

COMMITTEE REPORT

Committee: Planning Committee
Date: 26 April 2007

Ward: Fishergate
Parish: Fishergate Planning Panel

Reference: 06/02837/GRG3
Application at: The Fishergate Centre 4 Fishergate York YO10 4FB
For: Erection of part two/part three storey building to accommodate homeless persons' hostel (22 beds) with staff living accommodation, training and reception areas, following demolition of existing buildings
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 30 March 2007

1.0 PROPOSAL

1.1 THE SITE: This full planning application relates to a previously developed site of 0.58 hectares on the south-west side of Fishergate and fronting onto the River Foss Basin and towing path to the west. The site is currently occupied by a two storey building fronting Fishergate and a part two storey and part single storey building immediately abutting the tow path, with an internal yard between the two separate buildings accessed via an archway under the frontage building.

1.2 The frontage building lies within the Central Historic Core Conservation Area and the site is adjacent to the New Walk/Terry Avenue Conservation Area, the boundary of which runs along the front wall of the building abutting the River Foss tow path. The site is also within the City Centre Area of Archaeological Importance and on the other side of Fishergate from the City Walls, which are registered as a Scheduled Ancient Monument as well as being Grade I listed. The adjoining property to the south-east, the Mason's Arms, is also Grade II listed as are the Castle Mills Locks, which are part of the Foss Basin. The site lies within Flood Zone 3a.

1.3 The adjacent buildings fronting onto Fishergate are two storey. To the left is a public house (Mason's Arms, no.6 Fishergate), which extends to the boundary with the tow path has parking a beer garden and outbuildings used as guest accommodation at the rear of the main frontage building. The building to the right, no.2 Fishergate, is in use as two residential units with rear yard area. At the other side of the pub beer garden is a two and a half storey, free-standing block of three apartments, Oxtoby Court, and beyond this further residential accommodation in three storey buildings. Other properties on Fishergate are largely in commercial use at ground level with accommodation above. Opposite the site is the Travellodge hotel and Weatherspoons public house.

1.4 THE APPLICATION: proposes to replace the existing buildings on site with one linked building comprising a two storey building fronting onto Fishergate and a part two storey/part three storey building at the rear on the boundary with the tow path.

The two elements of the building would be joined along the rear boundary of the yard of no.2 Fishergate by a two storey corridor. A rear yard would be retained between the two elements, albeit smaller than the existing yard, which would be accessed by a gated vehicular and pedestrian passageway adjacent to the gable wall adjacent to no.6 Fishergate.

1.5 The building would provide accommodation for the relocated Peasholme Resettlement Centre, which is currently located on Peasholme and is to be relocated to allow for the redevelopment of the Hungate site. It offers catered accommodation in 22 bedrooms for homeless persons with associated resettlement training facilities. The 22 bedrooms and residents lounge would be located in the rear part of the building facing out over the Foss Basin. A second lounge and balcony allowing external space are proposed at first floor at the yard side of the rear part of the building. The staff offices, sleep room and the training facilities are proposed in the front part of the building. The facility would be staffed twenty four hours a day.

1.6 The original application submission was accompanied by a Design and Access Statement, a Flood Risk Assessment and Archaeological Survey. The Design and Access Statement includes an assessment of the site itself and the surrounding built environment, information about the proposed facility and an explanation of the design philosophy of the development. The latter includes information about security at the Centre, energy efficient measures proposed and access arrangements. The Flood Risk Assessment concludes that subject to suggested recommendations being taken into account the development will be safe and would not increase flood risk elsewhere. The Archaeological Survey was carried out in November 2006 and confirmed that all of the deposits excavated dated to the 18th century or later, though states that there may be deposits that are deeper than the trench excavated from an earlier period.

1.7 Additional information and revised plans have been submitted in response to Officers comments. The additional information comprises a Bat Survey and Transport Assessment requested by the Council's Countryside Officer and Highway Officer respectively. The revised plans aim to address concerns raised by the Planning Case Officer and Council's Conservation Architect. The revised plans amend the design of the outer elevations of the building, reduce the height of the rear element by 1 metre (the three storey part from 13.3m to ridge to 12.3m and the two storey part from 10.4m to 9.4m), incorporate a hipped roof to the two storey rear element and accurately plot the heights of surrounding buildings.

1.8 A screening opinion has been carried out for the application in accordance with The Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 as amended by the 2000 Regulations. The opinion concluded that the proposed development is a Schedule 2 development (10b - Urban Development Project exceeding 0.5 hectares site area), but that it would be unlikely to have significant effects on the environment by virtue of factors such as its nature, size and location. Therefore, an Environment Impact Assessment was not required.

