

APPENDIX 2

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fishergate
Date: 22 April 2004 **Parish:** Fishergate Planning Panel

Reference: 03/04075/GRG4
Application at: Barbican Centre/Kent Street Car Park Paragon Street York YO10 4AG
For: Redevelopment including 240 apartments, hotel, alterations to Barbican Centre, alterations to existing multi-storey car park
By: City Of York Council And Barbican Venture (York) Ltd
Application Type: General Regulations (Reg4)

1.0 PROPOSAL

1.1 As described above, this full application is for a mixed use development at the site of the Barbican Centre which is bounded by Paragon Street, Barbican Road, Kent Street and Fawcett Street (see appendix A, site location plan). An outline application for the erection of a community swimming pool (including fitness suites, dance studios and external play areas), on the site of the Kent Street Coach Park and part of the existing decked car park, is also reported on this agenda. Both applications follow extensive public consultations on the future of the Barbican Centre and the wider provision of sports and Leisure facilities within the City (see appendix B).

1.2 The proposals for the existing Barbican Centre building involve its alteration, both internally and externally to create an auditorium/conference centre with associated facilities. The alterations include a single storey largely glazed extension on the forecourt area facing Paragon Street, to house a new restaurant facility with 120 covers. Additional seating areas would be provided at the first floor and on a roof garden adjacent to the Box Office, with staff office accommodation above. The existing sports hall area would be converted to form three conference rooms and the existing auditorium would be refurbished. The service yard onto Kent Street would also be retained, and a new joint service yard for the Barbican and the proposed hotel adjacent would be created at the other side of the new conference facilities.

1.3 The new Barbican would be linked at first floor level to a five storey hotel building comprising of 120 bedrooms. This structure would be essentially semi-circular in plan form, and would sit just to the east of the Barbican building, on the site of the existing swimming pool. A service corridor would separate the buildings at ground floor. An existing terrace area, to be used as a roof garden for the restaurant, would be extended over part of the service corridor. The proposed hotel bedrooms would either have windows facing an atrium towards the centre of the semi-circle, and also facing outwards towards a landscaped area to the east of the hotel.

1.4 On the eastern part of the site, a development of 228 3, 4 and 5 storey apartments would be created, with elevations facing Paragon Street, Barbican Road (although set back from the street frontage) and Kent Street. The height of the building would rise from the entrance atrium (approximately half way along Barbican Road frontage) towards the Paragon Street and Kent Street junctions. A circular corner "tower" feature at the Paragon Street/Barbican Road junction is included. The residential buildings include areas of roof garden and lift heads projecting above the general roof plain of the five storey accommodation.

1.5 Areas of open space for the residential accommodation would be provided in front of the Barbican Road elevations (with retention of the existing landscaping and mounding along this frontage), and to the rear of the development adjacent to the proposed hotel. A private children's play area for the apartments would also be included within this area.

1.6 The main entrance point into the apartments would be from Barbican Road via the central atrium. Vehicular access from Kent Street would lead to a basement parking area for 144 vehicles, together with one cycle space per apartment. Lift access and stair access from the basement would be provided to the residential floors.

1.7 In order to accommodate part the new community swimming pool across Kent Street, part of the existing car park here would be removed, to a leave a total of 270 parking spaces. These spaces would be publicly available, and would primarily serve the new Barbican and the Swimming Pool.

1.8 The application has been identified as falling into Schedule 2 development as defined in the Environmental Impact Assessment Regulations. A screening opinion has been carried out, and a full Impact Assessment is not required. However the applicant has submitted detailed assessments in relation to transport, noise, air quality, the environment (including Geology, hydrology, contamination) and archaeology, Statements relating to the design of development and energy efficiency have also been submitted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

City Boundary York City Boundary 0001

Schools Multiple (Spatial)

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYGP1
Design to safeguard/enhance development

CYGP3
Planning against crime

CYGP11
Accessibility/people with mobility problems

CYHE2
Development in historic locations

CYHE9
Scheduled Ancient Monuments

CYHE10
Archaeology

CYT4
Cycle parking standards and provisions

CYT13
Car park standards in York CC/District C

CYT14
Public car parking maintained

CYT20
Planning agreements

CYH2
Affordable housing on housing sites

CYH4
Housing devp in existing settlements

CYH5
Residential densities over 25 per ha

CYL1
Open spaces in new residential devts

CYC3
Change of use of community facilities

CYV1
Criteria for visitor related devt

CYV3
Criteria for hotels and guest houses

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management

The Section states that transport consultants have been engaged by the applicant to consider the impact of the redevelopment of the existing Barbican Centre and the Kent Street coach and car parks. Situated on the edge of the City Centre, the site is conveniently located for a range of local services and is within easy reach of a number of pedestrian and cycle facilities. There are also several high frequency bus services which pass the site making it convenient for public transport users.

The Consultants conclude that the redevelopment of the Barbican Centre will have a relatively small impact on the traffic flows to be found on the adjacent highway network as the auditorium remains unaffected and the new pool complex will replace the existing facilities. The Hotel and residential elements of the scheme are predicted to generate around

150 two way trips in the AM and PM peaks. The majority of these trips will be travelling in the opposite direction to the current peak hour traffic i.e. out of town in the AM peak and into town in the PM peak, thus helping to reduce their impact on peak hour traffic conditions. Once distributed on the local road network, the Consultants predict that they will have a minimal impact on the highway network. The Foss Basin study which has recently been undertaken by consultants engaged by the City Council, has taken account of the predicted traffic generation associated with the Barbican redevelopment and our own mitigation strategy prepared as a result of the reports findings, takes account of development within this site. The mitigation strategy, known as the Foss Basin Master Plan, recommends a series of transport measures, both short term and long term to cope with the expected development schemes in this area. In the case of the Barbican development, a contribution is sought, based on the predicted additional peak hour trips.

The development proposals necessitate the removal of the 120 space Barbican Centre car park, a reduction in the number of available spaces 390 to 270 at Kent Street multi-storey car park and the loss of the 26 space coach park also on Kent Street. With such a reduction in public parking capacity on the site, the surrounding residential streets would become extremely vulnerable to a transfer of demand unless action is taken to protect them. As a consequence the developer has set aside £25,000 to cover the set up costs of a residents parking scheme covering the streets in the Heslington Road area and for the issue to residents of the first year's permits free.

The parking ratio for the 240 apartments proposed on the site has been set at 60%, to accord with the principles of sustainability. As a measure to promote more sustainable modes of transport, the developer is willing to meet the costs of setting up a car share club for those residents without a vehicle of their own and provide revenue support for the first two years of its operation (when it is hoped to be self-financing). The club will be open to residents in adjoining streets to join, if they so wish. A further measure being offered is a six month bus pass or a free cycle to every household in the apartment block. All these measures are strongly welcomed and should be included in a section 106 agreement attached to any consent granted.

It is being suggested that St. Georges Field can provide additional car parking capacity to meet the needs of guests to events at the Barbican during the evenings. A condition attached to the previous consent for the Barbican requires that there be 500 spaces available in that locality to meet this demand. If such an alternative provision is to be accepted, it is considered necessary to upgrade the pedestrian route between the two sites so as to make the journeys safe and convenient for the public. Some proposals have been drawn up by the Consultants to show how this might be achieved, however they are still subject to further detailed design to ensure that they are achievable in practice. A section 278 agreement will need to be entered into with the applicant to cover these associated highway works.

The Section concludes that there are no highway objections to this application subject to :

- (a) a series of standard highway conditions
- (b) a section 278 highway agreement covering changes and improvements considered necessary to the adjoining road network.
- (c) a section 106 agreement covering:
 - a contribution towards the costs of implementing the Foss Basin Master Plan transport measures.

- the costs of setting up and issuing permits for the first year of a residents parking scheme in the Heslington Road area.

- the supply of either a six month bus pass or a cycle to every resident in the new apartments within the development site.

- the costs of setting up and operating, for the first two years, a car share club for the benefit of residents within the development and the surrounding streets.

(d) the submission and agreement of Green Travel Plans covering staff employed at the Barbican site and the Hotel complex.

