

COMMITTEE REPORT

Date: 9 November 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 17/01468/FULM
Application at: The Falcon Tap 94 Micklegate York YO1 6JX
For: External alterations relating to retained ground floor public house and renovation of upper floors to form two flats, and demolition of extensions and construction of two residential blocks to rear forming 9no flats
By: 2 Pubs Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 9 October 2017
Recommendation: Approve

1.0 PROPOSAL

THE SITE

1.1 No. 94 Micklegate is a Grade II listed building constructed circa 1842 located within Character Area 21 of the Central Historic Core Conservation Area. The site is located at the northern end of Micklegate with neighbouring buildings accommodating a diverse range of commercial uses, including shops, offices and bars. The Grade 1 listed Holy Trinity Church is located opposite the site.

1.2 The ground floor and rear buildings of 94 Micklegate are presently in use as the Falcon Tap Public House. The upper floors of the building have been in residential use but are now vacant and in a poor state of repair. The site has a long backland plot which extends to Toft Green on which there are existing buildings and structures comprising modern extensions and a two storey boiler housing dating from the late 19th Century.

THE PROPOSAL

1.3 The proposed scheme involves the retention of the pub at ground floor with renovation of the upper floors to accommodate a one bed flat and a three bed flat together with the erection of a rear extension and replacement of an external staircase. The backland plot to Toft Green is proposed for redevelopment with the construction of two residential blocks providing a total of 9No. one bed flats. The existing building and structures to the rear would be demolished.

1.4 There is an associated listed building application referenced 17/01469/LBC.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Listed Buildings GMS Constraints: Grade 2; 96 Micklegate York YO1 1JX 0149

Listed Buildings GMS Constraints: Grade 2; 94 Micklegate York YO1 1JX 0148

Listed Buildings GMS Constraints: Grade 2 Star; 92 Micklegate York YO1 1JX 0146

2.2 Draft 2005 Development Control Local Plan Policies:

CYGP4A	Sustainability
CYGP4B	Air Quality
CYGP6	Contaminated land
CYGP15	Protection from flooding
CYT4	Cycle parking standards
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYGP1	Design

2.3 Pre-Publication Draft Local Plan (September 2017) Policies:

D1	Placemaking
D4	Conservation Areas
D5	Listed Buildings

3.0 CONSULTATIONS

INTERNAL

Planning And Environmental Management (Design And Conservation)

First set of comments

Extension to rear

3.1 Use of brick sill and modern casement site uncomfortably with historic character of host building; instead appears to be designed to fit with new build to rear.

New build to rear

3.2 The proposed external elevations have been improved considerably. However, the roof lights and sun-pipes on the rear block will appear at odds with their historic

context. Both the roof lights and the sun pipes will draw attention in the street scene and will be visible over a wide area in views from both directions along the street.

3.3 Finally, a band course, or string course, ie a band projecting from the plane of the building in the same brick as used for the rest of the walling would add visual interest by subtly breaking up the blank elevations.

Further set of comments

3.4 Plans revised in line with comments previously provided. The errors and omissions also appear to have been corrected.

Planning And Environmental Management (Archaeology)

3.5 The site lies in the Area of Archaeological Importance and in an area where nationally significant archaeological features and deposits have been recorded.

3.6 Foundations for the proposed development will cut through medieval and post-medieval layers and may reach Roman levels. Archaeological features and deposits relating to all of these periods may be revealed or disturbed. These will need to be recorded through an archaeological watching brief on all groundworks.

Highway Network Management

3.7 The application seeks to reduce the number of available off highway parking spaces. The increase in the number of residential units will have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that in line with other development proposals, it would be appropriate to remove the proposed site from R15SC. This will mean that the occupants of the dwellings will not be eligible to apply for permits and thus the parking scheme will not be placed under further pressure.