1.9 HISTORY: There is no relevant planning history for the site. An application for Conservation Area Consent has also been submitted for the demolition of the

building fronting onto Fishergate (06/02838/CAC). Planning permission (06/2102/FULM) was granted in December 2006 for the relocation of the existing Fishergate Centre use, along with that based at Parkside Commercial Centre, to new premises at Clifton Moor (Eco Business Centre, Amy Johnson Way).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; The Mason's Arms 6 Fishergate York YO1 4AB 0994

2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYH12
Conversion of redundant offices

CYH17
Residential institutions

CYSP1
General principles allowing permission

CYSP3
Safeguarding the Historic Character and Setting of York

CYSP6
Location strategy

CYSP7B
York City Centre and Central Shopping Area

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP4B
Air Quality

CYGP6
Contaminated land

CYGP11
Accessibility

CGP15A
Development and Flood Risk

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE10
Archaeology

CYT4
Cycle parking standards

3.0 CONSULTATIONS

3.1 Internal

3.1.1 City Development

The proposed development is for the demolition of existing buildings and construction of a new Homeless Persons' Hostel (three storeys, 22 beds) with staff living accommodation, training and reception areas. The proposed use is for the relocation of the Peasholme Centre, use class C2 - Residential Institutions. The current use of the site is for a use class B1 - Business. The site has no specific land use allocation recognised on the City of York Local Plan Proposals Map (April 2004). The site does, however, fall within the City Centre Area of Archaeological Importance and partly within the Historic Core Conservation Area. The property itself does not appear to be listed, however, is adjoining no.6 - The Masons Arms, a Grade II Listed Building.

Relevant policies outlined.

In conclusion, the Development Control Officer must be satisfied that the proposal satisfactorily demonstrates compliance with the aforementioned policies. No policy objection is raised at this point of time. It is recommended that further comments should be sought on Landscaping, Archaeology, Architecture, Heritage/Conservation and from the Economic Development Unit and Highways Department regarding access and parking standards. Further comments should also be received from the Environment Agency regarding flooding/PPS25.

3.1.2 Economic Development Unit

Refers to email sent to City Development on July 7th 2006 (pre-application consultation).

The Fishergate Centre is currently providing space for the provision of business advice and accommodation for young people in the 18-30 age group. This function is to be transferred to a new purpose-built facility at Amy Johnson Way, Clifton Moor and, with a relocated Parkside Commercial Centre, will provide an equal amount of employment land for businesses. The Fishergate Centre has been in operation as a youth business centre since 1987 and poor vehicular access, poor insulation, lack of economical heating and no or very poor access to many of the units for clients with a disability makes it desirable that the function be transferred to more appropriate, modern premises.

The movement of the Peasholme Centre to Fishergate will release land within the Hungate proposals for employment use and the movement of facilities from Fishergate to Clifton will result in very much better working conditions and access for business people in the new Delta centre.

3.1.3 Housing and Adult Social Services

On 30 May 2006 the City of York Council Executive agreed to the relocation of the existing Peasholme re-settlement centre to facilitate the re-development of the Hungate site. The existing centre is located within the wider Hungate development area, which includes the approved site of the Council admin accommodation solution. The relocation of the centre is required to enable the admin accommodation project to deliver the Council's single site accommodation solution. A subsequent report was taken to Executive on 25 July, following a period of resident consultation in order to agree a preferred site to take forward to planning. This has led to the planning application for the re-development of 4 Fishergate. Housing Services fully supports this application and has played a full role, with representatives on the Project Board, in the development of these plans.

The Peasholme Centre contributes towards the corporate priorities of the council including: increasing peoples skills and knowledge to improve future employment prospects; improving the health and lifestyles of the people who live in York, in particular among groups whose levels of health are the poorest; improving the life chance of the most disadvantaged and disaffected children, young people and families in the City of York Council; improving the quality and affordability of decent

affordable homes in the city; improving our focus on the needs of customers and residents in designing and providing services; and, improving the way the council and its partners work together to deliver better services for the people who live in York.

The Council has a strategic responsibility for the provision of re-settlement accommodation and support to those in need and the Peasholme Centre provides a vital function in terms of moving people from a position of homelessness into permanent accommodation. This re-provision features as a key action in the Council's Housing Strategy has an essential role in the reduction of rough sleeping and the resettlement process in York. If the Peasholme Center is not relocated within the timescales set out in the Council accommodation review, there is a risk to delivering the benefits as outlined in the review.

3.1.4 Environment, Conservation, Sustainable Development

(i) Archaeology - The site lies in the central Area of Archaeological Importance. The area where the site is located has produced very important archaeological deposits. The site lies outside the Roman legionary fortress. However, there is evidence of Roman activity in the area. In 1938 the columns of a wharf at 50 Piccadilly were observed during construction works. And in the evaluation trenches at Simpsons Yard and the former Polar Motors garage (38 and 50 Piccadilly) significant Roman deposits were discovered some 7m below the current ground surface. In the Medieval period, the site was immediately outside the dam which was constructed in 1068 to create the water defences for York Castle and King's Fishpool. The site lies adjacent to the Castle Mills lock. This feature was constructed in 1794 as part of the Foss Navigation, a canal created by Act of Parliament in 1793. Given this archaeological background, an archaeological evaluation of the site was requested. This was carried out by On-Site Archaeology on the 24th and 25th November 2006. The evaluation comprised the excavation of a single trench 2.80m long, 1.50m wide and a maximum of 1.25m deep. All of the deposits excavated dated to the late 18th century or later and included dumps and surfaces. The earliest deposit excavated displayed good organic preservation, suggesting that significant, earlier waterlogged deposits are likely to be present on the site at greater depths. Any such deposits may date from the Roman to Post-medieval periods. Approx half of the trench was occupied by a recent iron tank, possibly for fuel, upon which a brick manhole had been built. Requests standard conditions ARCH2 and ARCH3.

