. This building has been detailed so that there is a shop front to Monks Cross Drive with accessible side entrance, including pedestrian and cycle access, from the road frontage. The position of the building in a north/ south orientation is acceptable as is the design.

4.31 The cafe building is small scale and modern in appearance and sits away from boundaries with outside seating area. There are no objections to the location or design of this building. It is considered that the design complies with policies in the NPPF and GP1 of the DCLP.

4.32 The quality of the area is derived from the mature trees and other landscaping. The land is above the level of Monks Cross Drive; there will be a small earth bund to the road frontage. Sufficient margins have been provided around the site boundaries on the south and western (road) frontages to incorporate appropriate landscaping and the submission of a landscape scheme will be conditioned.

HIGHWAYS, ACCESS AND PARKING ARRANGEMENTS

4.33 Access to the site is via the unnamed side road from Monks Cross Drive. A new access is to be created into the land from the north-western corner. This access position is similar to the approved office scheme. The development proposes 60 parking spaces; four have been removed from the original scheme to accommodate greater planting margins to the road frontage. Pedestrian and cycle access are provided from the Monks Cross Drive frontage and each use incorporates its own visitor and employee cycle parking. There is a bus service with bus stops along Monks Cross Drive and the site is within reasonable distance of the park and ride facility on the south side of Monks Cross. The site is considered to be a sustainable location and the detail of the design satisfactorily incorporates the needs of cyclists and pedestrians. The formal comments of Highway Network Management have not been received and will be reported direct to committee.

SUSTAINABILITY

4.34 The application is supported by a sustainability statement which sets out the principle to be applied to the building in order to ensure maximum energy efficiency. The document also looks at the potential sources of on site energy generation but the document does not commit to a particular source of renewables for the site. In accordance with the Sustainable Design and Construction Interim Planning Statement commercial development over 1000sq.m. should provide BREEAM

assessment (which assesses the sustainable credentials of the built environment of the development) to show that the building can achieve a 'very good' rating. An appropriate planning condition is proposed.

CRIME PREVENTION

4.35 The Designing out Crime Officer identified in his initial consultation response that the area of Monks Cross has been subject of a number of reported crimes. The majority of incidents relate to shop lifting but other crimes were identified. The applicant has responded to the crime prevention measures suggested. The Designing out Crime Officer is satisfied that the applicant has addressed his concerns and raises no objections to the application.

DRAINAGE

4.36 The site is located in flood zone 1 (low risk) and should not suffer from river flooding. As part of the development to the north of this site drainage has been installed on the application area. Additional information is still needed to ensure that the drainage from the new buildings can be accommodated within the capacity of the existing system and to ensure that attenuation for climate change is incorporated in to the drainage design. Additional information will be presented to committee on this point.

5.0 CONCLUSION

5.1 The site is identified as an employment allocation within the 2005 Local Plan and draft Publication Local Plan (2014). However there is evidence to show that there is a reduced demand for office space at Monks Cross from the council's economic policy officer and the applicant. The proposal would retain a York business which would continue to provide employment for 17 staff and would create new employment in the drive-thru cafe. Retention and creation of new jobs are welcomed.

5.2 The submitted sequential test has shown that there are no sequentially preferable development sites within or in an edge of York City Centre location that are both suitable and available at the present time.

5.3 Overall, Officers consider that the development represents sustainable development and is in principle supported by relevant policies in the NPPF.

5.4 The details of the scheme are considered to be acceptable subject to the further comments of Highway Network Management and Flood Risk Management and the imposition of appropriate planning conditions.

6.0 RECOMMENDATION: Approve

Application Reference Number: 16/00665/FULM

Item No: 4d

1 TIME2 Development start within three years

2 PLANS1 Approved drawings

3 No construction works shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs along the southern and western boundaries of the site. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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

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

Reason: So as to achieve a visually cohesive appearance.

5 Prior to the commencement of the development all ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal by RDF Ecology and dated March 2016 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure the favourable conservation status of a European protected species.

6 The following works; vegetation removal, ground clearance, regarding and drainage works that is likely to cause harm to great crested, shall not in any circumstances commence unless the local planning authority has been provided with either:

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a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the favourable conservation status of a European protected species.

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

8 If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured through Condition 5 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of great crested newts and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To take account of delays in development and changes in the status of protected species.

9 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

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

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

11 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation).

Where it can reasonably be demonstrated that a very good rating is not feasible, full justification for the lower rating shall be submitted to and agreed by the LPA prior to occupation. Should the development fail to achieve a BREEAM standard of 'very good' or the agreed alternative rating, a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

12 Two (2) electric vehicle recharge points, serving two car parking bays, should be installed prior to first occupation of the site. The location and specification of the recharge points shall be agreed in writing with the Local Planning Authority prior to installation. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority. Prior to first occupation of the site, the applicant will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework.

13 The drive thru cafe hereby approved shall be used for A3 (restaurant and cafe) only and for no other purpose in the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses in the interests of the vitality and viability of York city centre which, without this condition, may have been carried out without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

14 No more than 329 sq m net floorspace within the electrical contractors building on the east side of the site shall be used for retail purposes falling within Class A1 to the schedule of Town and Country Planning (Use Classes Order) 1987 (or any subsequent re-enactment), .

Reason: In the interest of the vitality and viability of York City Centre in accordance with the provisions of the National Planning Policy Framework.

**7.0 INFORMATIVES:
Notes to Applicant**

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Amended plans received following a meeting to discuss the details of the scheme.

2. WILDLIFE AND COUNTRYSIDE ACT 1981

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

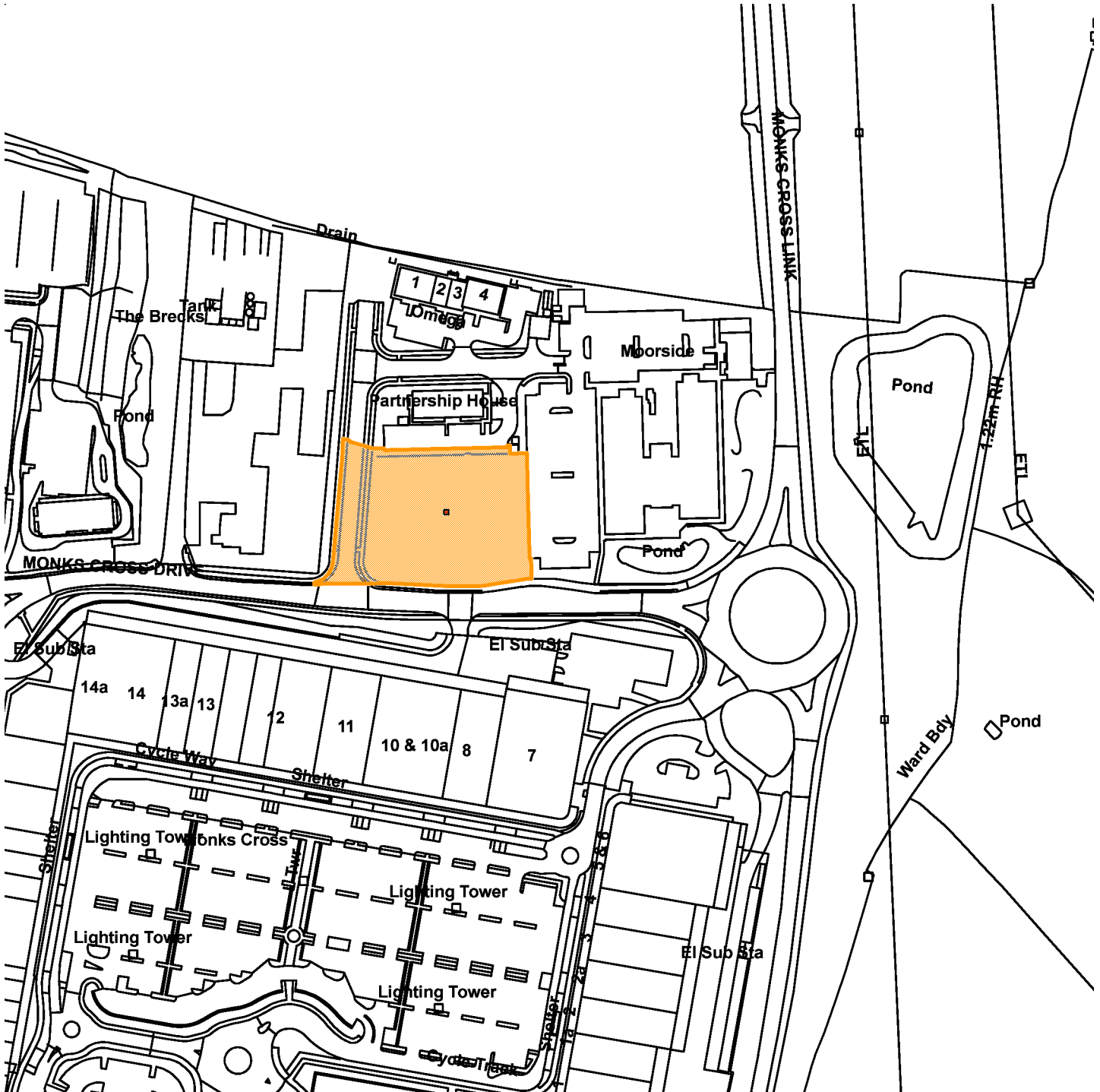
Contact details:

Author: Diane Cragg Development Management Officer (Mon-Thur)

Tel No: 01904 551351

16/00665/FULM

Land To The South Of Partnership House Monks Cross Drive



Scale : 1:2545

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	31 May 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 June 2016
Team: Major and Commercial Team
Ward: Strensall
Parish: Earswick Parish Council

Reference: 15/02843/FUL
Application at: Fossbank Boarding Kennels Strensall Road York YO32 9SJ
For: Demolition of existing kennels, stables quarantine and cattery buildings, erection of 4no. detached dwellings with garages, and provision of new access road from existing driveway
By: Mrs A & M Royle & Barker
Application Type: Full Application
Target Date: 20 July 2016
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of four detached houses following demolition of existing single storey outbuildings. The houses would be located to the south and west of the existing dwellinghouse. This house falls outside the application site boundary as does the paddock land to the front of the site with the exception of the section proposed for the new stretch of driveway and SUDS pond.

