

1.6 Committee may recall that a previous application (16/01976/FULM) for the change of use of the building to a hotel was before committee and approved (19.01.2017). The development included 124 bedrooms, 33 serviced apartments, a 6 storey extension to south west/rear elevation. Vehicle parking spaces (37) would be provided (23 at lower ground floor level/basement and 14 at upper ground floor level). The recessed stone panels at the upper ground floor in the north eastern elevation would be replaced by windows. In the southern east elevation a recessed panel would be replaced by glazing and a door within a raised platform to create an outside seating area for a potential coffee shop.

2.0 POLICY CONTEXT

2.1 Policies: Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections. There is adequate provision of both cycle and car parking for the use of the building purely as a hotel in this highly sustainable location. Turning for drop offs, light vehicles and taxis is available on the Station Road existing access.

3.2 Frequent deliveries will need to be taken from the private access road off Rougier Street. The access is close to a bus interchange attracting many pedestrian movements. Unlike the adjacent hotel using the access already, no turning is provided off highway for wagons as part of this or previous applications. This will lead to vehicle/ pedestrian conflicts across the entrance due to reversing manoeuvres. To help mitigate these issues, we welcome the proposed pedestrian improvements to the highway crossing the entrance, giving better visibility and protection for pedestrians. These can be secured via condition.

3.3 Cycle parking is provided. Seek condition to ensure the cycle stands and enclosure are acceptable. Request INF1.

PLANNING AND ENVIRONMENTAL MANAGEMENT (CONSERVATION)

3.4 Consider the harm to the historic environment is limited and at the lower end of 'less than substantial'. There is a degree of harm and officers have worked with the

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applicant to try to minimise and eliminate harm as the scheme has progressed, and it is at a point where the (latest) scheme can be supported, as there are a number of public benefits to outweigh this harm. The outstanding harm (caused by the rooftop extension and canopy) can not be eliminated due to the nature of the proposal, and relates to increase in bulk and massing of an already large building in a sensitive setting and potential night time illumination creating some impact of the night time ambience of the conservation area.

PLANNING AND ENVIRONMENTAL MANAGEMENT (ARCHAEOLOGY)

3.5 This site lies within the Central Area of Archaeological Importance in the former area of the Roman civil settlement (Colonia). In addition, it lies within the Central Historic Core Conservation Area and faces the Scheduled City Wall and Grade II* listed Grand Hotel.

3.6 Archaeological excavations in the 1980s in advance of the construction of Roman House (adjacent) revealed up to 7m of archaeological deposits including evidence of Roman timber and masonry buildings. Excavations in the adjacent hotel in 2009 recorded medieval structural remains at c.11m AOD. These excavations revealed that there was a steeper slope towards the river during the medieval period. An archaeological evaluation was carried out on the site in 2009 by AOC archaeology. This revealed Roman structural remains including degraded concrete and mortar floors at a height of 7.5-8 AOD. The Roman structural sequence was truncated by shallow pits containing medieval pottery, sealed by medieval dumps and 19th century demolition material. Most recently (2016) an archaeological desk-based assessment has been produced by On-site Archaeology.

3.7 The current proposal includes the erection of a single storey extension on top of the current basement car park. There are no plans to extend the depth of the current foundations nor to provide any new foundations for the proposed extension. Therefore, the significant Roman archaeological deposits present on this site are unlikely to be effected by the proposed development.

3.8 The proposals do include the provision of three lifts in the basement. The excavation of these lift pits and any new trenches needed for the provision of services for the proposed WCs and showers should be monitored archaeologically. Request an archaeological watching brief via condition

3.9 The impact of the proposed development on the setting of the City Walls and Grand Hotel needs to be taken into consideration as well as the potential impact on the character of the area.