(ii) Conservation - Proposals would occupy a site between the riverside conservation area of New Walk and Fishergate. The central historic core conservation area boundary has been extended at this point to include the frontage properties onto Fishergate. There is a pronounced slope on the site upwards from the river which means that the roofscape of the existing cluster of buildings is apparent from further afield. The frontage building, early C20th, is within the conservation area and is the subject of an application for conservation area consent. The site is adjacent to the Mason's Arms which is a grade II listed building and it is opposite the City Walls.

Comments in response to original plans:

Raises following concerns with the scheme:

- lack of an evaluation of the buildings on the site;
- the frontage building lacks the interest of the existing building;
- the massing and height of proposals on to the river appear out of scale with surrounding development. Whilst there are larger scale buildings near the site they have a more open setting;
- no.2 Fishergate is an early C19th century building occupying a corner plot. It has a small yard and proposals give the appearance of it being 'hemmed in';
- The architectural design and expression of buildings facing the river appears industrial in scale and character. It lacks variety, detailed interest, and legibility. The internal arrangement should be expressed on the facade if possible to introduce some hierarchy;
- The building appears too high. The topographical information does not extend to the rear of the site and the adjacent apartment block appears to be drawn at the wrong height;
- The building appears unresolved. The rear is flat roofed and the frontages are pitched. The roof of the frontage building appears unrelated structurally to the internal arrangement. There is a lack of coherence in the scheme elevations i.e. the back and front appears to be two different buildings. Presume this is partly to reduce the bulk;
- The scheme appears too intense for the site and the design is an unsuccessful compromise at present.

In response to revised plans:

Additional information accompanying the revised drawings shows that there will be a reduction in height in relation to surrounding buildings (compared with previous drawings). The frontage building onto Fishergate would now be of a similar mass to the existing building. Elevations still lack conviction though; ie a more generous doorway should have been provided, and windows should be designed to suit both internal and external requirements.

Although the proposed new frontage building is of less interest than the one that it would replace, the public facades, including the front elevation, the roof and exposed gable end, would not be harmful to the character or appearance of the conservation area. When taken together with the poor structural condition of the building and the community benefit of the new use, the revisions would meet the criteria for demolition set out in PPG 15.

The riverside frontage remains austere with overlarge windows, uncomfortable mid height rails and uncharacteristic opaque panels below. Previous suggestions for achieving elevations of more domestic character with intrinsic interest and variety have not been fully explored. The exposed situation of the riverside building demands a well ordered high quality elevational response.

The site would be more highly developed than its immediate neighbours and, although some improvements in massing and height have been achieved, concerns remain about the 3 dimensional resolution of the buildings because of the extent of

the high flat roofed areas behind, and also about the relationship with no 2 Fishergate. Exploration of the cross sections through the buildings might have given reassurance on the former. Regarding the latter, linking the buildings at ground level only (with a lift introduced into the riverside part) would have reduced impact significantly and achieved a more characteristic space and view through between buildings.

Should proposals be approved at Committee materials, finishes and details should be governed by conditions (notwithstanding the drawings)

(iii) Ecology - Requested a bat survey as a recent record of a bat was found in the building.

Following submission of bat survey - No inspection of the roof void was carried out. This is the main area of interest and is critical to noting the presence of bats and it is not specified why no loft inspection was carried out and it may be that it was not possible to gain access, however, it is vital that such a survey is carried out before any work is undertaken. Mr Arnott specifically suggests this along with other general mitigation factors. He also indicates that there are considerable number of features suitable to provide access for bats in the buildings although no evidence for their presence was found. This, coupled with its location next to the river would give a strong possibility that bats could be present. Ideally, would have preferred further survey work to be carried out and submitted to the Council before determination. However, the timing is not good for this, and would therefore recommend that a condition is applied with the proviso that a licence from Defra must be approved if evidence of bats is found and the development is to proceed. There is a possibility that if a particularly important roost is discovered then such a licence may not be forthcoming but in the circumstances, as the building is currently occupied and there is little choice in the matter, such an eventuality, whilst possible, is not high.

3.1.5 Environmental Protection

Recommend conditions in relation to: contaminated land, noise and air quality in order to satisfy concerns.

Noise - The majority of the sleeping rooms in the proposed development will be situated away from Fishergate, this will alleviate amenity issues from noise. Standard double glazing will be sufficient to protect amenity in the habitable rooms with a facade to the River Foss and its basin. There is living quarters for staff directly facing Fishergate, this room has been identified as a concern for amenity from noise and air quality. A condition has been recommended below the Air Quality section of this response that will satisfy these concerns.