Environmental Protection Unit

States there are no objections to the application but has the following comments.

a) Contaminated land. A review of the data collected by the Council in relation to contaminated activities identifies previous uses as a small coal merchant and wool merchants in the 19th Century and as the City Cattle Market. Additionally the Church of All Saints and associated grave yard were located on the site. It is not considered that any of the previous activities would give rise to contamination, and bore holes excavated for archaeological purposes identified the ground was rich in organic matter. It is not considered that the generation of gases would be any greater than from rich organic soils.

b) Air Quality. The section states that the air quality assessment concludes that predicted increase in traffic flows resulting from the redevelopment would not be sufficient to trigger large increases in pollutant concentrations by 2005. Both with and without the redevelopment the predicted pollutant concentrations for 2005 are less than those predicted for the 2002 baseline, because the pollution model assumes individual vehicles would be cleaner by that year. The assumption takes account of continued improvement in vehicle emissions technology and the introduction of more stringent vehicle emission standards. This approach to the assessment is well recognised and conforms to the government guidance notes on this matter. The redevelopment will however have a minor impact on air quality concentrations, with the greater increases predicted around Kent Street car park (0.8 UG/Metres cubed at the Cemetery Road/Barbican Road receptors). In conclusion though the level of traffic generated would not be sufficient to outweigh the general improvement and air quality predicted to arise by 2005 and there are no grounds to refuse the application due to impact on air quality. The results of the assessment undertaken for the development are in line with the findings of the wider Foss Basin assessment recently commissioned by the Council.

c) Noise and Odours. It is stated that this mixed residential and commercial area is already subject to road traffic noise, and there are potential issues of noise and odours from the development which could impact on the amenity of future and existing residents. It would be necessary during the development phase to employ appropriate demolition and construction techniques to minimise noise and dust generation. A noise survey undertaken in line with planning policy guidance was submitted with the application which shows area of the site all within noise categories B and C dependent on the time of day and it would therefore be necessary to reduce internal noise levels of the final development through the use appropriate construction materials. Also once the development is completed, future residents could potentially be disturbed from noise from deliveries to the Barbican Complex and Hotel and from noise from associated plant and machinery. Conditions would be recommended to control these matters, as well as to ensure that any units involving the

preparation and the cooking of food would have adequate facilities for the treatment and extraction of odours to avoid a negative affect on neighbouring premises.

Environment, Conservation and Sustainable Development

Has the following comments on the revised drawings in relation to Urban Design and visual impact issues:-

a) There was a concern regarding the effect of the development on the scheduled ancient monument i.e. the City Walls opposite on Paragon Street. The monolithic nature of the design proposals have been modified in terms of the massing and articulation in order to respond more appropriately to this location and context.

b) The re-elevation of the front of the Barbican Centre has an acceptable affect on the surroundings which at present is a space of poor quality in urban design terms. The proposed hotel has been designed to respond dynamically in its form, mass and elevations to the Barbican Centre and the elevations have a variety in their articulation.

c) The re-elevation of the residential block facing the City Walls have reduced their visual impact upon them and in Urban design terms this area is suitable for the identity proposed. Again the articulation of the elements has improved, with a stronger vertical rhythm being introduced and the architectural vocabulary is appropriate for the context.

d) There is a general concern about the deficiency of amenity space and this would need to be compensated by within a section 106 agreement with commuted sums for the relevant provision appropriately located.

With regard to landscaping issues, the Section states:-

a) The entrance drop off point to the hotel causes the removal of three well established Plain trees, and a condition should be attached to provide tree protection method statement to avoid the loss of any further trees. More details of the proposed landscape treatment between the residential block and the hotel are requested, and the landscaping here will play an important role on the softening of the scene. Planting for block (a) could be covered in detail by a landscaping condition. The ground floor reception rooms should have direct access onto Barbican Road amenity space and levels should be designed so it is possible that areas not such a restrictive tall plinth at the base of the building, in order to encourage active use of the external space.

c) A residential area includes the required amount of public open space for the size of the development although provision of a play area for children is warranted although provision of a play area for children is warranted.

With regard to the REVISED SCHEME, the Section states that a landscaping strategy has been submitted. The trees selected within it are attractive and appropriate, and the strategy states that the trees on Paragon Street could be retained. It also acknowledges that the space between the Hotel and the residential block is narrow in relation to the height of the buildings which is of concern although within the limitations the planting concept/species would be appropriate. It is queried whether the architecture helps to ensure that the natural landscape buffer along Barbican Road is effective although the more informal planting approach along Barbican Road is appropriate.

Life Long Learning and Leisure

States the proposal delivers required investment to update and improve the facilities and services offered at the Barbican Centre including the events and entertainments programme. It delivers the objectives set out in the 2000 Best Value review of the Council's Leisure Services. The scheme as a whole, through the capital receipt, enables the Council to deliver on its sports plan objective of investing in and refurbishing the Council's 3 existing swimming pools.

The scheme enables more satisfactory arrangements to be made for gym and fitness provision in the new Community Pool building and in local school facilities addressing the issues raised in the Best Value review.

It also states that public art should be included within developments or, which could involve works which are intrical to the design of the development such as windows or gates. With regard to parks and open spaces, the section states in relation to the ORIGINAL scheme it was difficult to ascertain whether there was sufficient onsite open space. The lack of playing facilities was also raised as a concern. With regard to sport and active leisure facilities, this section supports the strategic approach to the planned reinvestment for replacement, retention and refurbishment of existing provision and the creation of new facilities where appropriate. A contribution towards offsite provision of open space for sport in the south zone of the city to develop community use of site such as Fulford Playing Fields, Walmgate, Glen Gardens, All Saints School and Millthorpe School is requested.

In relation to the REVISED DETAILS, the Directorate is satisfied with the on site amenity space provision, and the proposed off site contributions towards play space and outdoor sports provision.

City Development

States the land is not allocated in the draft local plan but is currently used as a community facility. It states policy C3 of the Local Plan only allows for the redevelopment or change of use of such facilities where:

- a) The proposal is of an appropriate scale and design to the character and appearance of the area.
- b) It can be shown that the existing land or buildings are surplus to, or no longer capable of meeting, the existing or future needs of the local community, or it can be demonstrated that alternative acceptable sites for the existing use can be provided.

The relocation of the community swimming pool and Gym to across Kent Street is in accordance with point c of the above policy although the bowling green would need to be replaced if still required. Consultation with Leisure Services is recommended on these issues.

With regard to point a, the comments of the Conservation and Environment Section will be relevant and policy HE9 regarding the need to consider the setting of a scheduled ancient monument is relevant.

With regard to housing, policy H4 of the Draft Local Plan, which allows for development on land which is vacant, derelict or underused; or involves infilling, redevelopment or conversion of existing buildings; and is of an appropriate scale and density to the surrounding development and would not result in the loss of open space or have a detrimental impact on existing landscape features, is mentioned. The sites location is in accordance with PPG3 and H5 of the local plan which aimed to avoid housing development which makes inefficient

use of land and aims to provide more intensive housing in and around existing centres and close to public transport modes.

The erection of 240 dwellings on the site overall is considered to be appropriate in residential density terms in exceeding the minimum density requirements of the local plan and recent government planning policy guidance.

An affordable housing target of 25% is sought to accord with policy H2 of the Draft Local Plan, with planning policy guidance note 3 and also affordable housing circular 6/98. It is stated that in accordance with the housing needs survey and housing waiting lists, at least 70% of the affordable homes should be for rent and 30% for discount sale. It states the level of discount would be dependent on the projected sales prices of the homes and would be set at a level to make them realistically affordable.

Car and cycle parking should have regard to local plan policies, with a minimum cycle parking space provision of one per two bedroomed dwelling (policies T4 and T13 of the Local Plan are relevant).

Policy L1 of the Draft Local Plan offers guidance on the provision of open space in applications of over 10 dwellings and consultation with the life long learning and leisure directorate is recommended.

With regard to the proposed hotel, policy V3 is highlighted. This allows for new hotel developments provided that (a) it is compatible with the surroundings in terms of siting, scale and design (b) it would not result in the loss of residential accommodation which had less than four bedrooms when originally built, and (c) it would not adversely affect the residential character of the area. Views of the Conservation Team would be required with regard to points a and c.

In conclusion, the Section states that the development of the site for a mix of leisure, hotel, community and residential use is supported in policy terms subject to the above comments.

Community Services

With regard to THE ORIGINAL submission, the section requested further details in relation to the proposed size, mix and location of affordable homes within the scheme.

Commenting on the REVISED scheme, the Section confirms agreement in principle for 25% affordable housing provision at the site, with 12 in the block at Fawcett Street, so that the Managing Housing Association could control the service charge. The remaining affordable units would be a mix of rent and discount sale homes, with a greater proportion of 1 and 2 bed flats sought. Also discussion regarding the relocation of the 'Arclight' hostel for the homeless to the site has taken place, though the developer does not consider this feasible. An off site contribution with reduced on site affordable provision has been discussed as an option.

Education Services

States that based on a number of two bedroomed dwellings proposed within the scheme (108), the development is calculated to generate 28 primary school pupils. However taking into account other developments approved adjacent to the site, there would still be a surplus provision of 41 places locally and so no contribution is sought in respect of such pupils. With regard to the foundation stage, it is calculated that the site would generate 14 pupils, with a resultant contribution of £46,214 being sought to increase provision accordingly. With regard to secondary schools, the site generates a calculated 16 additional pupils, and a

resultant contribution towards education provision of £153,408. These sums are calculated in accordance with the supplementary guidance approved by the authority relating to the additional provision of education resulting from new developments within the city. In total, therefore, a financial contribution of £199,622 is sought from the applicant to ensure that there is an acceptable impact on local education provision.

