

## 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 (4<sup>th</sup> 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 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.

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<sub>Amax</sub> 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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