FLOOD RISK MANAGEMENT TEAM

3.10 No objections to the proposed development as long as it is built in accordance with the submitted Flood Risk Assessment (FRA), with all sleeping accommodation at first floor level or above

3.11 The applicant's comments on page 36 of the FRA suggest it is the responsibility of CYC emergency planners and the emergency services to evacuate this building in times of flood. This is not the case therefore the applicant must submit a suitable evacuation plan which takes into account the EA's flood warning system

PUBLIC PROTECTION

3.12 The noise assessment demonstrates that during the day time and night time periods internal noise levels on all levels of the existing property and proposed extension could comply with the requirements for internal Leq levels in dwellings set in BS8233:2014 and the WHO Guidelines on the basis that suitable glazing and ventilation were provided.

3.13 The maximum noise levels occurring during the night time period, where Lmax levels of up to 52.8 dB(A) were recorded internally and 81.8 dB(A) externally. Given the proposed use of the building PP are satisfied that whilst the criteria under BS8233 may not be currently met in this respect that noise would not prevent the development proceeding. Request a scheme of noise insulation measures via condition.

3.14 Potential noise impact of the sky bar/roof top terrace proposals: The sound levels on the North West corner of the roof were consistent with levels between 54 and 56dB(A) Leq 16 hours during the daytime and 49 to 51 dB(A) Leq 8 hours during the night. To the South West corner, sound levels on the roof were found to be 51 dB(A) Leq 16 hours during the daytime and 46 dB(A) Leq 8 hours during the night. The assessment showed that noise levels during the later afternoon and evening were between 57 and 65dB(A) Leq 1 hour, with levels reducing during the night time to 50dB(A) Leq 1 hour.

3.15 Around the external seating area a glass balustrade is proposed it is assumed that this would provide approximately 5dB attenuation on any noise levels arising from the roof. The sound level from the noise source would reduce further given the 22 metre distance between the source and the Grand Hotel. The noise assessment predicts that use of the roof top external seating area would have negligible impact during peak use. In terms of the coffee shop terraced area the report shows that this would be unlikely to have any impact. Request a condition regarding the details of the amplified music equipment and the levels.

3.16 It is anticipated that external plant and equipment will be required for the kitchen. The nearest receptor to any plant proposed is the Grand Hotel. It is agreed

that given the location of the site, the location of proposed plant, the existing users in the area and the likely consistency of the noise source, that the normal plant limit of not exceeding the background level could be relaxed on this occasion only.

3.17 The report then states that a suitable plant limit of 76dB(A) during the day and 73dB(A) during the night time would be acceptable, this being 10dB above the background measured L90 levels at NSR2. The noise survey would indicate that at the Grand Hotel Façade this would relate to a limit of 50dB(A) during the day or 47dB(A) during the night, which is similar in level to the measured Leqs during those time periods. Public Protection have concerns allowing a relaxation to 10dB above the background level and instead request a condition which allows levels to exceed background levels by 5dB.

3.18 In terms of noise associated with vehicle deliveries would request that a condition be placed to limit to that of the nearby Grand Hotel. In terms of the impact of the conversion and construction phases of the development on nearby receptors request a condition for a Construction and Environmental Management Plan. Together with hours of construction. Due to the potential for odour associated with any kitchen extraction unit to affect the amenity of nearby receptors, request condition requiring adequate facilities for the treatment and extraction of cooking odours. The proposed rear extension will be built on top of the existing basement car park as such an initial investigation and risk assessment and remediation scheme are not required however request condition in the event of unexpected contamination is found.

3.19 The site falls within CYC Air Quality Management Area. A hotel use would be regarded as a lower category of sensitivity, due to the reduced period of occupancy. The nitrogen dioxide monitoring is currently showing that although levels of nitrogen dioxide are breaching the annual mean objective, they are not indicating breaches of the hourly mean objective. As such, PP do not have concerns.