Councillor D'Agorne

Writes as Fishergate Ward Councillor to request careful attention to traffic and parking implications of the developments. He states leaving aside issues of adequacy of replacement of swimming facilities there are the main concerns of nearby residents. He states in particular the transport statement does not take into account the demand for special events and concerts at the auditorium and residents will not accept that visitors will go out of the way to pay in more distant car than park for free on their streets. It is suggested that a parking scheme in the surrounding streets be funded and to allow residents in those streets to use "car club" facilities offered to new residents of the development. The size of a proposed car park also warrants careful scrutiny given the various demands on space generated by the surrounding facilities.

In respect of the transport statement, the provision of a car sharing scheme and pool vehicle for residents is strongly supported and assurances would be required about the contractual requirements for 40% of residents not provided with parking, so that residents could be assured this ratio could create unplanned on street parking. Also given the need for a crossing of Kent Street and increased traffic, a redesign to resemble a "Home Zone" to encourage low speeds and pedestrian friendly environment is suggested. This would be particularly important at the point where vehicles emerge from the car park and new flats.

3.2 External

Fishergate Planning Panel

Commenting on the ORIGINAL scheme states the following:

- a) the scheme is excessive over development - too much, too massive to high.
- b) the scheme would have an adverse impact on local residents especially in Barbican Road from this tall cliff and concrete surrounded so close to these homes.
- c) there would be an adverse effect on the historic monument (City Walls).
- d) the whole proposal is unsympathetic in scale and design to the surrounding area.
- e) it is proposed to lose the bowling green which was already relocated from Kent Street car park.
- f) Little consideration has been given to the whole local infrastructure given all other proposals close to the Foss Islands Corridor.

In particular the traffic impact on the already congested system from Walmgate Bar into the Fishergate Gyratory, down Walmgate, Foss Islands, Lawrence Street, Fulford Road and Bishopthorpe Road, and Clifford Street and Piccadilly.

- b) Air pollution - Into one of the City's air quality blackspots.
- c) Increased light and noise pollution.
- d) Can servers cope with the main service providers.

As a final comment it is stated that this seems a very short term financial panacea with very little regard to the long term economic health of York.

In respect of the REVISED scheme and ADDITIONAL INFORMATION, the Panel reiterates the above comments.

Adjacent Residents and Other Interested Parties

In response to the original consultation, approximately 70 letters were received from individuals or on behalf of other interested parties (such as the Labour Party Fishergate Branch and Fishergate Primary School). The comments in respect of The ORIGINAL SCHEME as summarised below.

1. The proposed development, particularly the residential accommodation would block out light (daylight and sunlight) from adjacent residential dwellings and due to its height would have an overbearing impact upon them.
2. The proposed apartments would be too close to Kent Street and Barbican Road and would dominate the city walls, being out of scale. This site is also close to the conservation area and other listed buildings which would be adversely affected.
3. The lay-by and refuse management area on Barbican Road would create a smell and visual detriment to Barbican Road residents and attract taxis/drop offs creating disturbance particularly at night for residents. A drop off could also create traffic congestion.
4. The residents of Barbican Road would have their views ruined by the four/five storey residential accommodation, particularly views of the city walls.
5. The cycle park and refuse store facilities close to Barbican Road would be a target for vandals, and the cycle park would create disturbance to Barbican Road residents opposite.
6. Existing bowling green, landscaping and pleasant environment so close to the town would be lost.
7. There would be a reduction, and loss of privacy to adjacent residents due to the height of the proposed buildings with facing windows and roof terraces.
8. The scheme represents gross overdevelopment of the site and is far too dense.
9. There would be little public or private space for the prospective residents.
10. There would be disruption to the wildlife and bird life within the existing landscaped areas along Barbican Road.
11. There would be additional noise created within the area from residents and visitors to the 240 apartments, as well as to the hotel, and casino and restaurant/bar proposals.
12. York does not need anymore luxury apartments and there are already too many flats being built within the city. Also the area is already over populated.
13. The photographic illustrations submitted with the application misrepresent the proposals, reducing the apparent height of the development compared to existing properties and buildings adjacent to the site.

14. The scheme submitted under this application had changed since the previous consultation exercises took place, and so as invalidated the consultation process. Also there has been inadequate consultation with the proposals overall, particularly with adjacent residents.

15. The volume of extra traffic created by the development would create congestion within the area, adding to existing congestion problems for example along the inner ring road. There is insufficient parking proposed within the development, leading to congestion on nearby residential streets and reducing parking spaces for existing residents. Also the site is not well located for use of public transport. Facilities such as the railway station. Legal parking within the locality would be increased.

16 The Kent Street Coach Park is an essential facility for tourists, and its removal would damage York as a whole.

17. The recycling facility within the existing Barbican Car Park which is used by residents should be replaced and not lost as a result of the scheme.

18. The proposal would further reduce public car parking within the city, and prices within Kent Street car park are too high. They would therefore be reduced affordable parking within the city.

19. The level of glass to be used and increased artificial light and illumination would be "too flashy" and would create additional light pollution.

20. The proposal goes against local plan policies which seek to improve and enhance leisure and recreational facilities within the city and the Council should be encouraging fitness in line with recent government initiatives to increase health and tackle obesity.

21. Existing Barbican Centre provides a facility for a very wide section of the community in York and should not be lost. Such groups include students, the disabled, school children and younger children, parents and the elderly. In particular it is commented that the site is used by the disabled who could not afford private sports facilities elsewhere in the city.

22. The spreading of fitness classes throughout the city would make it much harder for the public to attend them and is currently the case in this central location.

23. The public leisure facilities and pool should all be retained in one location rather than separated to make way for a private leisure facility.

24. A casino would not be in keeping with the heritage and character of York and would contribute to additional noise and disturbance in the early hours of the morning in this area.

25. There is no need for a further hotel in this area which already has several within a short distance.

26. Noise pollution and disturbance would be created during the building works which would adversely affect local residents.

27. A larger pool as currently exists should be retained and refurbished rather than demolished and replaced by a smaller pool.

28. The retention of the gate from Kent Street car park to the Fishergate Primary School premises is welcomed which could be used by residents of the new flats, particularly as suggested that it be repositioned and appropriate planting being incorporated to avoid crime

opportunities. Also a brick wall between the school field and the barbican development should be maintained rather than a fence.

Since receipt of REVISED PLANS, 12 letters have been received, the responses are summarised as follows:-

- 1) The proposal is still contrary to the development plan.
- 2) The proposed re-provision of facilities would be inadequate, and the alternative venues may not be available.
- 3) Other developments in the locality should be taken into account in considering traffic concerns. Also the measures put forward by the applicant are a recognition of the potential traffic problems the scheme would create.
- 4) It is queried what would happen to the relocated coach parking when St George's Field floods, and also the car parking allocated here for the auditorium users.
- 5) The consultation was based on the future of the swimming pool provision rather than all other facilities.
- 6) The scale, height and density would still be unacceptable.
- 7) Apartment owners would be more likely to own cars than is suggested by the applicant, therefore there would be inadequate provision.
- 8) The proposed roof gardens would lead to noise at all times and reduce privacy to neighbours. Also the lift heads would increase the height of the building.
- 9) The late night users (2am) would create disturbance for nearby residents.

English Heritage

In relation to the ORIGINAL proposals, states that it held a number of pre-application discussions with the architects primarily over the re-development of the Barbican site. It states archaeologically the evaluation has indicated that the Barbican site is of mixed significance ranging of little or no significance over much of the site to highly significant burial site adjacent to Kent Street. It is understood the development proposals take account of this latter site.

There are no comments to make with regard to the retained and refurbished Barbican Centre building and the re-elevated frontage to Barbican to Paragon Road. It is not felt that this would change the appearance of the Conservation Area or the setting of the City Walls.

It is stated that the proposed hotel has been designed to acknowledge the Barbican Centre and its footprint and elevations reflect this. The elevations are considered dynamic and varied with the curb enabling the rhythm of bedrooms to be made interesting rather than repetitive, and the roof reinforcing this articulation. There are some reservations over the entrance details and the area linking the hotel with the Barbican and the Paragon Road frontage remains unresolved.

With regard to the residential block, some concerns over articulation and consequent impact are expressed, especially in relation to the City Walls. It is argued that whilst the site lends itself to a scheme of urban massing and form broadly as proposed, there are reservations over the fenestration and articulation of the block. It states the Paragon Street frontage does

not reflect the established architectural principle of detailed ground and top floors, with a subservient elevation to the floors in between, and that the massing of the block would be more convincing with the introduction of an architectural hierarchy than further articulation between the two "bookend" features along Paragon Road. The top floor/roof level details appear unrelieved, which is critical, and the symmetrical use of materials would help reinforce the design hierarchy.