1.2 The houses would have habitable space over two floors with the upper storey being accommodated within the roof space. The properties are of two different designs. Plots 1 and 3, located to the south of the existing house and centrally between the three remaining proposed properties, would each have 3 bedrooms and a detached single garage. Plots 2 and 4, located to the north and south of the run of three properties to the rear of the existing house, would each have 4+ bedrooms and detached double garages. The submitted drawings do not confirm living accommodation. The materials of construction would be timber finished clad walls and profiled tiled lightweight metal roofing system with timber windows and doors.

1.3 All houses would be accessed via the existing private driveway from Strensall Road to the front of the existing house, after which a newly created driveway would run diagonally across the paddock in front of the existing house and would then wrap around the southern and western site boundaries of the existing house. Individual driveways would be served by this private access road. A pond next to the access driveway to the east of plot is being considered by the applicant 1 to deal with surface water discharge. The existing house would retain its private driveway running along its northern elevation.

The existing reception and grooming parlour serving the business, located immediately to the west of the existing house, falls outside the application site boundary, but would be converted into three garages to serve Foss Bank house.

1.4 A Design and Access Statement including a sustainability statement, has been submitted to support the application. This sets out the planning history and an assessment of the proposal. It concludes that the proposals would remove the noise issue associated with the kennels and cattery, whilst having no impact on surrounding properties or any overlooking or loss of privacy to surrounding properties. It confirms the applicant's intention to utilise the orientation of roofs to accommodate photovoltaic panels and the possible use of ground or air source heat pumps.

1.5 The application was deferred at the 7 April 2016 Committee meeting at the applicant's request to allow a bat survey to be carried out. A bat survey was submitted on 24 May. Since the application was last before committee, four additional representations have been received (see section 3 of report Consultations).

2.0 POLICY CONTEXT

2.1 Policies:

- CYSP6 - Location strategy
- CYGP1 - Design
- CYGP4A - Sustainability
- CGP15A - Development and Flood Risk
- CYGB1 - Development within the Green Belt
- CYGB6 - Housing devt outside settlement limits
- CYNE1 - Trees, woodlands, hedgerows
- CYNE6 - Species protected by law
- CYNE7 - Habitat protection and creation
- CYH2A - Affordable Housing
- CYH3C - Mix of Dwellings on Housing Site
- CYH4A - Housing Windfalls
- CYH5A - Residential Density
- CYT4 - Cycle parking standards
- CYL1C - Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Design Conservation and Sustainable Development

(i) City Archaeologist

3.1 This application site covers an area of relatively undisturbed ground to the north of Earswick. The site may potentially contain archaeological features relating to a prehistoric-Romano-British landscape and/or medieval and post-medieval agricultural practices. It is possible that excavations for the foundations of the proposed dwellings and associated service connections may reveal or disturb archaeological features or deposits. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. Requests condition ARCH2.

(ii) Countryside And Ecology Officer

3.2 From the photographs of the site and consideration of the surrounding habitat, the buildings to be demolished have potential to support roosting bats. From looking at the file, this was raised in the 2009 application 09/01956/OUT and in the pre-application advice provided in January 2015.

3.3 As protected species are a material consideration, this application cannot be determined without further information on the presence/absence and potential impacts on bats. A preliminary roost assessment can be undertaken at any time of the year; however emergence surveys are restricted to May - September.

3.4 Following submission of bat survey report, the officer supports the assessment and raises no objections to the development. However, as bats are a highly mobile species, a condition is requested that requires a precautionary approach be taken to the development and alternative roosting features are provided in the new buildings.

Public Protection

3.5 The application is for the construction of four dwellings on proposed development site which is located on an existing commercial/residential site which has been occupied as a boarding kennels for a number of years. The existing use of the site has been the subject of a number of complaints about statutory noise nuisance due to dog barking from the kennels which culminated in City of York Council serving a noise abatement notice on the proprietors in September 2013. The noise abatement notice is still active and prohibits the recurrence of noise nuisance due to dog barking.

3.6 As a result of the above, Public Protection consider that the proposed new dwellings would result in the removal of any further noise nuisance affecting residential properties in the vicinity and so would support the application from this perspective.

3.7 In terms of the impact of noise from the surrounding area on the proposed dwellings, a few concerns are raised even though there is a pig farm located to the north east of the site, at a distance of approximately 250 metres away, at Hall Farm.

3.8 There have been objections by members of the public and note that an objection has been received by the owners of Hall Farm, where it is stated that an intensive pig farming operation is undertaken. The concerns relate to the potential impact of noise and odour from their operations as they state that they currently have 2,000 pigs on their farm. Only 4 historical complaints have been received according to the Council's records of noise and odour complaints about their operations. Two of the complaints related to odour associated with muck spreading on the fields around the farm and the other two complaints regarding noise from the sounding of a high level alarm which was indicating that one of the pig units was overheating.

3.9 Given the stated number of pigs at Hall Farm, the Environment Agency has been consulted, as farms which have more than 2,000 pigs require and environmental permit to operate. The Environment Agency has confirmed that they have no record of complaints regarding the farm or of an environmental permit being in operation. As a result of the above, the potential for loss of amenity due to odour or noise from Hall Farm affecting the proposed four new dwellings is low.

3.10 The objector states that they have no objections to the principle of development but are concerned over the potential for complaint in the future. It cannot be ensured that the intensive pig unit would not be subject to complaints from future residents. However historic complaints would indicate that this would be unlikely, particularly given that Foss Bank Farm is already occupied as a residential property at a similar distance to the proposed new houses.

3.11 In terms of contaminated land, requests that a condition be attached to any permission granted due to potential for contamination associated with the former uses of the land.

3.12 In accordance with paragraph 35 of the NPPF and the Council's Low Emission Strategy (October 2012), the environmental protection unit would recommend that a condition be placed upon any approval given requiring an electric vehicle charge point.

Highway Network Management

3.13 Request deferral to allow revised plans showing larger garages to accommodate modern vehicles and cycle storage and the highway access to be 5m wide for a 10m length from the back of the verge.

A bin collection at the site entrance though within the property curtilage is requested as turning within the site would not accommodate a refuse vehicle turning. A more detailed plan of the entrance is required to show that the piers, trees, relationship of the bin collection point and sightlines achievable can be assessed.

Education

3.14 No requirement for contributions.

Public Realm and Sport and Active Leisure

3.15 Off site play, amenity and sports pitch payments are required and will be used within the Earswick Parish Council area.

Housing Development

3.16 Requests an affordable housing contribution of £34,700.70 if applicable to meet the interim policy.

Flood Risk Management Team

3.17 The applicant has not provided any drainage details, therefore, it should be refused on lack of drainage details grounds.

EXTERNAL

Yorkshire Water

3.18 Confirm that a water supply can be provided, but that the proposal is in an area remote from the public foul sewerage network.

Foss Internal Drainage Board

3.19 The Board highlights that it has assets adjacent to the site in the form of the River Foss, which has a known history for significant flooding in the Strensall area. The Board is generally supportive of the disposal of surface water via a soakaway or retention pond as referred to in the application, but only where the applicant is able to demonstrate such systems are viable and would not increase the risk of flooding elsewhere. The strategy needs to be developed to enable the Board and the Flood Risk Management Team to make a reasonable assessment as to the sustainability and viability of this methodology and any associated flood risk. The Board objects to the proposal at this stage on the basis of a lack of clarity about the drainage system to be used and how this will operate. The lack of information does not enable the Board to make a reasonable assessment in terms of risk of flood or the impact on adjacent landholdings.

Earswick Parish Council

3.20 Support.

Neighbour Notification and Publicity

3.21 A petition in support of the proposals with 16 signatories has been submitted.

3.22 There have been 49 letters of support from residents of York (including Earswick, Strensall, Huntington, Wheldrake, Stockton on the Forest, Naburn), Alne, Harrogate, Bradford, Saltburn-by-the-Sea and Scotland, some of whom are customers of the Kennels/Cattery, including the following comments:

- Impact of noise abatement notice on family run business, causing stress to proprietors and forcing them to relocate business;
- Access already present and proposal would result in reduction in traffic flows as business replaced by only four houses;
- Four houses would be better for neighbouring properties as removes noise from barking dogs;
- Proposed development would be sympathetic to local area;
- Proposal is only small scale and would incorporate landscaping and green areas;
- There would be no encroachment on existing open space or land that is not already in use with buildings;
- Development would not put any pressure on local amenities or infrastructure;
- Similar type of development to that of existing farm buildings further along Strensall Road;
- Proposal would provide much needed housing in the greater York area;
- Kennels are valued local amenity that has been in operation long before the neighbouring properties were built and claims of noise pollution are exaggerated and unjustified;
- Garden Village development, approved in 2003, establishes precedent for development on another part of the same site;
- There would be no visual or openness disamenity;
- Small proposed development of brownfield land;
- Development can be undertaken using sustainable techniques and the site is on a regular bus route;
- Site is in flood zone 1 and a retention pond for surface water drainage is supported as it would reduce the amount of water entering the public drainage system;
- Removal of noise nuisance that impacts on residential amenity;
- Access and parking addressed and there would be little traffic movement;

- Potential for bats can be addressed by a bat survey with measures taken to accommodate bats in the new development;
- Unreasonable that an existing operation has to take remedial action to address an issue that was known when the neighbour purchased their property knowing that the operation existed;
- Traffic implications would be minimised given the removal of current commercial access requirements, if appropriate infrastructure is constructed in line with proposals.
- Proposals have been carefully thought out.
- No harm to the green belt or coalescence of settlements

3.23 A letter on behalf of the owner of Hall Farm to north has been received, in which sympathy with the predicament of applicant is expressed, but also concern about impact on the potential for complaints against farm as a result of odours from the intensive pig unit located 230 metres north east of application site. No objection in principle provided the Council can ensure that the intensive pig unit will not be subject to complaints from residents of the dwellings in the future. If this guarantee cannot be provided, then objects on the grounds that the development will potentially have an adverse impact on the future operation of the intensive pig unit.