3.120 In line with the CYC Low Emission Strategy and the NPPF, request a condition that at least 1 parking bay should have facilities for recharging electric vehicles

PUBLIC REALM

3.21 No comments received.

EDUCATION PLANNING OFFICER

3.22 No education contribution will be required.

PLANNING AND ENVIRONMENTAL MANAGEMENT (FORWARD PLANNING)

3.23 Policy E3b (Existing and Proposed Employment Sites) Of the Development Control Local Plan (2005) seeks to resist the loss of existing employment sites and retain them within their current use class. In order to determine if there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in quantitative and qualitative terms, evidence that the site has been marketed (for at least 6 months) should be sought. In addition either point b), c) or d) of policy must be met

3.24 Policy EC3 (Loss of Employment Land) of the emerging Local Plan continues the approach to existing employment land set out under E3b in the Draft Local Plan. the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that that is necessary to meet employment needs during the plan period. An analysis of the office market shows a major challenge for the City - that of the undersupply of grade A office accommodation both in the city centre and peripheral locations, which acts as a constraint on inward investment. Recent analysis that has accompanied planning applications points to the oversupply of B grade office accommodation in the city, with a number of prior notifications for ORC received in such cases.

3.25 The Employment Land Review (July, 2015) describes the criteria used to assess employment sites, in determining a preferred list for the emerging Local Plan. These criteria reflect previous economic appraisals (best practice) and local economic knowledge. The proximity to York's railway station is noted as of particular importance for high value sectors in York where regular, reliable links to London are available.

3.26 The Council expects the applicant to provide evidence of effective marketing the site/premises for employment uses for a reasonable period of time. Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use. This includes employment generating uses outside the B use classes. The applicant has included such information in the submitted Planning Statement, which concludes that whilst the site has not been actively marketed since its acquisition from Aviva, undertaking an upgrade of the current 'B' grade office space would be economically unviable, and its loss as 'B' grade office space would not harm the economic wellbeing of York. The applicant has submitted supplementary costings to demonstrate why the creation of Grade A offices would be economically unviable - these should be tested by EDU colleagues to determine whether the assumptions and conclusions are accurate.

3.27 In the emerging Local Plan (Preferred Sites 2016) only York Central in the city centre has been identified as a means of providing additional B1 office space, a development of 80,000sqm office led commercial space (B1a). This is set against an overall land requirement of 71,000sqm for B1a use over the Plan period. The emerging Plan proposes no change to the existing use of Aviva House, which it assumes would be retained in its current employment use. The site has an important role, and the potential of such an accessible, prominent site as part of the City's employment land supply, particularly in the context of need and locational criteria identified by the ELR (July, 2015). There are benefits of a high quality hotel locating in the City, however the loss of office space would be to the detriment of York's employment land supply.

STRATEGY AND ECONOMIC POLICY

3.28 Given York's position of effective full employment (under 1% unemployment rate), it is widely acknowledged that it is wages and quality of jobs which are the primary economic challenge for the city - with wages below the national average, despite the city's resident population having very high resident (in top 10 UK cities). This trend in lower wages is because of a skew in York's industrial makeup towards lower wage sectors such as tourism and care, with lower than average higher value sectors.

3.29 With most of the ingredients for high value jobs in place, such as skills, connectivity and quality of life, the York Economic Strategy identifies high quality office space in city centre locations close to York Railway Station as one of the key barriers for inward investment and expansion of indigenous businesses from industries with above average wages, such as financial and professional services and IT.

3.30 Therefore in relation to the city's economy and quality of jobs for residents, it is disappointing to see a change of use away from office space in a prime location. That said there is wider impact of a high quality hotel on the city's visitor economy and brand.

3.31 The key question however comes down to office viability, as 2 Rougier Street would require upgrading of the office space to position it effectively in the market. The Viability Assessment outlines the developer's case for why office space is unprofitable for Yorkshire House, and therefore supporting the case for change of use.

3.32 The reason rendering the building unprofitable for office use is that any valuation must be considered on the basis of residential value because of permitted development rights (PDR), so the value of purchase (and therefore the rental income required from office space) is considerably more than were residential use not an option. As stated, 'if an office developer were to make an offer below the

residential value then quite clearly they would be unsuccessful - and outbid by a residential developer'.