With regard to the AMENDED scheme, English Heritage confirms that it is now broadly supportive of the design amendments which will assist in reducing the impact of the proposed Paragon Street frontage on the city walls. It states that large buildings do not automatically detract from the setting of the Walls, and believes that the quality of design can leave the walls unharmed. The alterations are considered to sufficiently achieve greater modelling of the residential block with a better defined architectural language and expression of the units within the elevations for English Heritage not to object to the proposals.

Commission for Architecture and the Built Environment

States that having reviewed the application, it is satisfied that the Authority can come to a decision with English Heritage's advice and does not wish to comment further.

Conservation Area Advisory Panel

Commenting on the ORIGINAL plans, felt the scheme to be a gross overdevelopment of the site which destroys the character of that part of the City and dominates the City Walls. It states the scale and character should respect the City Walls, and the building line set back to allow for more landscaping. Also felt the design was poor quality.

Commenting on the REVISED proposals, the Panel felt its previous comments were still relevant.

North Yorkshire Police

Commenting on the ORIGINAL scheme states a total 78 property related crimes have been recorded in the immediate vicinity of the Barbican Centre between January 2003 and January 2004. Comments of the specific aspects of the scheme are as follows:-

a) Residential Block A (junction of Fawcett Street and Kent Street) It is stated there would be no parking for residents and that the transport statement mentions the possible use of Kent Street or St George's Field Car Parks. Residents would have to park their vehicles out of sight of the properties in surrounding streets or car parks which are not secure and this increases their susceptibility to vehicle crime also consideration of a "secured by design" award scheme for this block is suggested.

b) Kent Street Multi-storey Car Park. It is stated there appears an opportunity to raise this car park to full "secured car park" award scheme standards.

c) Main residential apartment block. It is stated the open plan access up to the building line renders all ground floor windows and doors vulnerable to attack, particularly during periods of warm weather when windows would be left open and in darkness hours. Defensible space to eliminate some of these problems could be created by appropriate fencing or shrubbery, and all vulnerable ground floor windows and doors should be appropriately test the British Standards. Also public access should be restricted to the main apartment block through fitting of an access control system managed by a concierge perhaps or other restricted systems incorporated. Similarly the basement car parking area should be secured

to appropriate standards. It is also recommended that cycle stores in the basement should be enclosed and kept secure to encourage their use. Stores of no more than 10 cycles should be developed. Any proposed cycle store for 22 cycles on the Barbican Road facing aspect, would not be directly overlooked from Barbican Road or from the development itself and its solid construction could create a hidden area where a cycle thief could operate unseen. Consideration of the relocation of this store where it could be overlooked is suggested, together with the use of brick pillars and open sides to allow better surveillance without the need to reposition the store as an alternative. Lighting around the main block should be carefully designed to cover potential high risks and deter intruders.

d) Hotel. Again there is restricted access and security measures are recommended, in particular CCTV coverage of the hotel entrance, which by its very nature would be accessible and open at all times. Again the open plan access up to the building line of hotel could make ground floor windows vulnerable, so fencing or shrubbery to create a defensible space is again suggested.

e) Barbican Centre. Most crimes in around the Centre relate to thefts from lockers in changing rooms. The relocation of the pool and sports facilities from the Barbican Centre should ensure reported crime would be greatly reduced.

In conclusion the statutory requirements of the Crime and Disorder Act are reiterated and the developer is urged to work towards a "secured by design" award scheme for the whole of Barbican site.

Any comments on the REVISED scheme will be reported to Committee.

North Yorkshire Fire and Rescue

The service has no objections to the original scheme, providing the works are carried out in accordance with the building regulations.

First Stop York

Commenting on the ORIGINAL scheme states:

a) Improvement of the auditorium is welcomed as it is seen by the tourism industry in York as a critical facility for large scale conference and exhibition space. Proposals to improve this facility are strongly welcomed as major conferences bring millions of pounds of benefit to the City's economy.

b) The proposed 4 star hotel with in-house leisure and conference facilities is welcomed as a significant new investment in high quality hotel facilities in the city.

c) The proposal to develop the hotel immediately adjacent to the auditorium would maximise opportunities for these facilities to work together complementarily, creating maximum benefits for the tourism in the city.

d) First Stop York would be pleased to work with the developers of the auditorium and the hotel operator to market these facilities for conference, business and leisure markets.

e) There is concern about the loss of the coach parking and car parking for major events at the Barbican. Due attention should be given to these coach parking and car parking issues arising from the redevelopment in the forthcoming discussions on the Local Transport Plan.

f) There is a concern of detail relating to the space available within the refurbished auditorium to provide adequate service for a major conference with regard to refreshment areas, break out rooms, exhibition space etc. when the auditorium is at capacity.

Yorkshire Water

With regard to water supply, states any supply issues and be resolved under the appropriate Water Industries Act and there are no planning issues in respect of this matter. It states the existing 100mm main which enters the site supplies the Barbican only and the developer will expect to find this type of apparatus on site. The developer has already contacted Yorkshire Water and is aware of this main. With regard to waste water, two conditions are recommended relating to development of the site with separate drainage for foul and surface water, and requiring no piped discharge of surface water prior to completion of the approved surface water drainage works.

Environment Agency

Has no objections in principle to the development but recommends conditions relating to site investigations to establish whether there is any contamination at the site could affect the water environment and for remedial measures should any contamination be identified to be carried out. Also a condition requiring details of the method of piling foundations to be submitted for approval is recommended.

With regard to the AMENDED scheme, the Agency states it has no further comments to make than those already expressed.

The Yorkshire Architectural and York Archaeological Society

States the scale and massing of the current Barbican Centre was designed with impact on the city walls in mind and at no stage was the development overpowering of the ancient monument. It states it fears this is not true of the proposed developments, since the hotel and flats elements are massive and totally dominate both the city walls and the relatively small scale housing on Barbican Road. It is hoped the scheme could be redesigned to reduce its impact on the city walls and surrounding properties.

Any comments received in respect of the amended scheme will be reported to Committee.

York Georgian Society

States in relation to the ORIGINAL scheme, it is not opposed in principle to redevelopment of the site or the uses proposed, but considers the scheme to be gross over-development. It is concerned there is little amenity space or open space provided within the scheme and most of is concerned about the greatly increased number of cars to be accommodated. It is questioned to how the existing infrastructure could cope with the additional traffic and queried the nature of road alterations which would be required. Further information about the changes and alterations which will be required to enable the existing road capacity to absorb so much additional traffic was requested.

With regard to the setting, it is considered that the 5 storey height elevations of the hotel blocks facing the walls do not respect their dominance and fail to recommend the demands of their status. An uncomfortable feeling of confrontation is created with the walls from the new development and the surround neighbourhood is small scale and low rise, with the 4 and 5 storey high blocks of flats overtopping and dominating properties along Barbican Road in an unacceptable way. The development would be disruptive of the predominant grain and context and create a ghetto-like enclave incapable of assimilation into its setting.

With regard to the architecture, it is felt that it is out of date and was of a style already disposed of in other areas. The buildings were felt to be monotonous and barrack-like, with the scheme being alien to the character of the city and lacking local distinctiveness largely due to the use of unsustainable new materials and a proprietary walling system for the upper storeys of the flats. These materials and mechanistic style of design, it is felt, fail to produce the quality of architecture required.

In conclusion, the Society states the application would be detrimental to the setting of the conservation area and by its height, size and massing would detract from the setting of the walls which form the boundary of the conservation area. The materials and design would not be that which is required here and the increase in traffic would have a sustainable impact on the locality and setting of the conservation area. Refusal of the application is recommended.

In respect of the REVISED proposals, the Society considers the measures proposed relating to traffic impact would be short term and unlikely to deal adequately with problems. Also the addition of a roof over the corner tower and lift housings would increase the height of the residential blocks in places, and the articulation of elevations does not meet the criticism of the monolithic form of the development.

York Civic Trust

States it considers the proposed uses acceptable in principle but has reservations regarding their disposition on the sites and on the setting of the city walls. The Trust argues that there should be have a development brief with a resultant traffic impact study before any detailed scheme was prepared.

With regard to the layout, the principle concern of the Trust is that the footprint of the buildings have no apparent logic and that the configuration not only ignores the site boundaries and importance of the relationship to the city walls but also the impact on all joining houses. It states this results in an over development of the site and creation of meaningless and small non-useable areas of open space producing a disturbing ventura affect and micro-climate. It is concluded the site could not cope with a hotel and residential development unless both are substantially reduced in size.