3.24 There have been 36 objections received from local residents, including the following grounds:

- The proposed development is on Green Belt land, would lead to coalescence and there are no 'very special circumstances' to justify encroachment onto Green Belt;
- The layout designs extend beyond the historical footprint of the Fossbank Kennels and therefore do not satisfy the special planning rules for development of farm buildings;
- This application is essentially (albeit larger) than two earlier applications, both that were rejected because of the Green Belt and nothing has changed;
- Development would be readily visible from many vantage points and would detract from the open character and appearance of the site, causing harm to Green Belt, landscape and visual amenity of area;
- There is plenty of brown sites in an around York to build on;
- Impact of access to Strensall Road adds to the possibility of accidents as cars speed from the north and the proposed entrance is much nearer than the current garden village;
- Concerned this is just the start of a larger development which could infill the space between it and Strensall Road causing greater issues in terms of traffic safety, additional traffic on what is already an extremely busy route onto the inner ring road.

- The noise nuisance raised in 2011 and again in 2013 can be adequately dealt with by sound proofing buildings, erecting acoustic fencing and revising management practices at the kennels;
- An attempt to raise capital to facilitate relocation is not a sufficient justification to offset the harm that would be caused to the Green Belt by this inappropriate development;
- Expresses sympathy with kennel owner, but proposal is not a logical conclusion;
- Supporting views are from kennel customers who would not be visiting the area if the kennels are moved;
- Traffic will increase at peak times on the Strensall road heading to the ring road as the new premises will increase traffic at this time, compared to the current kennel traffic which will be more dispersed throughout the day.
- The exit to the proposed development is very close to the speed reduction signs and as such traffic is not always obeying the 30mph limit as they have been travelling at 60mph up until this point.
- Extra run-off into River Foss will increase flood risk and the sewage system is already overstretched;
- Lack of supporting infrastructure in Earswick with no shops, pubs, or schools;
- The expansion of the footprint of the development on green belt land without special circumstances would be setting a precedent;
- Initial results of Earswick's Neighbourhood Planning process strongly suggests that villagers do not want the village to be developed.

3.25 One email from a local resident, neither objecting nor supporting the proposal, but making the following points: - Advised to object based on Green Belt retention, but on the other hand the replacement of the old kennel building with modern ones is a good thing. Understands concern about opening the door to other constructions.

Keep Earswick Rural Action Group

3.26 Two letters received on behalf of the Keep Earswick Rural Action Group, making the following objections and comments:

- The proposed development is an encroachment onto Green Belt land;
- The 'very special circumstances' test set out in NPPF has not been met;
- The proposal breaches the special planning rules for development of existing farm buildings;
- The changes would adversely affect the landscape character and visual amenity of the area;
- Vehicular access to the site will compromise road safety;
- Additional properties will overload the already strained drainage and sewage infrastructure;
- Concerned application is a precursor to incremental perimeter development on the outskirts of Earswick;

- Submitted Counsel opinion that confirms that: the proposal is inappropriate development in the Green Belt for which very special circumstances must be demonstrated; the officer's response letter shows that the Council recognises the severity of the test the applicant must pass; the planning system does not exist to guarantee a landowner value in their land and 'compensating' a landowner is not a very special circumstance; any grant of planning permission could be challenged as it would be unlawful.

Letter in Support from Applicant

3.27 Emails of support submitted by the applicant and the applicant's husband, making the following points:

- 15 to 20 vehicles attend the premises daily attending the premises dropping dogs in and out along with grooms etc.
- A noise abatement notice is in force on the kennels, served by York City Council, with the threat from York Magistrates Court of a £20,000 fine should the order be breached, which would mean inevitable closure;
- There has been a letter drop for people to object to this development on the grounds of traffic overload, sustainability and pollution;
- The proposal for 4 dwellings would half the amount of cars and get rid of the noise irritant;
- Intention is to develop the site in order to re-locate my family business in order to remove the ongoing noise abatement order;
- Residents from Earswick Chase (Fosslands) have complained of noise from barking dogs, coming from Foss Bank Kennels;
- Application is for a very small re-development of 4 properties, on land where buildings already stand, would remove a nuisance, would remove any prospect of criminal prosecution and would enable Foss Bank Kennels to re-locate.

4.0 APPRAISAL

4.1 The key considerations material to the determination of the application are:

- Principle of development
- Green Belt policy
- Openness and purposes of Green Belt
- Character and appearance
- Flood risk
- Highway safety
- Residential amenity
- Ecology
- Archaeology
- Local facilities

- Other considerations

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.3 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt.

4.4 Section 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49), with housing in rural areas being located where it will enhance or maintain the vitality of rural communities (paragraph 55).

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

4.6 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations. With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.7 Section 10 'Meeting the challenge of climate change, flooding and coastal change offers advice on locating new development to avoid increased flood risk.

4.8 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.9 Section 12 'Conserving and enhancing the historic environment' requires local planning authorities to recognise the significance of heritage assets and conserve them in an appropriate manner.

4.10 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are GP1 'Design' and GB1 'Development in the Green Belt'.

4.11 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF).

SITE AND HISTORY

4.12 The application site is located on the west side of Strensall Road, between the settlements of Earswick and Strensall. It comprises an area of land 4,715sq.m. at the end of a 290m long (approximately) private driveway. The driveway currently serves the dwellinghouse, known as Foss Bank, the paddocks and stables and a kennels/cattery business that occupy a collection of single storey buildings to the rear of the existing house. Only the single storey, L-shaped building housing the kennels and the quarantine building fall within the application site boundary. The kennel building is of brick and tile construction and follows the site boundaries at the north-western corner of the site. The quarantine building is also a single storey structure adjacent to the cattery building. The remainder of the application site is exercise space serving the kennels or private garden/orchard. The site is landscaped on its boundaries and within it, including a line of evergreen trees along the boundary between the kennels and the existing house and its garden.

4.13 To the north of the site are open fields and Hall Farm - an intensive pig farming operation. To the south is a field that separates the site from a large more modern housing estate, which is an extension to the Earswick settlement that falls within its defined settlement limit. To the west is open land used as a playing field/play area and beyond this the River Foss. To the east, beyond the original house and its paddock, is Strensall Road, with a row of houses on its eastern side.

4.14 The kennels and cattery business has been present at the site for many years and pre-dates the housing estate to the south. There have been previous pre-application enquiries and two outline planning applications relating to development of the site for housing.

4.15 Most recently, outline planning permission (09/01956/OUT) was refused at Committee in 2010 for three new houses on the grounds that the proposal constituted inappropriate development for which there was no compelling benefit that clearly outweighed harm.

4.16 Subsequent to this, a pre-application enquiry was submitted in 2014/2015. This concluded that the proposal would only be supported if compelling evidence could be provided that constitutes the very special circumstances to clearly outweigh definitional and other identified harm to the Green Belt. Advice was given as to the information/evidence that could be submitted to support the applicant's case. The need for a bat survey of the buildings to be submitted with any application for the site was highlighted in the response.

PRINCIPLE OF DEVELOPMENT

4.17 Whilst the RSS has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The policies in the RSS state that the detailed inner and rest of the outer boundaries of the Green Belt around York need to be defined to protect and enhance the nationally significant historical and environmental character of York. The Key Diagram of the RSS and the 2005 Draft Local Plan proposals map identify the site within the general extent of Green Belt. The site is considered as having Green Belt status when assessing the merits of the proposed development against the National Planning Policy Framework and Guidance, relevant local plan policies and other material considerations. In accordance with footnote 9 to paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF does not apply in Green Belt locations. Instead, the more restrictive policies in section 9 of the NPPF apply.

GREEN BELT POLICY

4.18 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence. 'Openness' is considered as meaning an absence of built development. Paragraph 80 sets out the five purposes of the Green Belt:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and,
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.19 Paragraph 88 of the NPPF establishes that 'substantial weight' should be given to any harm to the Green Belt. Paragraph 87 states that inappropriate development that is, by definition, harmful to the Green Belt, should not be approved except in 'very special circumstances'. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

4.20 In terms of the Green Belt status of the site, the main considerations are:

- whether the proposal constitutes inappropriate development in the Green Belt;
- its effect on the openness of the Green Belt and the purposes of including land within it;
- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

4.21 Paragraph 89 of the NPPF states that the construction of new buildings in Green Belts is inappropriate development, unless it falls within one of the specified exceptions. One such exception is the complete or partial redevelopment of previously developed land, whether or not in use, providing it would not have a greater impact on openness of the Green Belt and the purpose of including land within it. The definition of previously developed land in the NPPF refers to land that is or was occupied by a permanent structure including the curtilage of developed land, though it states that it should not be assumed that the whole of the curtilage should be developed and it excludes agricultural land and private residential gardens.