3.8 With reference to sustainable transport measures, providing the bus pass or bike is a simple way to encourage other modes of transport and get the residents used to forming sustainable patterns of travel. We therefore seek a commitment to provide contributions to the value of £200/dwelling for city car club membership and agreement to provide a 6 month bus pass or cycle vouchers to the value of £200/dwelling for the first occupants.

3.9 Clarification is sought as to the servicing arrangements with the preference for deliveries to be taken from Toft Green.

Public Protection

3.10 No objections but recommend conditions relating to land contamination and noise as follows;

3.11 Our records indicate there were previous uses at the site (small landfill and engineering works) which may have left contaminants in the ground. It is therefore recommended that a condition be attached to any planning approval in case unexpected contamination is detected during the development works, which may include excavating for service provision.

3.12 To ensure that the future occupants of the residential units are not adversely affected by noise, Public Protection would request two conditions; one to address noise from within the building and one for external noise. In terms of safeguarding residents from external noise, the mitigation measures detailed in the submitted noise report include refurbished sash windows and a secondary glazing system, which would be sufficient to increase the level of attenuation to 35 dB Rw+Ctr overall but would result in two events exceeding 55dB (A). It is the view of public protection that these two exceedences marginally over the 55dB (A) level would not be sufficient to be deemed to be regularly exceeding the level. So the proposed scheme should meet the requirements of this proposed condition.

Flood Risk Management

3.13 No objections

Public Realm

3.14 Due to pooling regulations, no off site payment is requested

Children's Services, Education And Skills

3.15 As there are only 2 flats with 2+ bedrooms, no education contribution will be required for this proposed development.

EXTERNAL

Yorkshire Water

3.16 Provided the development is submitted in accordance with the submitted Drainage Strategy, Yorkshire Water has no further comments to make.

Micklegate Planning Panel

3.17 We welcome the retention of the historic pub. The Falcon is one of the oldest former coach houses on Micklegate and the previous owner of the Tap had a number of options re viability of the space and to retain the pub is important. Noise

and sound insulation for residents living above is crucial for amenity though. Residents will welcome the change for the back usage.

Publicity and Neighbour Notification

3.18 The application was publicised by site notice, press notice and letters of neighbour notification. Four letters of objection and one letter of support have been received as follows;

3.19 York Conservation Trust (Neighbour to application site) commented to the original submission as follows;
Object for the following reasons because of the impact it will have on 92 Micklegate.

- (i) The height of the proposed apartment block to the rear of the site is inappropriate and overly dominating.
- (ii) The proposed glass block windows to the west elevation will look institutional and are not appropriate in this setting. We respectfully ask no windows are built on to our boundary.
- (iii) The proposal will see the demolition of our boundary wall, we have only recently repaired this wall and re-pointed it with hot lime mortar and it is a valued part of our property. No justification for the demolition of this wall have been provided and we would expect this to be protected as part of the curtilage of our listed building.

3.20 Eight representations from the owner of the short-stay apartments adjacent at 8 Toft Green objecting to the scheme for the reason that the blocks would severely reduce his right to light, as they will be within 2-3 metres of the front of his property with a serious detrimental effect.

3.21 Three further objections have been received making the comment that the Falcon Tap has become one of York's most respected craft beer pubs over the years and is a great addition to the area Micklegate. A major draw for locals and visitors alike is the open area behind the pub. It is the only decent sized beer garden in the Micklegate area. It is a sad way to repay it by cutting off half of its viable business area for yet more flats.

3.22 A letter of support has been received supporting that the retention of the old-established pub and the refurbishment of this Listed Building and commenting that the new build sections are in-keeping with the Listed Building / Conservation Area.

4.0 APPRAISAL

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

- Design and External Appearance
- Impact on Heritage Assets

- 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. It includes the need for local planning authorities to recognise that residential development can play an important

role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites.

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 Conservation Area 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 HE2 (Development in Historic Locations), HE3 (Conservation Areas), HE10 (Archaeology) and GP1 (Design).