The proposed plans show an external amenity area on the first floor development. This amenity space is for the use by the residents of the development. There could be a problem with local residential amenity being affected if people are allowed to use this space through the night, especially in the summer periods where people may sit into the early hours socialising. After discussion with the applicant we have been made aware that the site will impose a lock down/lights-out policy in the evening and this will be imposed at 11pm. Therefore recommend condition so area not used after

this time, as well as hours of operation condition to ensure local residents amenity is protected while the site is developed.

Contaminated land - Historically the Fishergate area has been used for a variety of industrial activity. This has included known activities such as a Glass Works and a Cattle Market but with streets such as 'Lead Mill Lane' within 20m of the proposed site it is possible that there have been activities that do not have information about. Industrial sites can give rise to contamination of the land and as this development introduces habitable dwellings into the area contaminated land should be considered. Industry is also identified in PPS23 as sites that historically have contaminated, or have the potential to contaminate the land they are sited upon (and neighbouring land). As a result of this we would recommend that the 5 point contamination condition be attached to the application (though if the initial desk study shows no areas of concern the remaining 4 points would be discharged).

Air Quality - In January 2002 City of York Council declared an Air Quality Management Area (AQMA) based on predicted exceedaries of the annual average nitrogen dioxide objective in five areas of the city. The declaration of the AQMA placed a legal duty on the council to improve air quality in the city and to demonstrate that it is actively pursuing the 40ug/m³ annual objective to be achieved by 31st December 2005. In order to demonstrate a commitment to improving air quality the council was required to prepare an Air Quality Action Plan (AQAP). The AQAP identifies measures the council intends to take to improve air quality in the city following the declaration of the AQMA.

The proposed site is included within the City of York Air Quality Management Area. The introduction of further residential dwellings at this location will therefore not result in any requirement to extend the AQMA beyond its current boundary. Since this area forms part of the inner ring road, it regularly experiences long periods of standing/slow moving traffic, particularly during peak hours. Historical monitoring data from nitrogen dioxide diffusion tubes in the vicinity of this site has indicated that annual average concentrations of nitrogen dioxide have approached, and in some cases exceeded objective levels.

It is encouraging to see that the internal arrangement of the scheme presents non-habitable rooms to the polluted Fishergate facade (i.e. bedrooms and living rooms are positioned away from the carriageway facade, towards the river). The only exception to this would be the staff bedroom to the first floor overlooking Fishergate. Non-opening windows may be appropriate for this bedroom, particularly as recent monitoring results in this area have indicated annual average levels of nitrogen dioxide in excess of the 40ug/m³ objective level. This could take the form of fixed glazing with mechanical ventilation from an area of the site away from the carriageway facade. Mechanical ventilation is becoming increasingly common as a measure to mitigate against local air quality impacts. It should be highlighted that there are no formal standards and objectives relating to indoor air quality; the Department of Health's Committee on the Medical Effects of Air Pollution has, however, recently recommended guidelines for indoor air quality, which are essentially based on outdoor standards. It is accepted that indoor air quality is influenced by the ingress of pollution from external sources (NSCA, 2006). The regular maintenance of ventilation systems is essential if they are to be installed.

Since the site is located within the AQMA it is recommended that any parking facilities should reflect the Council's minimum parking standard. Request condition to control concerns with nitrogen dioxide levels.

3.1.6 Lifelong Learning and Leisure

No comment as this is temporary accommodation and therefore falls outside the 106 rules.

3.1.7 Highway Network Management

Recommend scheme be amended in line with comments regarding access design, door entrance, parking layout, turning provision and cycle parking.

In response to transport assessment: The basic conclusions that the development will not greatly cause undue traffic or highway safety problems are accepted. Initial response may be covered by condition.

The Highway Authority is broadly speaking supportive of these proposals as it is considered that they represent a reduction in the potential traffic movements of employee, customer and serving vehicles when compared to the sites' existing/potential use as offices. In addition there will be worthwhile improvements to the access and reduction to on-site parking which will result in the site being serviced by associated vehicles predominantly from within the site and not from the adjacent public highway.

3.2 External Consultees

3.2.1 Fishergate Planning Panel

Objects on the following planning grounds:

- Loss of employment land for start-up and young entrepreneurial businesses. Replacement facilities at Clifton Moor are neither sustainable nor accessible. The loss of this employment land breaches PPG4;
- Poor quality of design of the proposed hostel. As the site is within a Conservation Area facing elements of the City Walls and the Postern Tower, greater care needs to be taken with the materials and design than is currently proposed. The metal gate is particularly jarring - bringing the image of a prison to mind.
- Public safety issues. Safety of the existing residents and safety of vulnerable homeless people accessing the hostel on such a busy and dangerous section of main road;
- Possible existence of protected species. Are there bats? PPG9 indicates that all bats in the UK are protected species.