4.22 Whilst the proposal involves the complete redevelopment of the kennels business, it would have a greater impact on the openness of the Green Belt than the existing development. This is due to the replacement of two single storey outbuildings located to the rear of the existing house with four detached two storey houses and associated driveways and garaging. It should be noted that not all of the land that falls within the application site would be considered to be previously-developed. The land to the southern side of the house, which is separated from the kennels and cattery by fencing and vegetation and has been used as private garden/orchard in connection with the house, would not be considered to be previously developed land. As such, the proposal constitutes inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 88 of the NPPF, substantial weight must be attributed to this definitional harm by the decision maker.

IMPACT ON OPENNESS AND GREEN BELT PURPOSES

4.23 In addition to the harm by reason of inappropriateness, consideration also needs to be given to other harm to the Green Belt. The NPPF states that the essential characteristics of Green Belts are their openness and their permanence.

4.24 The site comprises land that surrounds an existing two storey dwelling house and that accommodates two single storey outbuildings. Two further single storey buildings, comprising a cattery and stables, are proposed to be removed. These are within the applicant's ownership, but fall outside the planning application boundary. The remainder of the site is undeveloped other than the single width access track. The land is divided by field boundaries and means of enclosure, such as around the kennels, and there are trees and planting within the area that is the application site. The site, in its wider context, reads as a single host dwelling within its own plot of land with related outbuildings. The kennel block and quarantine building are single storey and of low scale, and as such, there is limited visibility of them when viewed from Strensall Road and they are not prominent in views from the surrounding open land.

4.25 The proposal, on the other hand, would introduce four 1.5 storey detached houses with associated garages and driveways that would be spread across the site, including onto land currently devoid of built form. As a consequence, the level of domestication on the site would be increased. The dwellings would be readily visible from publicly accessible vantage points, which would detract from the open character and appearance of the site.

4.26 Furthermore, the site was assessed as part of the York Green Belt Appraisal (February 2003), which acts as a key document for the Local Plan evidence base, and identifies significant areas of Green Belt as primary constraints against future development.

This site was identified in the appraisal, along with a much larger area that extends north and south, as undeveloped land between the settlements of Earswick and Haxby that prevents coalescence and in doing so maintains their historic character and setting. As a result, the site was discounted as part of the Council's Strategic Housing Land Availability Appraisal, when it was put forward for consideration by the land owner.

4.27 The update to the Green Belt Appraisal undertaken as part of the preparation of a Local Development Framework and titled 'Historic Character and Setting Technical Paper, January 2011', considered whether to exclude the site of the former Foss Bank Farm and including the land between this and the housing estate to the south from the 'Area Preventing Coalescence' to allow to residential development. However, it concluded that as the gap between the settlements at this point is particularly narrow, any development in this area would have a significant impact and as such no change was made to the historic character and setting boundary.

4.28 The site has since been assessed as part of the preparation of the new Local Plan for the City. In the City of York Local Plan Preferred Options document (June 2013), the site at Foss Bank Farm remains within an Area Preventing Coalescence (figure 5.3) and within a Regional Green Corridor stretching north from Strensall to the City (figure 17.1). The site has considered again in 2014 as part of the City of York Local Plan Further Sites Consultation (June 2014) and the Site Selection Paper Addendum (September 2014), where it failed the assessment criteria in its access to residential services and as part of the site (the former Foss Bank Farm) was identified as a natural environmental asset that protects historic character and the regional green corridor. Whilst the Local Plan has not been adopted, the background documents have some weight as they have been through a consultation process and are an indication of the future local planning policy approach towards the site.

4.29 Therefore, in addition to definitional harm, it is considered that the proposal would cause further harm to the openness of the Green Belt, which would undermine the purposes of including land within it, namely checking unrestricted sprawl of large built-up areas, preventing neighbouring 'towns' merging into one another and preserving the setting of historic towns. This harm on openness should be afforded substantial weight by the decision maker.

CHARACTER AND APPEARANCE

4.30 The NPPF, at paragraph 64, advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.31 The houses themselves are of an appropriate design to a rural location and the layout and density would not result in a cramped arrangement either with the existing dwelling or between the proposed houses. The lower height would help to reduce the visual impact of the buildings on the general appearance of the site when viewed from outside. Nevertheless, the design of the buildings would not overcome the adverse impact the proposal would have on the overall character and appearance of the site. Where the current buildings on the site read as a host dwelling with ancillary outbuildings, the proposed development would be seen as a collection of houses removed from the existing housing estate to the south and the ribbon development along Strensall Road and separated by the open fields that surround the site. This would erode the rural character of the area.

FLOOD RISK

4.32 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere.

4.33 The site falls within flood zone 1 and, as such, should not suffer from river flooding. The applicant was advised at pre-application stage to submit a drainage report to demonstrate how foul and surface water would be discharged. The application form states that foul sewage would be discharged to a package treatment plant and surface water disposed of via a soakaway. A drainage document has been prepared by the architect and submitted in support of the application. However, both the Council's Flood Risk Engineer and the Internal Drainage Board object to the proposal on the basis that the application lacks details and clarity about the drainage system. In view of the lack of information provided with the application, the proposal should be refused on insufficient drainage information.

HIGHWAY SAFETY

4.34 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The application proposes additional residential properties on a site isolated from local services, but on the public transport route from York City Centre to Strensall. The Council's Highway Network Management officer has requested amendments to the scheme, particularly the size of the garages, the access arrangements and provision for refuse storage. Revised plans have been submitted that increase the dimensions of the garages so as to fit a modern car and to widen the width of the access from Strensall Road. Further amendments are required including the provision of a roadside refuse collection area to serve the five houses that would be on site as refuse vehicles would not be able to access and turn within the site. Subject to these changes, the proposal is considered to be acceptable in highway terms.

RESIDENTIAL AMENITY

4.35 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants.

4.36 The nearest residential properties are located to the south of the site and form part of a large modern housing estate. They are at a distance of over 30m from the site and separated by a field. The proposed houses would not have any impact on the nearby houses in terms of overlooking, overshadowing or increased sense of enclosure. Indeed, the removal of the existing commercial use and associated noise and its replacement with the domestic use of the land would benefit the local community.

4.37 The proposed houses, and retained host dwelling, would have sufficient private amenity space and parking to serve them. The arrangement of the dwellings would mean that adequate separation distances would be retained between the properties on site. The houses would be at a distance of approximately 250m of the pig farm located to the north of the site. Whilst there have been noise and odour complaints about the operations at Hall Farm, these have not related to the pigs themselves. It is also noted that the proposed houses would be no closer to the adjacent farm than the current host property at the site. In light of this, and the fact that the Environment Agency has received no complaints nor have record of an environmental permit being in operation for the farm, the Public Protection Officer considers that the potential loss of amenity to the proposed four new dwellings is low. The Public Protection Officer requests conditions covering contamination and electric vehicle charge points be attached to any approval.

4.38 In light of the above, no objections are raised to the proposal on the grounds of residential amenity and there would be negligible harm caused in this respect.

ECOLOGY

4.39 Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. The site does not fall within any of these designations.

4.40 The presence of bats within the building, as a protected species, is a material consideration in the determination of planning applications. The existing buildings at Foss Bank are considered to have the potential to support roosting bats, considering their construction and the surrounding habitat. The applicant was advised as part of the pre-application enquiry to carry out a survey to assess occupancy by bats or the suitability of the building as a roost. The application was submitted without such a supporting document and the applicant confirmed that one would be carried out following the grant of planning permission.

However, the application was deferred at the April Planning Sub-Committee at the applicant's request to allow a bat survey to be carried out. The survey was submitted on 24 May 2016. It confirms that no evidence of bats using the buildings was observed and no bats were recorded emerging from them. Therefore, in conclusion, it is considered unlikely that the buildings are in use as a bat roost and bats do not present a significant ecological constraint to the development of the buildings. However, as it is difficult to provide conclusive evidence of the presence/absence of such roosts, precautionary mitigation measures are proposed. The buildings were considered suitable for nesting birds and the report advises development takes place outside the bird-nesting season and compensation be included in the development for house sparrow and swallows.

4.41 The survey has been appraised by the Council's Countryside and Ecology Officer who supports the findings and recommendation. She raises no objections subject to a condition requiring a precautionary approach to be taken with regards to bats. In light of the above, the proposal would be unlikely to adversely affect biodiversity and, as such, no further harm is identified.

ARCHAEOLOGY

4.42 Section 12 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset to be taken into account in determining an application.

4.43 The City Archaeologist has identified the site as having the potential to contain archaeological features relating to a prehistoric Romano-British landscape and/or medieval and post-medieval agricultural practices. As such, the proposal may reveal or disturb these archaeological features and any deposits. Therefore, in line with advice in the paragraph 40 of the Planning Policy Guidance document that accompanies the NPPF, a condition requiring an archaeological watching brief on all groundworks has been requested by the City Archaeologist. Any harm to archaeological deposits and features can be adequately addressed and mitigated through the imposition of conditions.

LOCAL FACILITIES

4.44 The application proposes the introduction of four additional family sized properties to the area.

When the application was last before the Committee, there was a requirement for commuted sum payments towards off-site public open space and affordable housing. The Council's Education Officer had confirmed that there would be no requirement for a commuted sum payment towards education facilities to cater for the additional children generated by the development if approved. However, in the intervening period, and following an order from the Court of Appeal, Government policy not to require affordable housing and tariff style planning obligations for small scale development of fewer than 11 dwellings has been reintroduced.

OTHER CONSIDERATIONS

4.45 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development, unless other considerations exist that clearly outweigh identified harm to the Green Belt and which would amount to very special circumstances.