Emerging Local Plan

4.11 A new pre-publication draft local plan and revised evidence base is currently at consultation until 30th October 2017. 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. The evidence base

that underpins the proposed emerging policies is also a material consideration in the determination of the planning application. Policy D1 “Placemaking” states that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Policy D4 “Conservation Areas” states that development proposals will be supported where they conserve and enhance the special character and appearance of the conservation area and leave qualities intrinsic to the wider context unchanged and respect important views. Policy D5 “Listed Buildings” supports proposals that affect listed buildings where they preserve the significance of the building.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.12 The proposed development incorporates retention of the ground floor pub, renovation of the upper floors to provide 2No.flats, a rear extension to incorporate WCs for the pub and a new staircase to provide access to the upper floor flats and the erection of two residential blocks to provide a further 9No. residential units.

4.13 In the context of the NPPF the conversion of the underused upper floors of the pub to form two flats and the reuse of previously developed land at the rear to deliver 9 residential units, is generally acceptable in principle. It represents an efficient use of an existing building/site in a sustainable and accessible city centre location and is in accordance with local and national planning policy which seek to enhance the vitality and viability of the city centre. The re-use of the upper floors of the building for living accommodation maintains the historic use of the building. However the acceptability of the application has to be considered against the impact on the significance of the conservation area and listed building discussed in the following paragraphs.

IMPACT ON HERITAGE ASSETS

4.14 No.94 Micklegate 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.

4.15 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.

4.16 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).

4.17 With reference to good design, the NPPF advises that this is a key aspect of sustainable development and is indivisible from good planning. Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Are visually attractive as a result of good architecture and appropriate landscaping

New Build Blocks

4.18 The backland plot to Toft Green is proposed for redevelopment with the construction of two residential blocks providing a total of 9No. one bed flats. The existing building and structures to the rear would be demolished. The blocks would extend along the rear of the site with the block nearest to No.94 Micklegate being 2 storeys in height and the block extending toward Toft Green 2 1/2 storeys. The blocks would be accessed from Toft Green with internal stair cores providing access to the upper floor flats. A refuse and cycle store would be located within the ground floor of the 2 1/2 storey block. The blocks would be of brick construction with slate roofs and light grey metal windows.

4.19 The rear boundary of the site to Toft Green would be marked by a pedestrian gate with black wrought iron railings. Surfacing for the rear yard would be permeable block paving and a small soft landscape area is proposed between the two new blocks. The existing section of cobbled surface adjacent to Toft Green would be retained.

4.20 The Central Historic Core Conservation Area appraisal describes the character of this part of Toft Green as being office and light industrial uses developed in the back lands of Micklegate, and notes there is much architectural variation as a result

of ad-hoc building and later in-filling of former industrial sites. The former gardens and out buildings associated with historic houses on Micklegate were largely lost from the 19th century onwards.

4.21 The accretion of minor buildings and structures currently occupying the rear plot do not contribute to the special interest of the building or the character and appearance of the conservation area beyond being subservient to the frontage building and facilitating views of the rear elevation from Toft Green and the City Walls. Whilst at street level the view to the rear of the building contributes little to the character of the Conservation Area, the view from the city wall reveals a much greater depth of historic character. The view from the walls is channelled between a multi-storey hotel and a large office complex. In the view, the rear elevations of the application building and the neighbouring listed buildings are seen over the back land development and form the foreground for a view of the tower of the Church of the Holy Trinity Micklegate, which is listed grade I. The trees seen from here are identified as significant street trees within the Central Historic Core Conservation Area Appraisal.