3.33 The assumptions in the assessment around rental yields, initial void periods and net capitalisation seem fair.

3.34 There is no suggestion from the developer or the assessment that there is lack of demand for office space, nor that strong rental yields could be achieved; only that once purchase at a value which is competitive to residential development, and rental yields are factored in, there is minimal capital available to actually convert the building to grade A offices. This assessment is in keeping with wider evidence and independent property studies, that there is indeed demand for city centre grade A office space and at strong rental yields, but that residential (or other commercial) uses are considerably more profitable, so that in locations in York where there is residential demand and permitted development rights apply, it is difficult for office development (especially where conversion to higher quality specification is required) to compete commercially and therefore be viable from a developer perspective.

3.35 From an economic policy perspective and in relation to city outcomes around wages and high value jobs, office space would still be the preferred use for Yorkshire House, and were it not for permitted development rights, this position may be able to be upheld through planning policy. However, given the viability assessment and the evidence provided, it would be difficult to oppose change away from office which in competition with residential property values and current market conditions has been shown to be insufficiently profitable and therefore unviable from a developer perspective.

3.36 The provision of a quality hotel such as is lined up would support the city's visitor economy and city brand so there are certainly economic positives over vacant use or a change to residential despite the negative loss of office space in a good location

EMERGENCY PLANNING OFFICER

3.37 No objections, however regarding the evacuation part of the FRA: it is part of the hotels own business continuity arrangements, they should have in place a clear and detailed evacuation plan which includes early triggers to ensure safe evacuation of residents before flood waters encroach on the building. The hotel is also responsible for relocating guests - it should not be presumed that this will be undertaken by the Council

WASTE SERVICES

3.38 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

MICKLEGATE PLANNING PANEL

3.39 No objection, providing the roof clutter (aerials etc) is not added

POLICE ARCHITECTURAL LIAISON OFFICER

3.40 Between 01.06.2016 and 31.05.2017 there were 148 reported crimes and 691 reported incidents of anti-social behaviour within 100m radius of the area. Taking into consideration the size of the study area, that crime and anti-social behaviour levels within the vicinity of the proposal are extremely high.

3.41 The analysis also indicates that the night time economy in this area is having a significant influence on crime and disorder. This is already placing a demand on police and other emergency service resources.

3.42 Situated within the City of York Council's Cumulative Impact Zone (CIZ). City of York Council as Licensing Authority under the Licensing Act 2003, has in place a special cumulative impact policy for the area. This policy clearly identifies the area as being under 'stress', because the cumulative effect of the concentration of late night and entertainment premises has led to serious problems of disorder and/or public nuisance affecting residents, visitors and other businesses.

3.43 No documents have been submitted with this application to show how the applicants have considered crime prevention in respect of their proposal.

3.44 Access control arrangements should be incorporated at all entrance doors in order to prevent unauthorised entry, e.g. keyfob entry system.

3.45 Taking into consideration that this hotel would be located within the CIZ, vertical drinking within these premises should not be supported and CCTV should be made a requirement, if a Premises Licence is successful, to cover all areas to where the public have access to consume alcohol.

3.46 Request a planning condition: that the developer provides full details of how crime prevention is being addressed.

ENVIRONMENT AGENCY

3.47 No objections providing it is in accordance with submitted FRA, and all sleeping accommodation is at first floor level or above.

3.48 The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development

proposals, as they do not carry out these roles during a flood. Their involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. Advise LPAs to formally consider the emergency planning and rescue implications of new development.

20TH CENTURY SOCIETY

3.49 No comments received up to the time of writing

CONSERVATION AREAS ADVISORY PANEL (comments to previous scheme)

3.50 No objection to the single storey extension to the rear

3.51 Object to the proposed roof extension which it was felt would detract from this particularly distinctive structure

HISTORIC ENGLAND

3.52 The post-war Aviva Yorkshire House occupies a very prominent and sensitive position adjacent to the Grade II* listed Grand Hotel, facing the Scheduled City Wall and within York's Central Historic Core Conservation Area.

3.53 Historic England (HE) is broadly content on heritage grounds with the conversion of this building to a hotel with associated restaurant, bars and gym. They are content with the proposal for a single storey addition to the south-west.