4.46 Whilst the applicant has not formally submitted a statement setting out the very special circumstances case as advised at pre-application stage, the design and access statement and letters provided by the applicant set out the following circumstances:

- the removal of a noise nuisance and the consequential benefits to the wider community;
- the impact that the noise abatement notice has had on the viability of the kennel business and the costs involved in relocation of the family business;
- the proposals relate to already developed land and would reduce the massing of the buildings on site and have a footprint slightly more than the buildings to be removed.

4.47 The previous application seeking outline consent for the erection of three homes to replace the kennels business was refused planning permission in 2010 on Green Belt policy grounds as well as the unsustainable location of the site. The applicant put forward at the time a case for very special circumstances being: the relocation of a 'bad neighbour' and the resultant benefits to residential amenity; the reuse of previously developed land; and, the visual improvement to the site. These were not accepted as sufficiently compelling to outweigh harm to the openness and purpose of the Green Belt.

4.48 Since the 2010 refusal, a noise abatement notice has been served by the Council against the operation of the kennels business, which the applicant claims has adversely affected the viability of the client's business. This is in terms of a reduction in the number of dogs, loss of a lucrative York City Stray Dogs contract and reduced opening times for drop off and collection.

The applicant states that an appeal against the noise abatement order at the Magistrates Court failed, where it was accepted that the 'best practicable means' of management practises had been employed to address the noise nuisance. Sound proofing of the buildings was not considered to be a suitable solution by a sound proofing company as the noise was when the dogs were in the outdoor space not the kennels.

4.49 The removal of a potential noise nuisance and the consequential benefit this would have for local residents has been accepted by a Planning Inspector in an appeal outside City of York Council's boundary as being capable of constituting very special circumstances to be weighed in the balance when against restrictive Green Belt policy. The appeal decision related to the replacement of a kennels for 90 dogs and 60 cats with one modest dwelling. This application proposes the replacement of a business with 23 individual kennels and 14 individual cattery units with four dwellings.

4.50 The applicant was advised at pre-application stage to submit the following information/evidence to support any planning application in order to justify what was then the erection of three dwellings:

- The measures that have been employed/implemented by the applicant to address the noise complaints and overcome the abatement notices in order that the business can be viable;
- The recent marketing of the site to another user;
- An open book viability assessment of the value of the business, cost of relocation including information on alternative sites and likely development costs and sale value of the properties.

4.51 On the first point, the applicant has confirmed that the issue with the dogs barking is whilst they are outside the kennel building being exercised and, therefore, it would be difficult to attenuate the noise. Other measures adopted in the management of the business, including the reduction in the number of dogs and hours of drop off and collection, have not resolved the problem and have affected the viability of the business.

4.52 With regards the second point, the applicant has submitted estate agent documentation (prepared in 2008) when the site was marketed as a kennels, cattery, stables and office accommodation, but with potential for light industrial, office and commercial premises. The site was advertised for sale separate from the existing dwelling, which diminishes its attractiveness as an on-going business, regardless of the commercial use, due to its isolated location. Furthermore, the sale particulars reference that the land would be subject to a restricted covenant precluding the conversion of the buildings to residential use, thereby preventing the presence of a dwelling in connection with an alternative commercial (or rural

business) venture. The applicant confirms in the supporting case that the kennels were marketed at a cost of £770 + VAT (it is assumed that this should read £770,000 + VAT) and that the only interest was from two property developers.

4.53 The applicant has provided details of alternative premises that were on the market at the time of the pre-application enquiry and relate to properties with at least one dwelling on site with the associated buildings that either had established kennel/cattery businesses or the potential to be converted to such a use. These properties range from £625,000 for a dwelling with outbuildings in Strensall to £1.2 million for an established boarding kennels, stables and two three bedroom homes in the North Yorkshire Moors.

4.54 However, the applicant has confirmed that an assessment of development costs or sale values for the proposed properties has not been undertaken as it is considered to be too early in the application process. Therefore, whilst the personal situation set out by the applicant are acknowledged and could form part of a very special circumstances case for allowing some redevelopment of the site, there is no clear justification for the erection of four dwellings at the site and the consequential harm to the openness and purposes of the Green Belt previously identified.

4.55 Officers do not agree that the replacement of one single storey building, albeit 247 sq.m. (and 416.18m including the office, cattery and stable buildings), with four 1 1/2 storey dwellings with detached garages would reduce the massing of structures on site. Whilst the site is previously developed, Green Belt policy would only allow redevelopment of such land, whether partial or complete, if there is no greater harm to openness, which officers have concluded above that the proposal would not satisfy this provision.

4.56 As a result of the above, the issues set out by the applicant to justify inappropriate development in the Green Belt are not of overriding weight, either individually or collectively, in the consideration of the application to clearly outweigh the identified harms to the Green Belt. Therefore the very special circumstances necessary to justify the development do not exist.

5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed development would cause additional harm to the openness of the Green Belt and conflicts with the key purposes of including land within it set out in paragraph 80.

The definitional harm and other harm to the purposes and openness of the Green Belt must be afforded substantial weight when applying the NPPF policy test - namely, that very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

5.2 It is considered that the other considerations put forward by the applicant, when considered individually and collectively, are not compelling reasons sufficient to clearly outweigh the identified harm to the openness and purposes of the Green Belt and that the very special circumstances necessary to justify the development do not exist.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 Policies YH9 and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The application site is located in Green Belt as identified in the City of York Development Control Draft Local Plan (April 2005) and forms part of an area preventing coalescence between Haxby and Earswick. It is considered that the proposed development consisting of the direction of four dwellings and associated garages following the removal of single storey outbuildings, constitutes inappropriate development in the Green Belt as set out in Section 9 of the National Planning Policy Framework. As such, the proposal results in harm to the Green Belt, by definition, and harms the openness of the Green Belt and conflicts with the purposes of including land within it by increasing the extent and spread of built form on the site. No 'very special circumstances' have been demonstrated by the applicant that would clearly outweigh this harm. The proposal is, therefore, considered contrary to advice within the National Planning Policy Framework, in particular section 9 'Protecting Green Belt land' and City of York Draft Local Plan Policy GB1.

2 The application contains insufficient drainage information to demonstrate that the proposal would not result in an increase in flood risk within the site or elsewhere. As such, the proposal fails to comply with national planning policy contained in Section 10 of the NPPF and Policy GP15a of the 2005 Draft Local Plan.

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. Notwithstanding the above, it was not possible to achieve a positive outcome, resulting in planning permission being refused for the reasons stated.

Contact details:

Author: Hannah Blackburn Development Management Officer

Tel No: 01904 551325

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Hon Alderman Richard Watson

Members of the Area Planning Committee
and Ms Jill Pickering, Democracy Support Officer

9 June 2016

Dear Colleagues

**APPLICATION FOR RESIDENTIAL DEVELOPMENT AT FOSS BANK KENNELS
EARSWICK – REFERENCE 15/02843/FUL**

I am writing to lend support to the application for residential development at Foss Bank Kennels, Earswick and there are two aspects I should wish particularly to draw your attention to.

Planning History

The adjoining Fosslands Development received its planning consent for a large number of houses, in close proximity to this site, in the mid-1990s. The original consent for the Kennels was granted round or about that time and, a few years' later, a further consent was given for the Kennels to expand.

From this point in time, a potential conflict in planning terms arose in respect of these two areas. Consents were given for kennels to operate in close proximity to a housing development.

The current applicants and occupiers purchased the Kennels some time after the second consent. They purchased in an arms' length transaction and for full market value. In recent times, noise from the Kennels has lead to some complaints from residents, living in the Fosslands Development, and the full weight of the EPU has been brought to bear. The applicants have, therefore, scaled back the operation with very significant and adverse financial consequences.

CIRCULATED AT MEETING - AGENDA ITEM 4E)
FOSSBANK BOARDING KENNELS,
STRENSALL ROAD

However this has come about, there seems to be a planning conflict at this location and the applicants are innocently caught up in it. In order that this is resolved and that justice is done, I suggest special circumstances dictate it is right to support residential development on this brownfield site.

Green Belt Issues

The real issues for consideration by you today are Green Belt ones and, naturally, the Green Belt is something very important. Two aspects appear relevant: first, the protection of the setting of York and, secondly, the need to avoid coalescence.

As a brownfield site, and bearing mind the existing footprint, residential development in this location should accordingly have a neutral effect on these two aspects. The primary Green Belt issue, therefore, is the change of use to residential and I suggest those circumstances outlined above constitute real special circumstances.