4.22 The proposed scheme has sited the 2 1/2 storey block to the Toft Green frontage with the 2 storey block nearest to 94 Micklegate and in doing so, has deliberately sought to provide a street frontage to Toft Green, which is currently lacking along this section of Toft Green. The proposed ridge height of the block is aligned with development occupying 3 -5 Toft Green which includes buildings of the same scale fronting Toft Green and running along the rear plot, and is lower than buildings at 10 Toft Green. The scale and massing of the blocks is therefore considered appropriate to its context. In terms of details of design, the scheme has been amended with the removal of rooflights and sun-pipes, the replacement of windows with "blind" recessed windows and the replacement of the projecting bay windows with windows.

4.23 On the basis of the revised scheme, it is considered that the new blocks would preserve the setting of the listed building and the character and appearance of the conservation area taking into account views from street level and from the city walls.

Rear Extension And Stair Access

4.24 Further to the removal of the existing rear extensions, a single storey brick flat roofed extension is proposed to the rear of the property for use by the pub. It would incorporate a fire exit door to the yard and customer toilets with accesses from the covered passageway and the pub. A new stair access is proposed adjacent and over the rear extension to first floor level to provide access to the upper floor flats.

4.25 The existing rear extension would appear to be a later adaptation of a 19th century closet wing, which is considered to add a layer of interest to the building. Its removal would result in a degree of harm to the special interest of the building. The

degree of harm however is considered to be low and "less than substantial". The proposed rear extension, by replicating the narrow, mono-pitched form of the existing, is considered to be sympathetic to the character and appearance of the property and its setting within the conservation area. The sympathetic design of the extension and the consideration that the removal of the existing two storey extension is necessary to facilitate provision of a new entrance to the upper floors and essential ancillary facilities to allow viable retention of the ground floor public house, is considered to balance the degree of harm which would result from its removal.

4.26 The harm to the Conservation Area /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.

4.27 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 provide 11 new residential units and would secure the listed building by reinstating the upper floors to living accommodation and retaining historic use of the ground floor as a public house. In its massing, materials and general design, the new blocks have been designed to provide an improved frontage to Toft Green and are considered to preserve the setting of the listed building and the character and appearance of the conservation area taking into account views from street level and from the city walls.

4.28 The benefits of the proposed development are therefore considered to outweigh the harm in accordance with paragraph 134 of the NPPF.

4.29 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

4.30 The application site lies in the Area of Archaeological Importance and in an area where nationally significant archaeological features and deposits have been recorded. An archaeological desk based assessment of the site has been submitted which suggests that extensions to the rear of the property are likely to have disturbed the ground within the extension buildings to a possible 750mm. The top of medieval deposits would be expected between 750mm-940mm bgl. Roman deposits would be encountered at 2.00m below the floor surface at a depth of approximately 18.00m AOD. These may extend to 4.50m bgl or 15.60m AOD where natural deposits are projected to occur.

4.31 In the yard area underneath modern overburden, post-medieval deposits may be encountered up to a depth of 500mm-750mm. The top of medieval deposits and

Roman deposits are also expected at the levels mentioned above. Foundations for the proposed development will cut through medieval and post-medieval layers and may reach Roman levels.

4.32 Archaeological features and deposits relating to all of these periods may be revealed or disturbed and therefore need to be recorded through an archaeological watching brief on all groundworks. This would be secured through a condition ensuring that the proposal accords with Policy HE10 of the Local Plan and national planning guidance.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPIERS

4.33 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. Local Plan policy GP1 (Design) requires that development proposals ensure that residents living nearby are not duly affected by noise, disturbance, overlooking, overshadowing, or from over-dominant structures.

4.34 The new residential blocks would be in close proximity to the serviced apartment development at No.8 Toft Green, the owner of which has objected to the scheme on the basis of loss of light to his properties. Despite the proximity and height of the proposed residential blocks to No.8 Toft Green, it is not considered that the development would have an unduly detrimental impact on the neighbouring property in terms of scale, dominance or loss of light.