3.54 HE welcome the proposal to remove the disfiguring aerials from the roof and confirm they are broadly content with the proposed roof extension.

3.55 HE notes that in the latest revised plans the proposed glazed canopy with the retractable canopy has been simplified, which represents some improvement. Nevertheless, HE questions the justification for and indeed the utility of such a feature at this height and strongly suggests that it is omitted from the scheme. HE suggest the proposed canopy would still appear as a 'fiddly'/'fussy' attachment which, as the photomontages now provided appear to demonstrate, would clutter the lines of the roof and weaken its visual design, to the detriment of the conservation area.

3.56 HE request a condition to ensure that the top of Yorkshire House remains free from aerials or other additional structures in the future.

3.57 In determining this application HE advises that the LPA should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest

which they possess; also section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

3.58 HE request the amendments and safeguards are sought as set out in the above advice.

MAKE IT YORK

3.59 No comments received

VISIT YORK

3.60 No comments received

YORK CIVIC TRUST

3.61 No objection to the single storey side/rear extension. The revisions have removed the concerns regarding the increase in height of the original building

3.62 Support the removal of rooftop antenna etc. Support removal of ground floor projecting windows. No objections to the single storey side extensions, the design is an improvement on the approved scheme in terms of massing.

3.63 The proposed roof extension has an offset to accommodate the building's splayed corner. Due to the conventional massing of Yorkshire House, this offset of the roof extension is unsightly. The roof top addition should reflect the form of the existing building and have a chamfered corner

3.64 Oppose the proposed canopy to the roof top bar. It would be visible from the City Walls and other important viewpoints. It would draw the eye to the roof top addition that is unmerited. Would set a precedent for similar development. Require a more convincing argument for its retention. If it became a solid roof extension as opposed to the glazed structure would both reflect the current roofscape and reduce light pollution. Request that the canopy is removed from the application.

3.65 The Trust is concerned about the impact of the proposed roof scheme on the city skyline after sunset. The Night Time Lighting Impact Assessment concludes that potential light spill will be 'none/negligible', the artistic impressions and luminance results in the report only address the roof bar extension itself, and provides no visuals or details about external roof illumination on the terrace and/or canopy. Request the restriction of the roof top area to daylight hours

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.66 One representation of comments

Objected to previous application, consider the current application is preferable to the previous planning permission; on this basis do not object.

4.0 APPRAISAL

RELEVANT SITE HISTORY

16/01976/FULM - Change of use from offices (use class B1) to 124no. bed hotel and 33no. serviced suites/apartments (use class C1) and six storey extension to rear/southwest - Approved

16/02434/ORC - Proposed change of use from offices to 66 apartments (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 - Approved

15/02932/ORC - Proposed change of use from offices to 42 apartments (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 - Approved

KEY ISSUES

- Loss of employment (office space)
- Impact to heritage assets
- Visual amenity and character
- Flood Risk
- Impact to neighbouring uses
- Highways

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning flooding and heritage assets, (Sections 10 and 12). There are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The core principles within the NPPF states always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; the use of previously developed land is encouraged; take account of the different roles

and character of different areas; conserve heritage assets in a manner appropriate to their significance.

4.2 Paragraph 58 of the NPPF states that decisions should aim to ensure that development: will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

4.3 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. (This application is not in the Green Belt.)

4.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.5 The emerging Local Plan policies can only be afforded very limited weight at its current stage of preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration in the determination of planning applications.

PRINCIPLE OF DEVELOPMENT

4.6 The NPPF seeks to promote the vitality of town and city centres and requires Local Planning Authorities to set policies which are positive and promote competitive town centre environments. In part it is suggested that this should be done by allocating a range of sites for offices to ensure that office uses are met in full and not compromised by site availability. The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for

employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.7 A core principle of the NPPF to "support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances".

4.8 Policies E3b of the Development Control Local Plan (2005) and Policy EC3 (Loss of Employment Land) of the emerging Local Plan seek to keep all office uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF.