With regard to the residential units, it states while the principle is acceptable, the density, scale, layout and heights and configuration of the block is unrelated to the location. Together with a mediocre design and unsuitable materials, the building is unworthy of this sensitive site. Also it is stated the massing would cut off important views of the city walls and be altogether too overpowering. It considers the choice of materials and strong rooflines and the use of pressed metal as a roofing material would be alien features in York and inappropriate in close proximity to the city walls. Also the location of a cycle shed and bin store on the Barbican frontage is insensitive and serves to show how unsympathetic the scheme is to the surroundings. The level of amenity space is considered minimal.

With regard to the hotel, its architectural form and relationship to the Barbican Centre is not it is felt been properly resolved, its squeezing between the new Barbican and the proposed residential development would result in a poor outlook and virtually no setting of its own. The narrow alleyway between the hotel and the Centre would, it is argued, be a wind tunnel and muggers paradise and the hotel service yard would be some distance from its kitchens, with the prospect of bins being prominently displayed. The 19 car spaces in the basement of the hotel suggests guests and visitors to the conference facilities etc. would have to use the revamped Kent Street Car Park, which presents potential security problems and involves crossing Kent Street as well as competing for events being held at the Barbican Centre itself.

The housing at the junction of Kent Street/Fawcett Street is considered to be a better part of the scheme with its more modest scale, but the radius curve is so tight that those travelling from Fawcett Street into Kent Street have to cross the centreline of Kent Street to negotiate the corner. Any redevelopment should take the opportunity to improve the radius here.

With regard to traffic generation, the development will form an enormous impact not only on the Foss Basin traffic corridor but on the existing road network of the whole area. It states there are several existing problem points e.g. Paragon Street/Fawcett Street junction from the junction of Cemetery Road and Fishergate. The Trust strongly recommends no permission be granted without a Traffic Impact Study being prepared and examined, which should then have informed a development brief.

In conclusion the scheme is considered disappointing, especially with regard to its setting close to the city walls, where a disjointed collection of buildings with little or no relationship to each other would be proposed. It is felt the entire scheme is huge and overpowering and should more modest in scale, massing and density. The design is considered mediocre and materials foreign to York. A block model is requested and it is recommended that the applications be refused.

The Trust has requested that its comments be circulated to Members and so they are attached as appendix C.

Sport England

Commenting on the ORIGINAL proposal, states the loss of the bowling green with no apparent replacement conflicts with its Planning Policy objectives which seek to prevent the loss of facilities or if unavoidable, require a replacement (equivalent or better). It therefore objects to the proposal, but recommends that if the Council is minded to approve, the application should be linked to the swimming pool application by a Section 106 Agreement to ensure replacement is provided. This should be in advance of the construction or within a given time period to minimise disruption to swimmers. Details of the Section 106 should ensure an enhancement of facilities.

Following submission of the REVISED PLANS and ADDITIONAL INFORMATION (which include details of the relocation of the bowling green facility) Sport England withdraws its objection, subject to alternative facilities being made available as outlined in the statement of re-provision and a Section 106 Agreement as suggested above.

4.0 APPRAISAL

4.1 Key Issues :-

- Impact upon setting of adjacent listed buildings and ancient monument (City Walls) as well as setting of adjacent conservation area.
- Impact of development upon amenity of nearby residents and occupants.
- Highway, traffic and parking implications.
- Implications for air quality and noise related issues.

- Impact on archaeology at the site.
- Level of open space provision.
- Affordable housing considerations for new residential development.
- Security and designing out crime considerations.
- Impact on Education provision in local area.
- Loss of provision of leisure and sports facilities from existing Barbican Centre.
- Sustainability issues and energy efficiency of new buildings proposed.
- Provision of enhanced auditorium/conference facilities and quality hotel within the city.
- Standard of amenity available for prospective residents of new accommodation.

4.2 Policy Context

National Policy

The following Planning Policy Guidance Notes (PPGs) are considered of most relevance to this application:-

PPG1 (General Policy and Principles) - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan laid on the system, as well as offering guidance as to the considerations to be taken into account in determining planning applications.

PPG3 (Housing) - seeks to promote the optimum use of previously developed land for residential development, particularly in urban areas. However it requires development to respect the local character. The developer should not be required to provide more car parking than they are willing to provide particularly in urban areas where public transport is available or where there is a demand for car free housing.

PPG13 (Transport) - the note seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and seeks to reduce the need to travel especially by car in new developments. It offers guidance on the location of housing in town and city centres to promote more sustainable patterns of development and to make better use of previously developed land. Additional guidance is offered in relation to mix of uses on sites, design and safety.

PPG15 (Planning and the Historic Environment) - Emphasises that new buildings should be carefully designed where they stand along side historic buildings and the principles of scale, height massing and materials need to be taken into account the setting of adjacent listed buildings and ancient monuments.

PPG16 (Archaeology and Planning) - Confirms that the desirability to preserve archaeological deposits is a material planning consideration, and offers guidance on the handling of remains and the weight to be attached to them in planning decisions.

PPG17 (Sport and Recreation) - Includes advice to Local Authorities to adopt a strategic approach to the provision of sports and recreational facilities, to protect open space for the community, to resist the loss of recreational provision and ensure facilities are accessible by a choice of modes of transport.

Statutory Development Plan (1956 York Town Map and North Yorkshire County Structure Plan).

The 1956 Plan is out of date and is considered to carry little weight in planning terms. The Plan designates the site primarily for Business use and shows the rest as a cattle market. The application is therefore technically a departure from the Development Plan and has been advertised as such.

The most relevant Structure Plan policies are as follows:

H9 - Allows for the provision of residential use particular in and around historic core of York, through permitting suitable new developments and the conversion of suitable existing property and vacant upper floor space.

E4 - States buildings and areas of special townscape, architectural or historic interests will be afforded the strictest protection.

Policy I13 states provision will be made for the development of tourist accommodation and facilities which will

- a) help to develop and maintain the viability of the tourist industry.
- b) increase the provision of serviced accommodation.
- c) assist the extension of the tourist season, the provision of employment in winter months and the development of conference, trade, particularly in Scarborough, Harrogate and York.
- d) improve the range of local facilities.

R1 - states provision will be made for the development of recreational, leisure and cultural facilities in locations accessible to both public and private transport where this is not detrimental to local interests.

E5 - states development proposals which could result in damage to, or destruction of, sites of archaeological importance will normally be refused.

City of York Draft Local Plan

GP1 - requires a standard of design that respects the local environment.

GP3 - encourages crime prevention measures in new developments, including natural surveillance of paths and spaces, secure locations for car and cycle parking and satisfactory lighting.

GP4 - states the principles of sustainable development as defined in the policy should be regarded in all development proposals.

GP11 - requires new developments and their open space areas to provide for access and facilities for people with mobility problems as well as carers with children, including parking facilities.

HE2 - states in areas adjoining conservation areas or where the setting of listed buildings, scheduled monuments or nationally important archaeological remains would be affected, development would be expected to respect their settings.

HE9 - states permission will not be granted for development which would adversely affect a scheduled ancient monument of its setting.

HE10 - required development which involves the disturbance of existing ground levels within the area of archaeological importance to be subject to a field evaluation to assess the extent and importance of any remains and requires applicants to demonstrate that less than 5% of any deposits would be disturbed or destroyed. Also where physical preservation in situ is not possible, provision must be made for a professional excavation and recording of the archaeology in accordance with an agreed scheme.

T4 - requires cycle parking to be provided in all new developments in accordance with local plan standards.

T13 - requires developments to provide car parking in accordance with the local plan requirements.

T14 - states the level of off street public car parking in the city centre will reflect and respond to the Transport and Economic development strategies of the Council.

T20 - states where traffic, pedestrians and cyclists could be accommodated by special facilities or appropriate improvements to the highway network affected, applicants will be expected to enter into a section 106 Agreement and a highways agreement to make an appropriate contribution to such improvements.

H2 - requires a contribution towards a provision of affordable housing for all the residential developments on site on the hectare or 25 dwellings or more.

H4 - allows for new housing development on land not allocated on the proposals map where the site is vacant, derelict or underused, or it involves infilling, redevelopment or conversion of existing buildings, and is of an appropriate scale and density to the surrounding development and would not have a detrimental impact on existing landscaped features.

H5 - states negotiations will be undertaken to achieve residential densities greater than 25 dwellings per hectare, and in particular higher density development will be encouraged where the site lies in the city centre or in close proximity to a regular bus route to the centre, and the housing is complementary in terms of scale and character to nearby developments and will not harm local amenity.

L1 - requires appropriate levels of children's play space, outdoor sport and recreational space, and open amenity space, to be provided for all new developments of 10 dwellings or more. Where on site provision is not practicable, a contribution in the form of a commuted payment to provision off site maybe acceptable.