4.35 The permission for 8 Toft Green restricted its occupation so that it may be occupied for no more than four consecutive calendar weeks per guest. This was due to the level of amenity the block would provide its occupants, one reason being the level of natural light. The westernmost block of No.8 Toft Green does not incorporate any windows in its elevation opposite the proposed two and a half storey block and the first floor opening of the easternmost block of No.8, which currently lies opposite the existing covered external space associated with the public house, appears to have shutters permanently in the closed position. It is therefore not considered that an justification could be made that the proposed development would have a significantly greater impact on the levels of ambient light than the existing situation.

4.36 With reference to overlooking, only two windows at first floor of the 2 storey block (serving Unit 6) would be positioned close to the edge of the easternmost block of No.8. The revised plans have confirmed that these windows would be obscure glazed.

4.37 In response to the objections raised by York Conservation Trust whose offices adjoin the north eastern boundary of the site, revised plans have been submitted

which show the retention of the boundary wall between 92 & 94 Micklegate and which omit the windows to the north east elevation.

RESIDENTIAL AMENITY OF OCCUPANTS OF THE PROPOSED RESIDENTIAL UNITS

4.38 There is the potential for noise disturbance to future residents through the operations of the existing public house on the ground floor of 94 Micklegate and from the live music venue located adjacent to the site to the Toft Green frontage. This has a licence to have live music until 0330 hours. In addition to the noise associated with the licensable activities, there is also the potential for noise from patrons leaving the venues when they close. Furthermore, the front elevation of the property faces Micklegate which is a cobbled thoroughfare which is likely to give rise to high levels of noise from people and vehicles on Micklegate, particularly at night when the night club opposite is open.

4.39 To ensure that the future occupants of the residential units are not adversely affected by noise, two conditions are recommended; one to address noise from within the building and one for external noise. In terms of safeguarding residents from external noise, the mitigation measures detailed in the submitted noise report include refurbished sash windows and a secondary glazing system, which Public Protection consider should be sufficient to meet the requirements of the proposed condition.

TRANSPORT AND ACCESS

4.40 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.

4.41 No car parking is proposed for the scheme with the proposal in fact involving a reduction in the number of off highway parking spaces through the removal of the existing courtyard/delivery area. 16No. cycle parking spaces for residents would be provided in the ground floor secure cycle store. Given that the site is in a sustainable city centre location in close proximity to the railway station and well served by a number of high frequency public transport routes, there are no objections to the absence of car parking. Notwithstanding this, it is acknowledged that an increase in the number of residential units would have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. Therefore, in line with other development proposals, the proposed site would be removed from the Residents Parking scheme. A condition requiring an amendment to the Traffic Regulation Order to remove the site from the Residents Parking zone is recommended.

4.42 Highways have also requested that the applicant provides contributions for city car club membership and a 6 month bus pass or cycle vouchers for the first occupants. Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that contributions secured through a section 106 agreement are:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

Given the central location of the site which is in close proximity to the railway station and bus routes and the fact there is no parking associated with the development, it is not considered it necessary or reasonable to require such contributions.

4.43 In terms of the servicing of the existing pub, deliveries and bin collections would continue to be from Toft Green, with vehicles temporarily parking on the cobbled area outside the development and deliveries wheeled-in to the service hatch at the back of the pub.

FLOOD RISK AND DRAINAGE

4.44 The application site is located within Flood Zone 1. Surface and foul water drainage from the development is proposed to discharge into the sewers serving the property and the submitted drainage strategy provides confirmation that the introduction of permeable surfacing will achieve the 30% reduction in surface water runoff rates required for brownfield sites, and that no storage or attenuation is required.

5.0 CONCLUSION

The proposed development would provide 11 new residential units in a sustainable and accessible city centre location. There would be some minor harm to designated heritage assets, i.e. the setting of 94 Micklegate 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 providing new residential accommodation, reinstating a use for the upper floors of 94 Micklegate and retaining historic use of the ground floor as a public house. In its massing, materials and general design, the new blocks have been designed to provide an improved frontage to Toft Green and are considered to preserve the setting of the listed building and the character and appearance of the conservation area taking into account views from street level and from the city walls. All other issues are satisfactorily addressed.