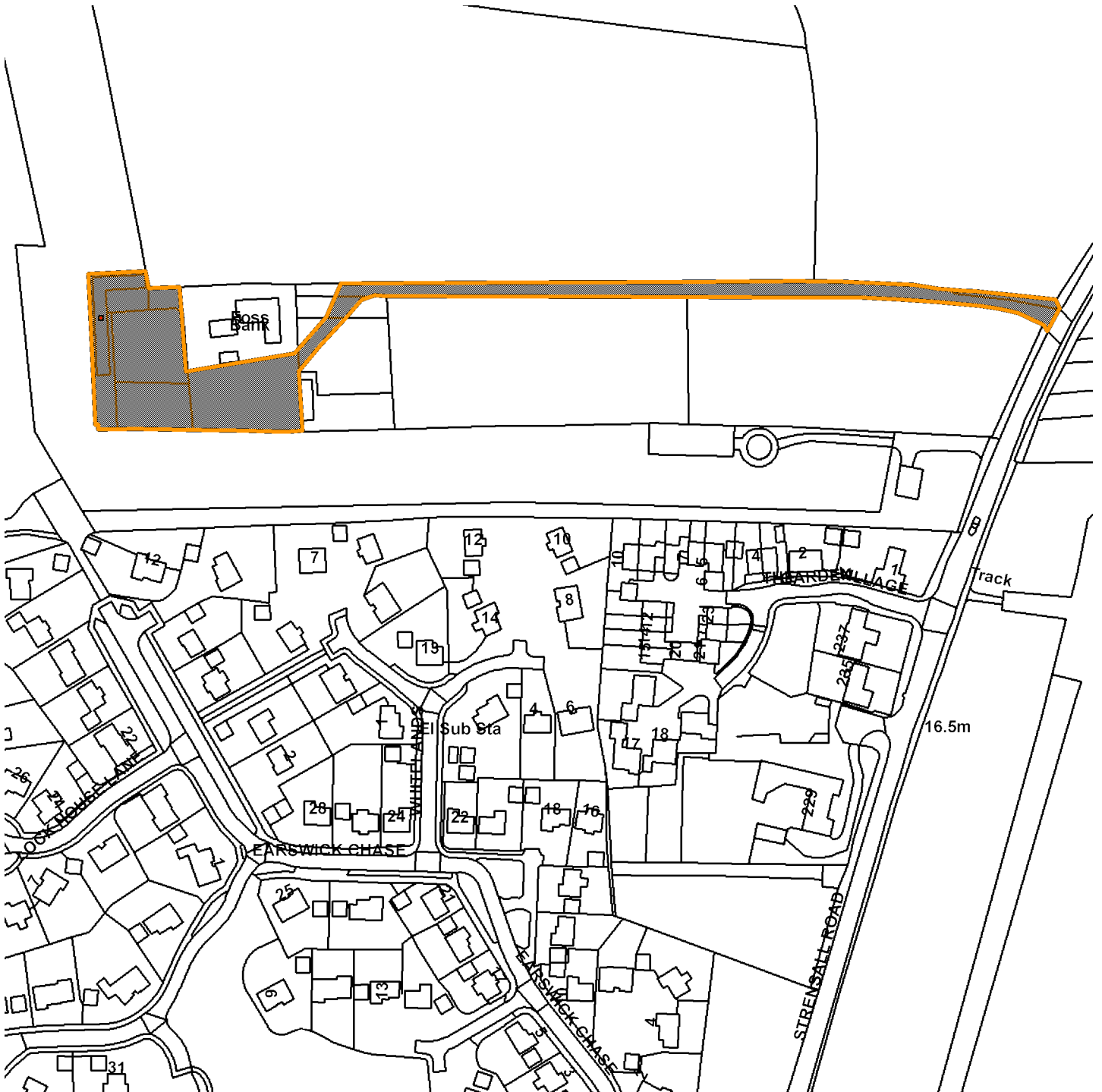
I am sorry this letter is reaching you late but I have been away. In that I am sure I will not have supplied a copy to all relevant Members, I am asking your Democracy Support Officer to arrange for it to be read out at the meeting.

Kind regards.

Yours sincerely

Fossbank Boarding Kennels Strensall Road

15/02843/FUL



Scale : 1:2119

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 May 2016
SLA Number	Not Set

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COMMITTEE REPORT

Date: 9 June 2016 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 15/02596/FULM
Application at: Royal York Hotel Station Road York YO24 1AY
For: Four-storey extension to provide 45no.additional bedrooms
and reception area, alterations to parking areas
By: Troy Management Services (Royal York) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 10 June 2016
Recommendation: Approve

1.0 PROPOSAL**THE SITE**

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

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

1.3 To the north of the hotel site adjacent to Leeman Road is the “north annex”. This building was introduced in 1912 to serve as offices and stores for the catering division of the railway complex. It is more utilitarian in character and it was converted for use as a bedroom annex for the hotel in the late C20th and later extended upwards and also linked to the hotel through a new single storey conference venue. This building is historically significant as one of the series of railway assets developed over the previous two centuries in the northwest corner of the city.

THE PROPOSAL

1.4 It is proposed to build a new four/five storey building within the northern part of the grounds towards Leeman Road to create 45no additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. The new block would be linked to the independent wing dating from 1912 which faces Leeman Road and it would return into the site to address the gardens. Parking would be reduced across the hotel site as a whole and reassembled closer to the conference wing. The existing landscape would be redesigned in these areas.

1.5 The proposals form one component of an ongoing re-ordering process aimed at improving the visitor/guest experience. They follow on from a thorough review of the facilities and operations across the site. The review recommended that the particular needs of different client groups -holiday guests, conference attendees or casual visitors - should be recognized in the layout, re-planning and upgrading of existing facilities. A further objective was to capitalise on the large garden and improve its aspect and connection with the public foyer spaces in the main hotel building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core
Listed Buildings Grade 2; Royal York Hotel and Railings Station Rd 0080

2.2 National Planning Policy Framework (March 2012)

2.3 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

CYSP7B York City Centre and Central Shopping Area
CYHE2 Development in historic locations
CYHE3 Conservation Areas
CYHE10 Archaeology
CYNE1 Trees, woodlands, hedgerows
CYHE11 Trees and landscape
CYV3 Criteria for hotels and guest houses

2.4 Draft York Local Plan (2014) Publication Draft – relevant policies include:

DP2 – Sustainable Development
DP4 – Approach to Development Management
SS1 – Delivering Sustainable Growth for York
SS4 – York City Centre
D1 – Landscape and Setting

D4 – Conservation Areas
CC2 – Sustainable Design and Construction
ENV2 – Managing Environmental Quality
ENV4 – Flood Risk
ENV5 – Sustainable Drainage
T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation Architect)

3.1 The proposals would reinforce and improve the standard of conference facilities at the hotel by adding a new wing with a dedicated reception area. In its layout, massing, materials and general design, the new building has been carefully designed to compliment the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building.

3.2 Important views would be preserved and some views, such as along the entrance drive from the street and from the city walls, would be enhanced.

3.3 The bank of trees along Leeman Road would be heavily reduced but a group would be maintained where it would have greatest effect next to the service access off Leeman Road. In reducing car parking within the site and consolidating it at the north end of the site (70m from the entrance), there would be a loss of mature garden trees. The landscape character of the area would be eroded whilst new trees establish themselves and we suggest reviewing the parking strategy to further mitigate this loss.

3.4 The new site layout would strengthen the hotel's relationship with the garden even though the garden area would be reduced slightly, and this would preserve the character and appearance of the conservation area.

Planning and Environmental Management (Landscape Architect)

3.5 The extent of proposed tree losses is contrary to policy since many of the trees are desirable for retention and contribute to the attractive treed, garden/parks character of this part of the conservation area. The development results in an incremental loss of city centre green infrastructure. The open garden space currently relates to the full length of the main hotel elevation; the proposed site layout reduces this direct association such that the Klondyke wing becomes more associated with the parking and landscape of the development and conference buildings. Replacing the car parking along the front of the hotel with lawn, hedging and trees would improve the setting of the Grade II listed building.

The proposed landscape scheme (with suggested minor revisions) would form an attractive setting for the proposed built development and provide a suitable, attractive edge and foil to a smaller, symmetrical, formal central garden.

Planning and Environmental Management (City Archaeologist)

3.6 The site is within the Central Area of Archaeological Importance and on the site of a Roman cemetery. An archaeological evaluation was undertaken in October 2015 as part of archaeological investigation of this site.

3.7 A further phase of post-determination evaluation followed by full excavation if Roman deposits are revealed that are preserved above the proposed formation levels for the new foundations, will need to be undertaken to establish the nature, extent and depth of the archaeology below the level reached in this phase of investigations. Conditions are recommended.

Public Protection

3.8 Given the location of the development, there are some concerns over the potential for noise from traffic along Leeman Road and from the nearby railway. Conditions relating to the construction of the building envelope to achieve specified internal noise levels and to plant and machinery are recommended. Also requested is a contaminated land condition (should unexpected contamination be detected during the development works) and a request that provision be made for two electric vehicle recharging points in the car parking area.

3.9 In terms of noise, vibration, dust etc from the development affecting nearby uses, the site is surrounded by commercial and office premises, along with residential properties at Westgate Apartments. As a result, conditions restricting the hours of construction and demolition works and requiring the submission of a Construction Environmental Management Plan (CEMP) are recommended.

Highway Network Management

3.10 The level of car parking provided on-site is to be reduced by 28 spaces from 60 to 32. Officers do not raise concerns with the reduction in car parking.

Flood Risk Management

3.11 No objections to the development in principle subject to conditions to protect the local aquatic environment and public sewer network. In order to satisfy Yorkshire Waters objection/response, the applicant would need to carry out further work to establish an existing surface water connection and attenuate together with our 30% reduction to the new development accordingly.

Please note that it is unlikely our Highway Network Management Team will allow the part or full closure of Station Road to make a new sewer connection as per YW response due to it being a priority route in and out of the City therefore the above work is essential.

EXTERNAL

Historic England

3.12 Historic England is broadly comfortable with the principle of an extension in this position. The impact of the proposed development upon views from the City Walls is unclear. We recommend that before consent is granted your council obtains visualisations from the City Walls; also cross sections to clarify the relative height of the new wing in relation to the original hotel and its 1896 north wing. This is in order for your council to satisfy itself that the proposals meet the requirements of the NPPF.

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

Yorkshire Water

3.14 The submitted drainage details are not satisfactory to Yorkshire Water as currently shown. The report should include soakaway tests results and a watercourse investigation, prior to considering the public sewer. If permission is to be granted, Yorkshire Water recommend conditions requiring details of the proposed means of disposal of surface water drainage and no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Environment Agency

3.15 The proposed development will be acceptable providing it is carried out in accordance with the approved Flood Risk Assessment.