C3 - states permission will only be granted for the redevelopment or change of use of educational, social, health, community or religious facilities where (a) the proposal is of scale and design appropriate to the character and appearance of the locality, (b) it can be demonstrated that existing land or buildings are surplus to or no longer capable of meeting existing or future needs of the community, or it can be demonstrated that alternative acceptable sites for the existing use can be provided.

V1 - seeks to encourage visitor related development and seeks account to be taken of adequate service arrangements, accessibility to public transport routes, increased traffic, parking cycles and pedestrian movement, any improvement in prosperity of tourism industry and the economy, any adverse impact on the reasonable use and enjoyment of adjacent buildings and land, and any adverse impact on the countryside setting of the city.

V3 - states permission will be granted for new, and extensions to, hotels and guest houses within the defined settlement limits provided that it is compatible with its surrounding in terms of siting, scale and design and would not result in the loss of residential accommodation which when originally built had less than four bedrooms, and would not have an adverse affect on the character of the residential area.

4.3 IMPACT OF DEVELOPMENT ON LOCALITY IN PARTICULAR SETTING OF CITY WALLS AND ADJACENT CONSERVATION AREA. As described in Section 1, the application includes major additional development of the Barbican site and its curtilage. The model and illustrative photographs help to visualise the height, scale and form of what is proposed here. The scale of the development and the height of different elements of it have attracted significant objections from interested parties and organisations. Many are concerned that the apartment block and hotel are excessive in height and footprint and alien to the character of the particular area and to York. In considering the site however, it is notable that the existing road layout and existing building on the site create a distinctiveness which is not generally reflective of the development adjacent to it. Therefore any development or redevelopment proposed could not be said to remove any existing conformity of the site to the local character.

4.4 The scheme incorporates contemporary design to reflect the guidance within the Draft Local Plan. It also involves the optimum use of the land in this Centre/ edge of Centre location Brownfield site as encouraged in national and local planning policy. However a concern of many objectors is whether the development proposed represents over development of the site.

4.5 The principles of the layout and design are supported by officers. The hotel form and orientation adjacent to the retained Barbican building create an imaginative solution by maximising views over the proposed landscaped area to the east. The height of the hotel would exceed that of the Barbican, although the location is more central to the site between the buildings, helping to minimise the overall apparent height. The curved design also helps to reduce the perceived height from street level.

4.6 The residential accommodation block would, although linked into one structure, include significant variation in height and modelling. Frontages are presented to Paragon Street, Barbican Road and to Kent Street to maintain and create street enclosure. Following discussions with English Heritage and The Environment and Conservation Section regarding initial concerns, details of the scheme including the fenestration, roofline, and elevations (particularly to Paragon Street) have been amended. These revisions have satisfied the points raised by English Heritage particularly in relation to the impact of the development on the setting of the City Walls. The apartments would be set some 36 m from the City Walls at the nearest point. It is not considered that at this distance the section of the block facing the walls would adversely affect their setting. The fact that the frontage of the site would be broken rather than continuous (comprising the apartments, a space before the hotel the hotel entrance and then the enhanced Barbican frontage) would ensure that there would be no sense of 'competing' frontage as raised as a concern by objectors. Similarly, the variation in height along Barbican Road, the landscaped open space along the frontage and the variation in distance of the building to the road frontage would help to reduce any dominant impact opposite the existing residential terrace. The frontage to the block to Kent

Street would assist in urban design terms to turn the corner of the site at this junction with Barbican Road.

4.7 IMPACT OF DEVELOPMENT UPON RESIDENTIAL AMENITY. The main block of residential accommodation would be located adjacent to existing terraced housing fronting onto Barbican Road. The 3, 4 and 5 storey development proposed here has attracted objections from a number of residents across Barbican Road concerned with loss of light and privacy, as well as views. This part of the development would significantly exceed the height of the nearest dwellings opposite as well as views. From a planning perspective, it is acknowledged that the type and form of housing proposed differs to that adjacent, but the distance between the existing and proposed dwellings would be sufficient to ensure that there would not be a significant loss of light. Most of the frontage to Barbican Road would be set back at about 35 m from the terrace opposite, with the central section and atrium being lower in height. The taller corner elements would still be over 30 m from the dwellings. In addition, the retention of existing landscaping and mounding to the roof frontage, together with additional planting, would help to mitigate any impact here.

4.8 Concerns have also been raised that the development would create unacceptable additional noise and odours affecting nearby residents. Again it is not considered that the scheme would unacceptable increase levels of noise over those experienced in this inner urban area. The quieter residential use would sit between the hotel at the site and existing residential properties on Barbican Road. The conference facility in the New Barbican would be further still from this area of housing. The servicing areas to these facilities would be from Kent Street, a considerable distance from existing housing and shielded from it by the residential block. In terms of noise from additional traffic, the parking proposed on the site would not lead to a significant additional level of traffic noise on the streets adjacent. The applicant also confirms that there would not be a casino within the 'New Barbican'. Further it is not considered that the cycle store and refuse store building adjacent to Barbican Road would result in significant disturbance to residents across the road. In addition, it is suggested that the hours of use of the roof gardens of the apartments could be restricted by condition (and controlled by the management company of the apartments) to minimise any potential for night time disturbance for nearby residents resulting from the use.

4.9 The smaller residential block of 12 flats at the corner of Fawcett Street and Kent Street would be adjacent to a blank gable wall of the recently completed Paragon Mews flats development. The development would also be some 30 m from the 3 storey flats across Kent Street, which in planning terms would be sufficient to ensure an adequate level of privacy is maintained.

4.10 HIGHWAY, TRAFFIC AND PARKING IMPLICATIONS. In summary, the scheme and the application for the swimming pool on Kent Street would result in the retention of 270 public parking spaces at the decked car park on Kent Street, 144 spaces in the basement car parking area for the residential accommodation, 60 spaces for hotel guests, 17 staff spaces. Covered secure cycle parking would be provided on a 1 for 1 basis for the residential accommodation (both the smaller block of 12 flats and the 228 apartments in the main block) as well as for staff at the hotel. The Transport Assessment submitted with the application has been considered by officers and following negotiations, additional measures to mitigate the impact of the development upon the local highway network and parking in the streets adjacent to the site have been proposed, as confirmed in the Highway Network Management Section's comments. These measures would be considered satisfactorily address the concerns originally raised, in seeking to ensure the encouragement of alternative modes of transport to the car whilst ensuring the impact on adjacent streets and the convenience of existing residents is not unduly harmed. The contribution towards establishment of a residents parking scheme in the adjacent residential area, improvements to pedestrian route between the site and St Georges Field Car park (where a new coach

dropping off point would be provided) and the site, and to fund the alterations to the highway necessitated by the proposals could be the subject of a section 106 agreement. The agreement would also require a contribution towards the proposal to improve the local highway network as part of the recently approved Foss Basin Master Plan.

4.11 The applicant has sought to address more detailed concerns raised regarding drop off points, servicing and parking arrangements as well as effect on bus stop on Barbican Road with further revised plans and information. The Highway Network Management Section has confirmed that the outstanding details could be finalised by conditions of any approval granted.

4.12 LOSS OF PROVISION OF LEISURE AND SPORTS FACILITIES FROM EXISTING BARBICAN CENTRE. The refurbishment of the existing Barbican Centre building to create an enhanced auditorium and conference venue, with the consequent loss of sporting facilities and demolition of the swimming pool has generated a significant degree of objection from third parties as reported above. Clearly the loss of such facilities without subsequent replacement would be contrary to Local Plan policies, and therefore unacceptable from a planning point of view. In response to this level of objection, the re-provision of existing sporting facilities to alternative venues has been further clarified. The outline application which accompanies this application involves the creation of a new community swimming pool together with fitness suites and dance studios whilst permanent alternative venues would be provided for the sports hall uses (at All Saint's School), the climbing wall (at Oakland's School and other sporting activities) also at All Saint's School where an enhanced facility would be managed by the Council and would allow badminton, basketball and football to be accommodated in the sports hall). As detailed in Appendix D, other activities and classes would utilise the school hall and dance studio. On completion of the swimming pool building, these activities would continue at All Saint's School and also take place at the new facility so increasing overall capacity.

4.13 The appendix also mentions that day time sessions for 50+ users would transfer to a voluntary sector sports club at the same cost to customers. The overall level of provision of sporting venues and activities would be maintained within the City following the closure of existing facilities at the Barbican Centre and whilst the new community swimming pool and studios were under construction. Once the new facility was complete, there would be an overall increase in the level of sporting provision for the facilities within the City.

4.14 The proposed new swimming pool would replace an aging facility which does not currently provide an attractive environment for pool users. Following the consultation process which took place prior to submission of the applications, the provision of a community swimming pool as an alternative venue is considered to be appropriate and acceptable in allowing for the loss of this facility as part of the application.