5.2 The application accords with national planning policy set out in the National Planning Policy Framework and with local planning policy.

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:-

Drawing No's;

001 Rev P01 (Location Plan)
104 Rev P09 (Proposed Site Plan with Context)
105 Rev P07 (Proposed Site Plan)
110 Rev P11 (Proposed Basement and Ground Floor)
114 Rev P03 (Proposed Basement and Ground Floor)
111 Rev P11 (Proposed First Floor)
112 Rev P10 (Proposed Second Floor)
115 Rev ** (Proposed First and Second Floor)
113 Rev P10 (Proposed Third Floor)
116 Rev ** (Proposed Third Floor)
134 Rev P01 (Stair Section)
130 Rev P08 (Proposed Elevations 1 of 4)
131 Rev P07 (Proposed Elevations 2 of 4)
132 Rev P09 (Proposed Elevations 3 of 4)

133 Rev P08 (Proposed Elevations 4 of 4)

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 A sample panel of the brickwork to be used on this building measuring at least

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1m x1m shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the construction of the walls of the development. This panel shall be maintained during the course of construction. The approved development shall be completed in accordance with the approved sample(s).

NB: More than 1 sample panel will be required due to more than one type of brick being proposed.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the brickwork prior to the construction of the walls in view of the sensitive location of the site.

5 A sample detailing the colour and finish for the windows and doors on the rear and side elevations of the new build blocks 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: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

6 Full details of the design, scale, material and location of all external vents and flues shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

NB This condition applies to both the listed building and the new build blocks. Only unobtrusive locations will be agreed. The applicant is advised that the vent cover for the listed building as proposed in the 25.10.17 drawings is acceptable but further detail relating to location is required.

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the listed building and its setting within the conservation area.

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

(i) Prior to the manufacture and installation of the secondary glazing in the listed building: 1:10 elevation drawings and part cross section drawings of proposed secondary glazing to listed building, at 1:5 illustrating inter alia, existing windows,

secondary glazing, and existing sills, architraves and mouldings where present, and proposed method of draught proofing of existing windows.

(ii) Cross section through windows in proposed new build taken through opening to include head and sills at 1:5 and all external doors in situ to include any fanlights and door head at 1:10

(iii) For new door to rear of listed building: Part cross section at 1:5 illustrating door head, door frame and fanlight

(iv) Cross section through eaves and wall head and part elevation at 1:2 to illustrate dentil corbel wall head and roof eaves detail

(v) Cross section through string part wall and string course at 1:2

(vi) Cross section through eaves, verge and ridge of replacement mono-pitch rear entrance structure at 1:2

(vii) Cross section for coping for stair enclosure wall at rear of listed building at 1:5

(viii) Full details of pedestrian gate

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of safeguarding the character and appearance of the conservation area.

8 Full details of the landscape proposals for the courtyard 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 any part of the development. The proposals shall show hard and soft materials, planting, external lighting and any other fixed artefacts.

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.

9 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential use from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works, no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The building envelope of all residential accommodation shall be

constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: In order to safeguard the amenities of future residential occupiers given the nature of surrounding uses and the details are needed prior to the start of work so that measures can be incorporated into the build.

10 Sound Insulation internal transmission

No development shall take place until a detailed scheme of noise insulation measures for the ground floor public house use has been submitted to and been approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Sound Insulation and Noise Insulations for Buildings - Code of Practice". The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of adjoining residential occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build.

11 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.

12 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

approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

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.

13 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Measures to remove the site from the Residents Parking R15SC zone.

Reason: The application seeks to reduce the number of available off highway parking spaces. The increase in the number of residential units will have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that it would be necessary to remove the proposed site from the resident's parking zone so that will not be placed under further pressure.

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
- changes to design
- the use of conditions

2. INFORMATIVE:

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

action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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