3.2.2 Environment Agency

The Agency acknowledges the Sequential Test and the completion of parts A and B of the Exceptions Test. The Agency has no Objection to application subject to the

imposition of conditions regarding floor levels, flood warning notices and an appropriate evacuation plan.

The Agency actively promotes the use of sustainable drainage system techniques and would wish to see that they will be used on site with any obstacles to their use clearly justified. The applicant is strongly advised to incorporate floor proof construction techniques wherever possible and advised of the issue of bats, which are known to be present in this part of the Foss so any disturbance to the river banks should be avoided.

3.2.3 British Waterways

The site is located within the buffer zone. It has no impact on the waterway and therefore, no comment to make.

3.2.4 Conservation Areas Advisory Panel

comments in relation to original plans

The panel felt that the scheme for this very important site had not been thought through thoroughly following changes that had been required by the EA. The panel would prefer that the possibility of converting the existing building be more thoroughly explored. The panel were also concerned with regard to some discrepancies in the drawing and the relationships to roofs. The panel wished to see a contextualisation for the whole scheme.

In response to revised plans

The panel regret that their original recommendations had not been taken into account and there appeared to be no attempt at sustainable development in this proposal.

3.2.5 English Heritage

In response to revised plans

Disappointed by the proposals and advise that considerable further amendments should be sought so that the development does not adversely affect the setting of a cluster of highly graded listed buildings, scheduled ancient monuments and the conservation area generally.

The elevations which face Fishergate have been amended to reflect the traditional materials and vernacular style of the locality. The drawings still suggest an elevation of 'engineering' quality as opposed to a vernacular feel but with conditions and control over materials, this elevation should sit comfortably with its neighbours.

However, the riverside elevation still has the potential to harm the character of the conservation area and setting of SAM and LBs. The roof in slate is an improvement and the bond of brickwork will be better integrated but the white powder coated aluminium windows will be garish and out of keeping. The top hung style and infill panels below would be highly inappropriate and the repeat of this style over 3 floors along 7 bays will stand out and be visually obtrusive. Consider that this elevation is

prominent and will be read in the context of the Walls and Eye of York historic cluster and thus must attain the highest design and details. At present this elevation still fails this fundamental test.

3.3 Responses from local residents and businesses

Original Submission - 22 responses received, raising following comments:

Impact on local residents:

- Development not appropriate in primarily residential area and would affect amenity;
- Three storey building and first floor external space would impinge severely on privacy;
- Severe implications for value of property, ease of sale and insurance;
- Additional noise disturbance, anti social behaviour and security/personal safety problems in area;
- Riverside path used by visitors to shout to friends in rooms or as a congregation point;
- Would be good if residents are allowed into courtyard at any time so not sitting on pavement waiting for the opening time;
- Elderly people will feel frightened and young children (living locally and at local schools) may be vulnerable;
- Construction of this size would lead to significant air and sound pollution;

Impact on area:

- The building and proposed number of residents is too high for small and narrow thoroughway by a very busy road;
- Development should be housed in the existing distinctive building which would be a loss if demolished;
- New building is not sympathetic to conservation area or fit with surrounding buildings or character of surroundings;
- The height, massing and location of the three storey building adjacent to the River Foss would be oppressive, out of scale and detrimental to the Fishergate area and conservation area;
- Appearance of windows with undrawn curtains, net curtains and blinds, resulting in mish mash, unpleasing and unimpressive view;

Traffic matters:

- Congestion and danger to pedestrians from delivery vehicles parking outside on busy and fast portion of ring road;
- No safe crossing for pedestrians by the site resulting in high risk situation;
- Path outside site is very narrow and may be road safety issue when large number of people access building at a similar time;
- There are insufficient parking spaces with three parking spaces on site but no room to manoeuvre vehicles;
- Site access is poor with gates that will not allow access for vehicles without obstructing highway and no access for fire brigade;

Affect on tourism and businesses:

- Placing centre in such prime position on main gateway to City, close to high profile York tourist attractions, is highly inappropriate and would lessen attractions;

- Loss of trade during demolition/construction works;
- Incidences of abusive behaviour from disorderly people may increase affecting safety of staff and clients;
- Deterioration of canal path environment that is used by tourists staying in hotels in area and fishermen;
- Loss of small workshops and office facilities close to City Centre;

Other general comments:

- Development should be made part of the development of its existing site;
- Suggestions made at pre-application were totally ignored;
- Alternative site should be looked for that does not have glaring problems that this proposal does;
- Good about solar panels, presume insulation, lighting and waste management have been properly considered;
- Practicalities of demolition and rebuilding is of concern, with ability to carry out work whilst maintaining stability of adjacent buildings and lack of disruption to traffic flow is questionable;
- City Council praises Peaseholme Centre for its success and accept such centre is needed, but if successful why move - only reason is so not close to new prestigious offices;
- Not sustainable to remove modern 'successful' building;
- If development goes ahead, the Council should look at assisting with improving the security of the Fishergate development (Fishergate/Fewster Way/Brownie Croft);
- Original drawings showed a two storey building on the site that has now increased to three storey;
- Impractical and vulnerable location for homeless residents by fast road, river and public house.