4.15 Again as detailed in Appendix D, an alternative bowling green site would be provided at "The Retreat" on Heslington Road, with the authority funding the repair and redressing of the green and refurbishment of facilities at this site. The pavilion would be relocated for the 2004 playing season, and the Authority would take responsibility for the maintenance of the green and facilities. Again therefore, alternative acceptable facilities would be provided upon the loss of the existing facilities from this site and so in planning terms the proposal would accord with Local Plan policy. The scheme now raises no objections from Sport England.

4.16 IMPLICATIONS FOR AIR QUALITY AND NOISE POLLUTION. From the Environmental Protection Unit's comments it appears that the proposed development would have a minor impact upon existing air quality within the locality, although the general improvement in air quality by 2005 would still occur, largely due to cleaner vehicle technology. From a planning perspective, the development would not result in a significant

reduction in air quality and so there would be no basis upon which to refuse the application on the strength of any concerns relating to air pollutants generated by the scheme.

4.17 In considering the potential of the site to create noise nuisance for adjacent occupants, the existing level of road traffic noise is taken into account by the Environmental Protection Unit. However a number of safeguards are suggested as conditions of any approval to seek to limit any additional noise created, including during the demolition and construction stage. The recommended conditions are set out at the end of this report.

4.18 The unit has also considered the potential for noise disturbance for residents of the proposed accommodation, and suggests appropriate levels of sound attenuation being incorporated into the new development. Conditions to control the hours of operation of the proposed uses of auditorium and conference centre, together with restrictions on the use of the service yard are also recommended, again to protect residential amenity. Subject to these limitations and restrictions being imposed, the level of noise created by the development and its impact upon existing adjacent occupants and prospective future occupants of accommodation on the site would be contained to acceptable levels.

4.19 IMPACT UPON ARCHAEOLOGY AT THE SITE. From the evaluation submitted and the Council Archaeologist's comments, the site appears to be divided into an area containing significant archaeological deposits including burials, largely beneath the current staff car park off Kent Street, and locations where deposits are sparse or have been destroyed by the previous cattle market on the site. Given that it would not be possible to preserve all deposits in situ, there is an opportunity to allow public participation within a programme of excavation of part of the site. The programme would include analysis, publication and deposition of archive material within the Yorkshire Museum, and would in doing so accord with the provisions of draft policy HE10. The conditions as set out in section 6 are considered to be appropriate in safeguarding deposits on site where possible and ensuring that the proper excavation, analysis and deposition takes place where is otherwise appropriate.

4.20 LEVEL OF OPEN SPACE PROVISION AT THE SITE. Policy L1 of the Local Plan sets out the amount of open space required in new residential developments for children's play space, outdoor sports provision and open amenity space provision. With regard to children's play space, the amended scheme identifies an area of 940sq metres adjacent to the site which would be equipped to local equipment play area standards. In order to achieve this a contribution from the applicant of £60,830 would be required for the installation of equipment, surfacing and security, with a five years maintenance sum of £37,658 also being necessary. A further offsite contribution towards the balance of the area normally required would be made towards play area for older children (for use at either Cemetery Road or Navigation Road) totalling £5,720 with a maintenance contribution of £2,210. Clearly it would not be possible to provide the space provided for outdoor sport at the site (calculated at 5,661 sq metres). Following a formula adopted in considering previous planning applications for residential development and accepted by developers, a sum of £63,760 would be required towards offsite provision, as a contribution towards the Fulford School sports development. These totals would be sought as part of a Section 106 legal agreement should the application be approved.

4.21 With regard to onsite open amenity space, it is calculated that from Policy L1, a total of 2,108 sq metres of onsite provision would be normally sought. The amended scheme includes 2,798 sq metres of open space at ground level, and introduces landscaped roofed terraces to a total of 520 sq metres to give a total of 3,315 sq metres. Taking into account areas of planting and landscaped mounding, the level of open amenity space at the site would it is calculated accord with Local Plan requirements. The open areas would help to ensure that a reasonable standard of amenity is provided for the occupants of the residential

accommodation, with the areas providing a buffer between the Barbican Road frontage, and also between the hotel and the main residential block. Although the development is relatively dense, the open spaces provided would provide an on site facility to enhance residential amenity here.

4.22 IMPACT ON EDUCATION PROVISION IN LOCAL AREA. Using the formula set out in the Supplementary Planning Guidance adopted by the Authority in relation to developer contributions towards education provision, a total contribution of £199,622 would be required to account for the additional demand of local schools. As set out in the Education Services comments, this equates to £46,214 for foundation stage education (14 additional pupils) and £153,408 towards secondary education (16 additional pupils). The overall contribution would be required as part of a section 106 agreement if the application were to be approved.

4.23 AFFORDABLE HOUSING CONSIDERATIONS. Following negotiations with the applicant, agreement in principle has been reached for the provision of 60 affordable homes at the site, representing 25% of the overall total. 12 of the affordable homes would be provided in the stand alone block at the corner of Fawcett Street and Kent Street to be rented and a mixture of 1 and 2 bedroomed flats. The managing Association would be able to control the service charge for this block. The remaining 48 affordable homes would be provided in the main residential accommodation with a proportionate mix between affordable rent and discount homes for sale provided. More detailed discussions would be required as part of a section 106 agreement. As an alternative to the provision of 25% affordable homes at the site, the developer has been asked to consider whether the Arc Light service on Leeman Road could be located within the development. It is not considered in planning terms that the Planning Authority could insist upon the accommodation of the Arc Light service within the scheme, although should the applicant be willing to contribute towards the off-site relocation of the hostel, then reduced on site provision of affordable accommodation may be considered acceptable.

4.24 SUSTAINABILITY ISSUES AND ENERGY EFFICIENCY OF NEW BUILDINGS PROPOSED. An energy use statement has been submitted as part of the application, which covers areas of energy conservation, energy supply and CO2 emissions, the use of innovative energy systems, the selection of materials and use resources, transport and landscape and open space strategies. The latter two issues are covered more comprehensively in the Transport Statement and Main Design Statement also submitted as part of the application. With regard to energy conservation, measures such as all dwellings and the hotel including south facing surfaces, good daylighting being provided, high levels of insulation being incorporated and the inclusion of passive ventilation systems are proposed. Consideration of heating systems, white goods, lighting and cooking facilities within the development is also included. With regard to energy supply and CO2 emissions, the provision for solar water heating for two of the residential units, information on the sourcing of green electricity for residents and the off setting of CO2 emissions under "Climate Cares" Programme would be incorporated. The adoption of low water use services and appliances within the development, the fitting of water metres to each residential property, provision of underground water storage tanks for storm water run off, and the provision of permeable hard surfaces wherever possible would all be considered as part of the development to minimise water usage and its impact. The provision of duct space and main roof areas for south facing photovoltaic panels to be installed in future years (when their use becomes financially viable) has been considered within the development. These areas are promoted as the helping to demonstrate a commitment to the use of innovative energy systems within the proposed development. The statement also includes details of the sourcing of materials for use in the development, and refers to the proposed reused use of UPVC. Provision for recycling of waste materials and appropriate collection schemes would it is stated be integrated into the development. In addition, guidance to purchases and tenants would be provided when properties are sold or let. Whilst a number of the measures put forward

within this statement are matters which would be incorporated into the detailed design and operation of the buildings, it is considered that the commitment to the statement should be included as part of a Section 106 Agreement to ensure that the measures proposed within it are implemented. Generally, the measures proposed demonstrate that a developer has shown a commitment to the principles of sustainable development as required by planning policy guidance and in particular Draft Local Plan Policy GP4.

4.25 PROVISION OF ENHANCED AUDITORIUM/CONFERENCE FACILITIES AND QUALITY HOTEL WITHIN THE CITY. The 1500 auditorium would continue to play host to concerts and live entertainment with 50 performance events per year as a minimum proposed. The facility together with the proposed function room which would have a capacity of 400 persons would also host wedding receptions, private and corporate functions, supporting events and arts and cultural exhibitions. The facilities would allow large scale conferences to be hosted at the centre. In addition the refurbished Barbican would include a 300 seater restaurant, and be physically linked to the adjacent hotel. These proposals would accord with Draft Local Plan Policies seeking to encourage visitor development and facilities within the city, attracting additional events to the city and bringing significant benefits to the local economy as highlighted by First Stop York in its consultation response. The provision of these facilities and enhancement of the existing auditorium without the loss of the existing sports facilities from the City is considered to be welcomed in enhancing the City's status as an events and conference venue. Concerns regarding the development of another hotel in the City could not be considered as material in planning terms since this is a matter of market conditions for such accommodation.