3.16 National Planning Policy states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Conservation Areas Advisory Panel

3.17 The proposal is to provide a new 45 bed bedroom block adjacent to and connected to the Garden Wing, thus allowing the Conference Suite to be self-contained. The Panel was supportive of the proposed new block noting that it had been sited in such a way that it would not obscure the views from the main hotel and that the plant would be located away from the roof area. The Panel hoped this would be the last extension to the footprint of the buildings on the site.

Safer York Partnership

Original Comments

3.18 No documents have been submitted to show how measures to prevent crime and disorder have been incorporated. Security risk factors for a development of this nature could include: Public Areas - violence to staff, theft, unauthorised access; Hotel Rooms - common burglary, theft, criminal damage; Car Park - parked cars (theft of and from, and damage to). In the absence of detail, a number of recommendations are made.

Comments (further to receipt of detail as requested by SYP)

3.19 This is extremely positive feedback. Hopefully, the measures proposed will result in fewer victims of crime on this site.

Neighbour Notification and Publicity

3.20 The application was publicised by site notice, press notice and letters of neighbour notification. No representations have been received.

4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:-

- Principle of the proposed development
- Design and External Appearance/ Impact on Heritage Assets
- Landscaping
- Archaeology
- Transport and Access
- Flood Risk and Drainage
- Residential Amenity

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies relate to York's Green Belt.

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

4.3. Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.4 Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (NPPF, March 2012)

4.5 Central Government guidance is contained in the National Planning Policy Framework. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all and to proactively drive and support sustainable economic development to deliver the homes and businesses that the country needs.

4.6 Section 2 of the NPPF "Ensuring the vitality of town centres" seeks to promote competitive town centre environments and at paragraph 23 states that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

4.7 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 65 says local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the

impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

4.8 Section 12 of the NPPF is relevant to the site's Heritage Status. Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 134 says 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 benefit of the proposal, including its optimum viable use.

City of York Draft Local Plan (2005)

4.9 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

4.10 The relevant policies are listed in section 2.1 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are), SP7b (York City Centre and Central Shopping Area), HE2 (Development in Historic Locations), HE3 (Conservation Areas), HE10 (Archaeology), HE11 (Trees and landscape) and V3 (Criteria for hotels and guest houses).

Emerging Local Plan

4.11 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications.

PROPOSAL

4.12 The proposed four storey extension would be located at the northwest end of the grounds close to Leeman Road and would be linked to the existing 1912 "north annex" which faces Leeman Road. From within the site, the proposed building would appear as a three storey brick structure with a fourth floor set back approximately 3m from the parapet and clad in bronze effect cladding.

The building footprint would negotiate the change in level between the garden and Leeman Road (almost a full storey) where two bays return onto Leeman Road at four floors in height with an upper storey set back at an angle. The dedicated reception area would be a simple double height glass and bronze effect clad box with a projecting draught lobby. This would be positioned between the existing and proposed structures at low level facing the garden.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.13 The application site is within the defined city centre, as designated in the 2005 Draft Local Plan and the emerging plan. As such the proposed hotel use, in terms of location, is compliant with the NPPF, which states that Local Plans should 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality' and Local Plan policy SP7b which states that the city centre 'shall be the focus for commercial, leisure, tourism, and retail development'.

4.14 The extension to the hotel at this city centre site would also be compliant with Local Plan policy V3, which relates to hotels and guest houses in the city. Policy V3 advises that permission will be granted for extensions to existing hotels provided the proposal is compatible with its surroundings in terms of siting, scale and design; and would not result in the loss of residential accommodation; and would not have an adverse effect on the residential character of an areas; and is well related in terms of walking, cycling and access to public transport in relation to York City Centre.

4.15 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel extension in location terms. The area is commercial and there would be no loss of dwellings. In this respect there is no conflict with Local Plan policy V3. The visual impact of the development and amenity are assessed in the other sections of the report.

IMPACT ON HERITAGE ASSETS

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

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

4.18 In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132).

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

4.20 The proposed new wing would be located over 150 metres from the city walls from where there is a vantage point overlooking the hotel grounds. Historic England has commented that the impact of the proposed development upon views from the City Walls is unclear and in response the applicants have provided further detailed drawings. In views from the city walls, it is considered that the new wing would be seen as subsidiary and separate to the hotel building as there would be a wide separation gap (45m) and its roof level would be 2 ½ main floors plus attic floor lower than the Klondyke wing and it would be just below the upper string course of the central part of the hotel building. It is therefore considered that the primacy of the hotel building would not be challenged.

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

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

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

4.24 Services and plant would be contained in two areas of the new wing: within the lower ground floor and in a screened area on the lower part of the roof set back by 5 metres from the front edge of the building as it faces Leeman Road. In these locations the plant would not be visible from the street, or from the city walls.

LANDSCAPING

Existing Trees

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

4.26 The footprint of the new block has been set out to have a short two-bay elevation onto Leeman Road to help preserve part of the stand of trees, which aid in softening the harsh environment of Leeman Road close to the railway bridge. However, the scheme still involves the loss of the majority of the group of trees between the Leeman Road gate and the annex building including most of the line of semi-mature Lime trees fronting Leeman Road. Out of the line of 11no. semi mature Limes trees alongside Leeman Road and the gable end of the existing annex, 4no trees would be retained although the Landscape Architect advises that it may be appropriate to thin these down to 2no.

4.27 In realigning the access road and the car park, the original scheme had also involved the loss of two early mature Limes and possible damage to the roots of a third. These trees are located at the edge of a larger group of trees that forms the northern enclosure of the gardens between the Leeman Road access and the Station Road junction. Although standing close to one another and seen as a group, these trees are individually good mature trees with a good future that make a significant contribution to the scale and arboreal interest within the garden and could continue to provide public amenity for at least 20 years.

4.28 In response to concerns that the loss of these three Limes would cause harm to the character and appearance of the conservation area, the applicant has revised the scheme through the incorporation of a disguised turning head for emergency vehicles within the area to the front of the existing hotel / proposed extension, thus enabling the closure of any vehicular access from/onto Leeman Road. This would secure the retention of the line of the three Limes.

Landscaping scheme

4.29 The scheme involves the removal of 28 car parking spaces on site (from 60 to 32) and removes all of the parking immediately in front of the original hotel facade. The remaining number of spaces would be concentrated in front of the Klondyke Wing, Conference Centre and proposed bedroom extension such that the Klondyke Wing would become more directly related with the car parking spaces created by the bedroom extension and replacement planting to which it will form the end vista.

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

4.31 In seeking to compensate for the loss of trees from the north part of the site, the proposed landscaping scheme details the planting of 12no. semi mature trees between the proposed car park and the main lawn and an arc of pleached trees in front of the Klondyke Wing/Conference Centre and new block. The proposed planting plan also offers a range of shrubs, herbaceous material, bulbs and lawn, all of which are given structure with a range of clipped hedges. In summary, it is considered that the landscape scheme would form an attractive setting for the proposed extension and provide a suitable attractive edge and foil to a smaller, symmetrical, formal central garden.

4.32 Based on the revised scheme which closes the vehicular access onto Leeman Road and thus secures the retention of the line of three Lime trees, an assessment as to the impact of the proposed development on the setting of the Grade II listed building and the wider Central Historic Core Conservation Area would conclude that the development would cause some harm to the designated heritage assets.

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

4.33 The harm to the heritage assets is therefore assessed as minor but in these circumstances the council's statutory duty under s.72 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to the harm, despite it being minor.

4.34 Overall the scheme has a number of public benefits and there are material considerations that are considered to outweigh the impact of the minor harm. The proposal would reinforce and improve the standard of conference facilities at the hotel through the creation of 45no.additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. In its layout, massing, materials and general design, the new building has been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced.

4.35 The functional and economic benefits of the proposed extension and the overall quality of the design are therefore considered to outweigh the minor harm.

4.36 Whilst harm to heritage assets is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance.

ARCHAEOLOGY

4.37 The site is within the Central Area of Archaeological Importance and on the site of a Roman cemetery. An archaeological evaluation was undertaken in October 2015 which revealed a subsoil horizon of probable Roman date that was cut into by three pits of a similar date. Stratigraphically above the pits was a sequence of buried soil horizons; the earliest layer may have Roman origins with later disturbance from post-medieval and early modern activity.

4.38 In order to establish the nature, extent and depth of the archaeology below the level reached in this phase of investigations, a further phase of post-determination evaluation followed by full excavation if Roman deposits are revealed that are preserved above the proposed formation levels for the new foundations, is required. This can be secured through conditions and would result in the proposal according with Policy HE10 of the Local Plan and national planning guidance.

ACCESS AND HIGHWAY ISSUES

4.39 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.40 The proposal accords with this section of the framework. The proposed scheme involves a reduction of 28 car parking spaces provided on-site, to which no objections are raised. The site is located adjacent to the station and within a short distance of a large number of bus stops which are served by high frequency services. Sufficient space is provided within the site for guests to drop off/pick up or wait clear of the public highway. The surrounding highway is protected by various waiting restrictions which will prevent indiscriminate parking/waiting on the highway. This approach is consistent with a number of hotels around the city.

4.41 In line with the NPPF and the council's adopted Low Emission Strategy, a condition requiring that provision be made for two electric vehicle recharging points in the car parking area, is recommended

IMPACT ON OCCUPANTS

4.42 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants.

4.43 Although there is the potential for noise from traffic along Leeman Road and from the railway, considering the proposed end use as hotel accommodation rather than residential, there are no objections on amenity grounds. Conditions are proposed to achieve specified internal noise levels within bedrooms and to require details of plant and machinery. In the event that unexpected contamination is detected during the development works, a condition relating to the reporting of unexpected contamination is recommended.