Revised scheme - Nine letters from four local owner/occupiers (some from same individuals) reiterating previous objections, with following additions:

- Previous points raised not taken into consideration and wishes of existing residents disregarded;
- Building is absolutely awful , monstrosity, and looks like a garage/warehouse;
- Building will block out light and view from adjacent properties;
- Consideration should be given to those who live lives, pay taxes and don't seek handouts or cause ills of society;
- A less visible location would be more appropriate for homeless shelter;
- Scandalous that Council have decided to move their offices at great expense and evict homeless people from perfectly good homeless centre;
- Loss of business centre contradicts PPG4;
- No provision put forward regarding 'planning against crime'.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of redevelopment of site
- Loss of existing employment land/office use
- Suitability of site for proposed use

- Design principles and considerations
- Impact on historic environment
- Impact on natural environment
- Affect on amenity of local residents and occupants
- Environmental considerations
- Flood risk
- Access, parking and highway safety

4.2 Policy Context

4.2.1 The Statutory Development Plan

The statutory Development Plan for the City comprises the 1956 York Town Map (as amended) and Regional Spatial Strategy for Yorkshire and the Humber (2004). The Town Map shows the site to be in an area of land being “Primarily for Industrial Use”.

RSS provides a framework for strategic planning in the region to 2016. It sets out the vision, key objectives, strategic themes and strategy and policies for sustainable development, outlines the regional spatial strategy including patterns of development and policy implications for the four sub-regions and covers topics on housing, transport, social infrastructure and the built and natural environment. The guidance echoes national planning policy. The key objectives and strategic themes cover the need to maximise social inclusion, minimising travel needs, making full use of previously-developed and urban land by minimising the loss of greenfield land, and protecting natural resources.

4.2.2 National Policy Framework

The following Planning Policy Statements and Planning Policy Guidance notes are considered of most relevance to this application:

PPS1 (Delivering Sustainable Development) - sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system. It states the four aims of sustainable development are: social progress which recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; and, the maintenance of high and stable levels of economic growth and employment. The former means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens. It encourages LPAs to achieve high quality and inclusive design for all development, with the rejection of design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions.

PPS3 (Housing) - outlines the Government's key housing goals, including: ensuring high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need; and, to create sustainable, inclusive, mixed communities in all areas.

PPG4 (Industrial, Commercial and Small Firms) - takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together.

PPS9 (Biodiversity and Geological Conservation) - sets out planning policies on protection of biodiversity and geological conservation through the planning system. It confirms the presence of a protected species is a material consideration. It advises that local planning authorities should not refuse permission if development can be subject to conditions that will prevent damaging impacts on wildlife habitats or important physical features, or if other material factors are sufficient to override nature conservation considerations.

PPG13 (Transport) - 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.

PPG15 (Planning and the Historic Environment) - gives advice on how LPAs should deal with applications affecting historic environments, including the special consideration to the setting of listed buildings and the duty to preserve and enhance conservation areas. It states that the design of new buildings intended to stand alongside historic buildings needs very careful consideration and need to be carefully designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment, and use appropriate materials.

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.

PPS23 (Planning and Pollution Control) - gives guidance on the relevance of pollution controls to the exercise of planning functions. It covers air and water quality and contaminated land.

PPG24 (Planning and Noise) - guides LPAs on the use of their planning powers to minimise the adverse impact of noise. It outlines the considerations to be taken into account in determining planning applications for both noise-sensitive developments and for those activities which generate noise.

PPS25 (Development and Flood Risk) - This aims to ensure that flood risk is taken into account in the planning process to avoid inappropriate development in areas at risk of flooding and seeks to direct development away from areas at highest risk. Where new development is necessary in such areas, it aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

4.2.3 Local Planning Policies

In addition to the City of York Draft Local Plan (incorporating 4th set of changes) policies set out in section 2.2, Policies H9 and E4 of the North Yorkshire County Structure Plan are relevant. H9 allows for the provision of residential use of property

in and around the historic core of the City of York through suitable new development. Policy E4 affords the strictest protection to buildings and areas of special townscape, architectural or historic interest.

4.3 Principle of redevelopment of site

The site constitutes previously developed land within the main urban area. Therefore, its redevelopment is acceptable in principle.

4.4 Loss of Existing Employment Land/Office Use

4.4.1 The site is in an area primarily for industrial use on the York Town Map, though has no allocation in the City of York Draft Local Plan. It is currently in employment use. The relevant Local Plan Policies are E3b (Existing and Proposed Employment Sites) and H12 (Conversion of Redundant Offices). Policy E3b requires employment sites to be retained in their current use class with permission only being granted for other uses under the following circumstances: a) there is a sufficient supply of employment land to meet both immediate and longer term requirements in both quantitative and qualitative terms; b) unacceptable environmental problems exist; c) the development of the site will lead to significant benefits to the local economy; and d) the use is ancillary to an employment use. Policy H12 allows for conversion of redundant office space to residential uses where: a) there is sufficient supply of offices to meet both immediate and longer term requirements; b) it will not have an adverse impact on vitality and viability of the City and District Centres; and, c) has no adverse impact on residential amenity.