4.9 The aim of local and national policy is to retain office space within the city centre for future office use and to attract inward investment. The site provides a large area of office space within the city centre, which is in need of some renovation. Yorkshire House provides circa 65,000 sq ft/ 6039 sq.m net office building. The site until recently was used as office accommodation by Aviva.

4.10 The City of York Council's 2013 Office Stock report indicates that there is approximately 1.5m sq ft of commercial office stock within the city centre, only a hand full of which are greater than 10,000 sq ft in size with fewer still considered to be of Grade A quality. This figure does not take account that over the last few years a number of large city centre office blocks have been or are about to be removed from the office market.

4.11 The drive towards residential conversion has arguably left a shortage of high quality, large floor plate office space within the city centre and has led to a two tier office market where a shortage of grade A space contrasts with a relatively healthy level of smaller scale second-hand supply. In its current state Yorkshire House is considered to provide Grade B office space, and would require some updating before use by other office occupants. The applicant argues there is a surplus of grade B office space within York and there is generally little requirement for larger floor plate offices of 10,000 ft plus. There are some concerns that York's reputation as a major office location has been significantly eroded, and in particular this has led to a perception that York cannot accommodate larger requirements, leading in turn to a significant impact on demand from inward investors, who are not considering York as a location.

4.12 The applicant has submitted viability information outlining why office space and the upgrade to Grade A office space would be unviable. The Economic Development Unit considers that the assumptions in the assessment around rental yields, initial void periods and net capitalisation are fair.

4.13 Whilst the application building was not openly marketed the applicant argues that the building would be unprofitable for office use by virtue that any valuation must be considered on the basis of residential value because of permitted development rights (from office to residential - Class O, General Permitted Development Order - 2015). Therefore the value of purchase (and the rental income required from office space) is considerably more than were residential use not an option. As stated, 'if an office developer were to make an offer below the residential value then quite clearly they would be unsuccessful - and outbid by a residential developer'.

4.14 In addition in the submitted viability information there is no suggestion that there is lack of demand for office space, nor that strong rental yields could be achieved; only that once purchase at a value which is competitive to residential development, and rental yields are factored in, there is minimal capital available to actually convert the building to grade A offices. The Economic Development Unit consider that the assessment is in keeping with wider evidence and independent property studies, that there is indeed demand for city centre grade A office space and at strong rental yields, but that residential (or other commercial) uses are considerably more profitable, so that in locations in York where there is residential demand and permitted development rights apply, it is difficult for office development (especially where conversion to higher quality specification) to compete commercially and therefore be viable from a developer perspective. The applicant argues that it is unlikely that a commercial developer would ever seek to create a substantial sized, high quality Grade A office building (either new build or conversion) on a speculative basis.

4.15 The proposed change of use would result in a significant loss of office space and with regards to city outcomes around wages and high value jobs, office space would still be the preferred use for Yorkshire House. The proposed hotel use would provide approximately 140 jobs. By virtue of the viability assessment and the evidence provided, it would be difficult to oppose change away from office which in competition with residential property values and current market conditions has been shown to be insufficiently profitable and therefore unviable from a developer perspective. The proposed use would bring the building back into use. In addition the applicant has prior notification under the General Permitted Development Order for the conversion of the building as residential use and a planning permission granted earlier this year for a change of use of the building to a hotel together with a 6 storey extension. Officers consider, without adopted local policy that it would be difficult to defend a refusal on the basis of loss of office space in this case.

HOTEL DEVELOPMENT

4.16 The NPPF considers tourism related developments such as hotels to be a main town centre use. As a town centre use hotel development plays an important role in supporting the economic well being and vibrancy of York's city centre. By virtue of the city centre location a sequential test is not required.

4.17 Policy V1 'Visitor related development' of the Development Control Local Plan (2005) advises that visitor related development will be encouraged providing; there are adequate servicing arrangements, the site is accessible by public transport, whether highway safety would not be compromised, where development would improve the prosperity of the cities tourism industry and economy, and when there is no adverse impact on amenity and the setting.