4.44 To safeguard the amenity of the occupants of nearby commercial and office premises, along with the occupants of the residential properties at Westgate Apartments, conditions restricting the hours of construction and demolition works and requiring the submission of a Construction Environmental Management Plan (CEMP) are also recommended.

FLOOD RISK

4.45 The majority of the application site is located in Flood Zone 1 and 2 apart from an area to the north of the proposed extension which falls within Flood Zone 3a.

The existing hotel is at a higher ground level and not in a flood risk area. The NPPF classifies sites used for hotels as “more vulnerable” development, which is considered appropriate in Flood Zone 3a if the Exception test is passed. The NPPF advises that for the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and that a flood risk assessment demonstrates that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

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

4.47 The site specific FRA submitted demonstrates that the development would be safe from flooding and would not increase flood risk elsewhere. The ground floor level of the extension would be set at 12.25mAOD to match the existing hotel. A lower ground floor is proposed but there will be no sleeping accommodation at this level. The lower ground floor will be used for conference rooms and the upper levels of the extension would provide safe refuge for staff and guests during a storm event. The operators can be required to sign up to the EA's flood warning service; a recommendation within the submitted FRA. Flood resilient construction would be incorporated within the design. It is considered that the applicant has demonstrated that flood risk to people and property will be satisfactorily managed and that the development will provide wider sustainability benefits that outweigh flood risk in this case.

4.48 A planning condition is proposed to agree the drainage details.

DESIGNING OUT CRIME

4.49 The applicants have confirmed that advice from the police will be accommodated within the design, for example the new extension will have CCTV coverage to all public entry points, stairs and lifts, car parking areas will be adequately lit and the reception will be staffed 24 hours.

5.0 CONCLUSION

5.1 The application would provide 45no.additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. There would be some minor harm to designated heritage assets, i.e. the setting of the Royal York Hotel and the Central Historic Core Conservation Area.

Having attached considerable importance and weight to the desirability of avoiding such harm the local planning authority has concluded that it is outweighed by the application's public benefits of improving the conference facilities at this premium hotel and by the new building having been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced. All material planning issues are satisfactorily addressed.

5.2 The application accords with national planning policy set out in the National Planning Policy Framework and with the emerging policies in the Draft York Local Plan (2014 Publication Draft).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Received 13.11.2015

150002 (10) 001 Rev B (Location Plan)
150002 (20) 004 Rev A (Proposed Ground Floor Plan)
150002 (20) 005 Rev A (Proposed First Floor Plan)
150002 (20) 006 Rev A (Proposed Second Floor Plan)
150002 (20) 007 Rev A (Proposed Third Floor Plan)
150002 (20) 010 Rev A (Section AA and BB and FF)
150002 (20) 011 Rev A (Section CC)
150002 (20) 012 Rev A (Section DD and EE)
150002 (20) 025 Rev A (Facade Detail Section)
150002 (20) 008 (Proposed Roof Plan)
150002 (20) 021 Rev A (North East Elevation)
150002 (20) 020 Rev A (Front Elevation)
150002 (20) 022 Rev A (Leeman Road Elevation)
13810:100 Rev P1 Drainage Strategy

Received 22.4.2016

150002 (20) 003 Rev B (Proposed Lower Ground Floor)

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 Large scale details (1:20 & 1:5 as appropriate) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

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

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

5 Full details of the hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the new building hereby approved. The proposals shall include details of planting plans, gates and enclosures, cycle parking, waste compounds and external lighting. Existing historic structures shall be noted on the landscape plan and retained in-situ.

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

6 Before the commencement of development including demolition, excavations, building operations, an Arboricultural Method Statement (AMS) regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite and any other temporary buildings. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

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

7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

8 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and

deposits are either recorded or, if of national importance, preserved in-situ.

9 If, following the carrying out of the archaeological evaluation required by condition 8, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive.

10 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.

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

Reason: In the interest of satisfactory and sustainable drainage.

12 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

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

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

works.

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

14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Simpson, dated 25 February 2016, ref FRA/13810/HL and the following mitigation measures detailed within the FRA:

1. Provision of level for level compensatory flood storage as detailed in the FRA to the 1% CC AEP level.
2. Finished ground floor levels are set no lower than 12.25m above Ordnance Datum (AOD).
3. The flood resilience measures detailed in Section 8.6 are to be incorporated into the development to a level of 11.41mAOD.
4. There are to be no habitable rooms on the lower ground floor in accordance with drawing Number 150002(20) 004 Rev A.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants.

15 HWAY19 Car and cycle parking laid out

16 HWAY40 Dilapidation survey

17 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.

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

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

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

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

Reason: To protect the amenity of hotel residents and guests

20 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LAm_{ax}(f)) and average sound levels (LAeq), 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.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal,

impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenities of nearby residents and businesses

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

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

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration

or lighting the site manager has a clear understanding of how to respond to complaints received.

The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of local residents

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

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

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

24 A minimum of two electric vehicle charge points shall be provided in a position to be agreed in with the Local Planning Authority. Electric vehicle recharge points should be in a prominent position on the site and should be for the exclusive use of zero emission vehicles.

Notes: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

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

7.0 INFORMATIVES: Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Pre-application advice
- Revisions to realignment of access to safeguard trees
- The use of conditions

2. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. INFORMATIVE:

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

4. DRAINAGE (Condition 12)

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water

discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 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.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

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

5. DRAINAGE

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

ii) Land and highway drainage have no right of connection to the public sewer network.

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

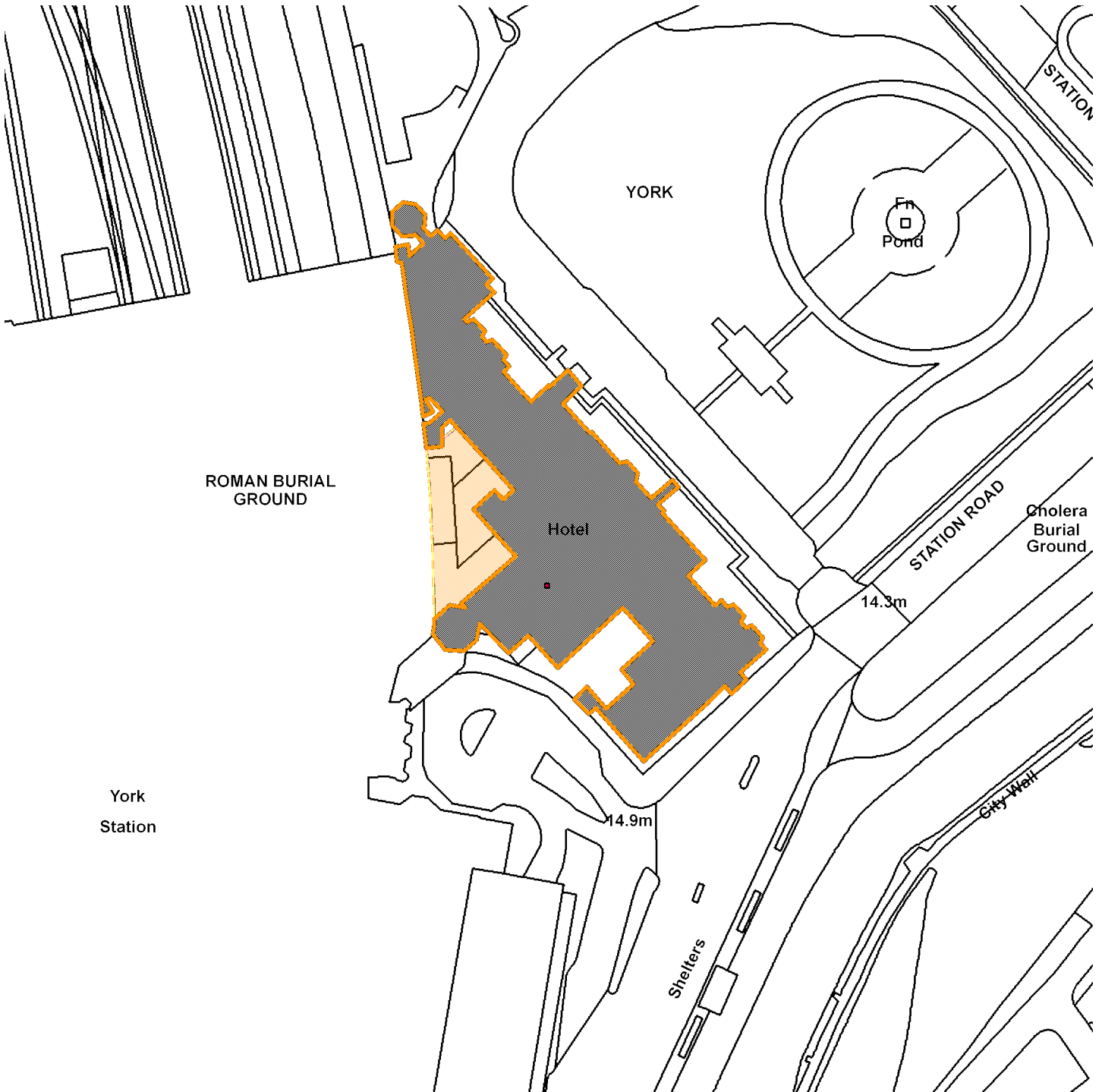
Contact details:

Author: Rachel Tyas Development Management Officer (Tues - Fri)

Tel No: 01904 551610

Royal York Hotel

15/02596/FULM



Scale : 1:1059

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Organisation	Not Set
Department	Not Set
Comments	Site Plan
Date	27 May 2016
SLA Number	Not Set

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