4.4.2 The Economic Development Unit has been consulted with regards to the need for the site as part of the City's employment land/office supply. The response is contained in section 3.1.2. In summary, it confirms that the existing facilities are proposed to be relocated along with the accommodation at Parkside Commercial Centre, Terry Avenue, to a larger purpose-built building that will provide a higher and more appropriate standard of premises. Therefore, in quantitative terms, the release of this site for another use will not compromise the overall employment land supply and, in qualitative terms, there would be no net loss of employment to the city as the premises, and staff, are to be relocated to the new building. The issue of residential amenity will be addressed in the relevant section.

4.5 Suitability of site for Proposed Use

4.5.1 Policy H17 of the Draft Local Plan states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions or unimplemented planning permission for that use, would not give rise to a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport.

4.5.2 The area surrounding the site, being on the edge of the city centre, is a mixture of uses, including commercial, residential and leisure. There are no other residential institutions that would result in a concentration of uses likely to adversely affect residential amenity. The site is within easy walking distance of the city centre and the facilities it has to offer, including numerous bus routes. The proposal would

comply with the key objectives in PPS3 to provide high quality housing for those who are vulnerable or in need and encourage inclusive, mixed communities.

4.6 Design principles and considerations

4.6.1 Local Plan policies GP1 (Design), GP3 (Planning against Crime), GP4a (Sustainability) and GP11 (Accessibility) are of relevance. The application is supported by a Design and Access Statement, which includes reference to proposed energy efficiency measures and security arrangements. The design of the building has been subject to revisions following concerns raised by Officers about its massing and elevational treatment.

4.7 Impact on historic environment

4.7.1 PPG15 confirms the special consideration that needs to be given in determining planning applications to the setting of listed buildings and to preserve and enhance the character and appearance of conservation areas. New buildings in historic locations need to be carefully designed in order to respect their setting. The scheme has been revised in light of comments from English Heritage and the Council's Conservation Officer. The massing and elevational treatment of the front of the building abutting Fishergate have improved and, subject to condition, meet address some of the comments expressed. The riverside frontage, which would be highly visible in views across the River Foss Basin from Tower Street and Skeldergate Bridge has also been revised and improved although both the Conservation officer and English Heritage consider further revisions would be welcomed., although it is possible that some further refinement may be possible with conditions concerning materials, finishes and details.

4.8 Impact on natural environment

4.8.1 PPS9 confirms that the presence of bats as a protected species is a material planning consideration. The site lies adjacent to the River Foss where bats are known to be present and there is a recent record of a bat in one the buildings on site. As a result, a bat survey was requested and undertaken, which the Council's Countryside Officer has assessed. The report unfortunately did not include an investigation of the roof void, which is the most likely habitat for bats. As a result, the Officer would have preferred further survey work, though accepts that the timing of this may not be conclusive. Therefore, it is recommended that if approved a condition is attached to require bat mitigation measures and conservation prior to development. If bats were to be found, no work could take place until advice had been sought from Natural England and a licence from DEFRA applied for.

4.9 Affect on amenity of local residents and occupants

4.9.1 Concern has been expressed by local residents and businesses about the impact of both the proposed three storey building at the rear on residential amenity and the intended use on the general amenity of the community. The proposed building has been designed to reduce the potential impact on surrounding

neighbours with the siting of the 22 bedrooms overlooking the river. Only storeroom and staircase windows would look towards the residents of Oxtoby Court, which is located to the south of the site and therefore would not be affected by overshadowing. There are no main habitable rooms facing the site at the adjoining public house that would be overlooked by the first floor external space. The applicant has confirmed through the Environmental Protection Unit that a lock policy would be imposed at 11pm, which alleviates the concerns raised regarding noise disturbance. Although the two flats at 2 Fishergate would be affected to some extent by increased overshadowing and a greater sense of enclosure from the increased height and depth of the building at the rear, the resultant relationship with the proposed new building is considered to be acceptable.

4.10 Environmental considerations

4.10.1 The Environmental Protection Unit have commented on the application and although concerns have been raised regarding contamination, noise and air quality, it is considered that these can be addressed through the imposition of conditions. The response is set out fully in section 3.1.5.

4.11 Flood risk

4.11.1 The site lies within Flood Zone 3a (High Probability). PPS25 Annex D states that more vulnerable uses, which includes residential institutions, should only be permitted in this zone where it can be demonstrated that the Exception Test is passed. In order to do this it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; that there are no reasonable alternative sites on developable previously-developed land; and, that a Flood Risk Assessment can demonstrate that the development will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. A Flood Risk Assessment has been submitted to support the application.