4.26 STANDARD OF AMENITY FOR PROSPECTIVE RESIDENTS. The site is within walking distance of the City Centre and local transport routes. The facilities provided in the refurbished Barbican Centre building and the community swimming pool would be "on the doorstep" of residents. In addition, the level of community space provided meets the Local Plan standards, and cycle storage and refuse/recycling storage facilities would be appropriate for the development. Providing that conditions are attached to any approval granted, as recommended by the Environment and Protection Unit, the standard of residential amenity overall provided within the development would be acceptable. The optimum use of the site for residential development as part of a larger mixed use development accords with Central Government policy in making best use of Brownfield sites within urban areas, whilst providing for appropriate living conditions for the prospective occupants of the accommodation.

4.27 SECURITY AND DESIGNING OUT CRIME CONSIDERATIONS. The applicant has considered the comments submitted by the North Yorkshire Police Liaison Officer, and confirms that measures to restrict access to the residential basement car parking area, to the Hotel and Barbican service corridor and to the hotel entrance would be incorporated within the scheme. The inclusion of restricted opening windows in ground floor apartments and an inclusion of appropriate fencing are also confirmed. The reduced Kent Street car park would be subject to enhanced security to discourage crime and ensure its increased level of use. It is noted that generally the Police Liaison Officer would anticipate a significant reduction in reported crime due to the relocation of the pool and sports facilities partly into the new facility subject to the outline application also reported.

5.0 CONCLUSION

5.1 The proposals have generated a significant level of objection in relation to the impact of the development upon the amenity of member residents, upon traffic generation within the locality, upon the setting of the adjacent City Walls and the conservation area, and the loss of sporting and leisure facilities from the existing Barbican Centre. The documentation

submitted with the original scheme, together with additional information supplied and amendments to the scheme address many of the concerns which have been raised.

5.2 Negotiations with English Heritage and the Council's Environment and Conservation Section have resulted in amendments relating to the design of the residential block, meeting concerns expressed regarding the effect on the setting of the City Walls and the Conservation Area. Whilst the development is dense, it is considered appropriate for this inner urban location that maximises the use of the site without over dominating or adversely affecting the surrounding area to a significant degree.

5.3 The distances between the proposed development particularly the residential accommodation and existing residential accommodation adjacent to the site, together with the provision of landscaping what it is considered ensure that acceptable levels of privacy are maintained, and that the development does not over dominate adjacent property. Subject to conditions relating to sound attenuation measures and restricting hours of use of elements of the scheme as well as hours of demolition/construction, to help to ensure that residential amenity is being maintained for existing residents and safeguarded for future residents of the accommodation proposed.

5.4 A series of measures proposed by the applicant to minimise the impact of traffic generation upon the local highway network are considered to be acceptable and would be incorporated into a Section 106 agreement relating to the development should permission be granted. Together with measures included within the Energy Efficiency Statement, the proposals constitute a sustainable form of development optimising the use of the land whilst seeking to minimise the use of resources and promoting alternative modes of transport to the car.

5.5 The development includes for an acceptable level of affordable housing provision on site, in accordance with Local Plan requirements. The applicant has also confirmed that appropriate levels of contribution towards the provision of education and open space provision would be offered as part of a Section 106 legal agreement. The effect on local infrastructure and facilities is therefore considered to have been appropriately considered.

5.6 The additional clarification and confirmations received from the applicant demonstrate that the existing facilities within the Barbican Centre would not be lost to the City, and that strategies have been developed for both the interim period whilst the site is being developed both Barbican Centre and the proposed swimming pool site, and once both developments have been completed such that the existing level of provision would be maintained and eventually enhanced. Many of the concerns which have been raised relate to the loss of these facilities and it is therefore considered that the inclusion of alternative facilities is an important requirement of any approval of this application. The re-location of these facilities does now allow for the development of a greatly enhanced auditorium and conference facility linked to a quality hotel development which would bring significant additional investment to the City.

5.7 In summary, the development would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, effect on highway and pedestrian safety and convenience, setting of the adjacent City Walls and Conservation Area and archaeology on the site. As such the proposal complies with Policies H9, E4, E5 and I13 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4, GP11, HE2, HE9, HE10, T4, T13, T14, T20, H2, H4, H5, L1, C3, V1 and V3 of the City of York Local Plan Deposit Draft.

5.8 The application technically constitutes a departure from the Statutory Development Plan (1956 Town Map). Also the Council is part applicant. The application would therefore be referred to the Government office for Yorkshire and the Humber should Members be minded to approve. The application is recommended for approval subject to referral to the Government Office, subject to the conditions as set out below and also subject to the following matters to be incorporated into a Section 106 legal agreement:-

- i) A contribution towards local education provision of £199,622
- ii) Contribution towards children's playspace provision - £60,830 with maintenance sum of £37,658, towards play space for older children - £5,720 with maintenance sum of £2,210, towards outdoor sports provision - £63,760.
- iii) £25,000 towards setting up of respark in adjacent streets (if required by residents)
- iii) Affordable Housing provision of 25% on site
- v) Off site highway and pedestrian improvements, including footpath links to St Georges Field Car Park
- vi) Contribution to the Foss Basin Traffic Master Plan of £335,841.
- viii) A contribution towards the relocation of coach parking from Kent Street to an acceptable alternative location.
- ix) Adoption of measures to encourage the use of sustainable transport modes by new residents, including free cycles or 6 months bus passes, and establishment of a car sharing scheme to also be available to nearby residents.
- x) Details of the re-provision of sports facilities within the city including the Bowling Green and development of the community swimming pool considered under application 03/04082/GRG4.
- xi) Commitment to incorporation of measures to ensure energy efficiency in the design and features of the development and its operation.
- xii) The submission and agreement of Green Travel Plans for staff employed at the New Barbican and the hotel complex.

5.9 The Section 106 Agreement would be entered into by the subsequent purchaser of the site, since the Council as part applicant could not be party to the agreement also as Planning Authority.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to Section 106 and SOS

- | | | |
|---|--------|--|
| 1 | TIME1 | Development start within five years |
| 2 | ACCOR2 | INDevelop't in accord with revised plans |
| 3 | VISQ2 | IN Large scale details required |

- 4 VISQ7 Sample panel ext materials to be approv
- 5 VISQ8 Samples of exterior materials to be app
- 6 VISQ4 Boundary details to be supplied
- 7 ARCH1 Archaeological programme required
- 8 ARCH2 Watching brief required
- 9 No development shall take place until the applicant has submitted a detailed mitigation strategy (covering excavation, watching brief, analysis, publication, archive deposition, and public involvement) and this has been agreed in writing by the Assistant Director (Planning and Sustainable Development).

Reason. This development will have an effect on important archaeological deposits which are preserved within the site.

- 10 LAND1 IN New Landscape details
to be planted
- 11 LAND2 Retention of trees shown on plans
- 12 LAND3 Protection of existing planting
- 13 HWAY18 Cycle parking details to be agreed
- 14 HWAY19 Car and cycle parking laid out
- 15 HWAY31 No mud on highway during construction
- 16 HWAY40 Dilapidation survey
- 17 HWAY39 IN Off site highway works, details reqd
- 18 No development approved by this permission shall be commenced until the applicant has undertaken an investigation to assess the impact of the site on the water environment; identify the risk of pollution and specify any remedial measures required; and a method statement detailing these measures has been submitted to, and approved, by the Local Planning Authority. Thereafter, the development shall then proceed in strict accordance with the measures approved.

Reason: To assess the risks to the water environment; to prevent pollution of the water environment.

- 19 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

- 20 Development approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

- 21 All demolition and construction works, including ancillary operations such as deliveries to and dispatch from the site, that are audible at the site boundary or other position as defined by the local planning authority, 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.

- 22 Prior to commencement of the development hereby permitted, the method for any piling operations shall be agreed in writing by the local planning authority. All piling operations shall be done in accordance with this agreement.

Reason: To protect the amenity of local residents

- 23 For all habitable rooms of the residential accommodation fronting Paragon Street, Barbican Road, Kent Street and Fawcett Street, the building envelopes shall be constructed so as to provide sound attenuation against external noise of not less than 35 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before each dwelling is occupied.

Reason: To protect the amenity of future residents

- 24 Upon completion of the development, use of the joint service yard for the hotel/Barbican and the Barbican service yard, as shown on drawing AL(O)p 902, shall be confined to the following hours:

Monday to Saturday	08.00 to 21.00
Sundays and Bank Holidays	9.00 to 18.00

Reason: To protect the amenity of local residents

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

Reason: To protect the amenity of local residents.

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

Reason: To protect the amenity of local residents.

- 27 Use of the roof gardens that form part of the Barbican development shall be confined to the following hours of operation :
Monday to Sunday 09.00 to 22.00.

Reason: To protect the amenity of future and adjacent residents

- 28 HT1 IN Height
- 29 ACC1 Precise details of access for disabled
- 30 Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

- 31 HWAY10 Vehicular areas surfaced, details reqd
- 32 HWAY29 IN No gate etc to open in highway
- 33 HWAY35 Servicing within the site

Contact details:

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