4.11.2 As outlined in section 3.2.3, the Environment Agency have been consulted with regards to compliance with the requirements of PPS25 and does not object subject of the imposition of conditions.

4.12 Access, parking and highway safety

4.12.1 A Transport Assessment has been submitted with the application, which confirms the sustainable location of the site on the edge of the city centre, as encouraged by PPG13 and concludes that the proposed use will not result in undue traffic or highway safety problems. In light of this, the Council's Highway Network Management Section are generally supportive of the proposal and consider that it would represent a reduction in the potential traffic movements of associated vehicles, with improvements made to the access and parking arrangements. No objections are raised, subject to conditions requiring minor changes to be made to the kerb radii at the access and to the parking and turning arrangements in the internal yard.

5.0 CONCLUSION

The proposal is to replace existing buildings which have structural defects with a new purpose built, part two/part three storey building to accommodate a homeless persons' hostel with staff accommodation and training facilities. There are no policy objections to the proposed use in this location. The resultant relationship with adjoining properties is considered to be acceptable.

The frontage building (to Fishergate) is in the Central Historic Core Conservation Area and the riverside frontage is highly visible in views across the River Foss Basin from Tower Street and Skeldergate. In response to concerns raised, the applicant has made revisions and improvements to the design of the building. These revisions have gone some considerable way to addressing concerns raised by officers and consultees. There is also scope for further refinement of detailed design issues through the requirements of conditions attached to the permission.

6.0 RECOMMENDATION: Approve subject to conditions

- 1 TIME2
- 2 PLANS1
- 3 ARCH2
- 4 ARCH3
- 5 VISQ7
- 6 HT1
- 7 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The windows on the front elevation of the building facing Fishergate shall be timber painted and the remaining windows shall be finished in an off-white or cream colour.

Reason: So as to achieve a visually cohesive appearance.

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

Window openings (including header and cill) and window frames (including cross section of reveals);

eaves/gutters, downpipes; junctions of pitched roofs and flat roofs; junction between new building and listed building, The Mason's Arms; front entrance door (to be of timber construction).

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

- 9 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved by the Council .
The measures should include :
- i. A further full internal and emergence survey at the appropriate time of year and no earlier than 1 month prior to any work and the results submitted to the Council prior to any work commencing. In the event that evidence of bats is discovered, no work shall take place until advice has been sought from Natural England with regard to their exclusion and mitigation measures have been submitted to and approved by the Council and a Defra licence approved.
 - ii. A plan of how demolition work is to be carried out to accommodate bats.
 - iii. Regardless of whether any evidence of bats is found, details of what provision is to be made within the new building to replace the features lost through the demolition of the original structure must be provided and approved by the Council. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing.
 - iv. The timing of all operations.
- The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

If bats are discovered during the course of the survey or subsequently during work in progress, then all work should cease and Natural England consulted before continuing with a view to the submission of Defra licence application.

- 10 The use of the first floor outdoor amenity space shall not be used between the hours of 23:00 and 08:00 Monday to Sunday.

Reason: To protect the amenity of local residents.

- 11 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:
Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of neighbouring residents.

- 12 a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800.
- b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.
- c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).
- d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.
- e. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

- 13 The building envelope of all habitable rooms with a facade onto Fishergate shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. This should take the form of fixed glazing with mechanical ventilation from an area of the site away from the carriageway facade. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: To protect the health and amenity of the occupants.

14 HWAY5

15 HWAY18

- 16 Notwithstanding the parking provision shown on the approved plans, details of the vehicle parking and turning area shall be submitted to and agreed in

writing by the Local Planning Authority. The layout shall show provision for a maximum of two vehicles, one of which shall be for disabled persons. The building shall not be occupied until the area has been constructed and laid out in accordance with the approved details, and thereafter the area shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 17 Floor levels should be set at least 600mm above the 1982 flood level of 9.96 metres above Ordnance Datum.

Reason: To protect the development from flooding.

- 18 Flood warning notices shall be erected in numbers, positions and with wording all to be agreed in writing beforehand by the Local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that owners and occupiers of premises are aware that the land is at risk of flooding.

- 19 An appropriate Evacuation Plan (in consultation with the Emergency Planners) must be in place prior to any occupation of the development.

Reason: To ensure staff and residents vacate the premises before flooding affects the designated egress route.

- 20 Before development commences, details of measures to reduce the opportunity for crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of Closed Circuit Television. The development shall be carried out in accordance with the approved details.

Reason: In order to reduce the opportunity of crime and anti-social behaviour in the interests of amenity.

- 21 Before development commences, details of energy efficiency measures shall be submitted to and approved in writing by the Local Planning Authority. These shall include the investigation of sustainable drainage system techniques for the development with a clear justification if they are not to be employed at the site. The development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development principles.

- 22 The premises shall be used for a resettlement and training centre for homeless persons; and for no other purpose, including any other purpose in Class C2 in the Schedule of the Town and Country Planning (Use Classes)

Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

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

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