4.18 Policy V3 of the Development Control Local Plan (2005) relates to new hotels in the city. V3 states planning permission for hotels will be granted provided the proposal:

- Is compatible with its surroundings in terms of siting, scale and design;
- Would not result in the loss of residential accommodation;
- Would not have an adverse effect on the residential character of the area;
- Is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions

4.19 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel (and ancillary restaurant, bar and coffee shop) in location terms. The area is commercial and there would be no loss of dwellings. In this respect there is no conflict with Development Control Local Plan (2005) Policies V1 and V3. The proposed hotel is considered to have a neutral if potentially positive impact to the vitality and viability of the area. The introduction of windows in the north east elevation and the landscaping to the north west elevation will provide more visual interest at ground floor level, the proposed use will provide more footfall in the area during later hours.

4.20 The visual impact of the development, servicing and amenity are assessed in the other sections of the report.

4.21 The applicant states that their intention is that the hotel will be of 5* quality. The applicant is confident that there is a market for 4*/5* hotel accommodation and this view is not challenged. The York Tourism Accommodation Study (July 2014) has aims of increasing the number of 4*/5* standard accommodation however the star rating of the hotel can not be ensured. If the principle of a hotel is considered acceptable, it is therefore considered unreasonable to condition the hotel be 4*/5* quality.

IMPACT ON HERITAGE ASSETS

4.22 The site is within the Central Historic Core Conservation Area and it is within an Area of Archaeological Importance. It is also forms part of the setting of the Grand Hotel to the south west and south is Grade II* listed. At the time of writing a number of extensions to the Grand Hotel are under construction. To the north east 15, 16, and 17 Rougier Street are Grade II listed. In the wider area there are a significant number of listed buildings. The City Walls - an ancient scheduled monument lies to the north and north-west of the site.

4.23 In accordance with section 72 of the Planning (Listed Building and Conservation Area) Act 1990, the Local Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in exercising its planning duties. Section 66 of the same Act requires the Local Planning Authority to have regard to preserving the setting of Listed Buildings or any features of special architectural or historic interest it possesses. Where there is found to be harm to the character or appearance of the Conservation Area, or the setting of a listed building, the statutory duty means that the avoidance of such harm should be afforded considerable importance and weight.

4.24 The NPPF states that Local Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets and that they should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise paragraph 129. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. Where a proposed development would lead to substantial harm or to total loss of significance consent should be refused, unless this is necessary to achieve substantial public benefits; where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance, paragraph 137.

4.25 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being

granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

4.26 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings, conservation areas and scheduled monuments as 'designated heritage assets'. Section 12 advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 132 establishes the great weight that should be given to a designated heritage asset's conservation with a clear and convincing justification being provided to justify any harm or loss.

4.27 Paragraph 137 of the NPPF states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably. Development Control Local Plan (2005) policies HE2, HE3, HE4 and HE10 reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

- Listed Buildings

4.28 The NPPG states that "It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting."

4.29 The proposed development is not considered to harm the setting or special interests of the Grade II listed 15, 16, and 17 Rougier Street.

4.30 The proposed single storey extension to the south west would be set below the recently constructed dining room extension to the Grand Hotel (Grade II*listed) and reflects the height difference between the sites. The proposed extension and The Grand Hotel dining room extension would have a similar set back from the Station Road elevation. The Conservation Architect does not consider the single storey extension of the south west causes harm to the character, appearance or setting of the adjacent listed building.

4.31 There would be limited views of the roof top extension and canopy in the immediate locality. The existing building has removed views from The Grand Hotel of York Minister. The roof top extension would be visible from the upper rooms in The Grand Hotel however by virtue of tall height, mass, and scale of the existing building it is considered that the roof extension would not result in further harm to the setting of the adjacent Grand Hotel. The Conservation Officer does not consider that the roof top extension affects the setting of the adjacent listed buildings.

4.32 The proposed cumulative development is not considered to result in harm to the character, appearance or setting of the adjacent listed buildings.

- Ancient Scheduled Monument

4.33 By virtue of the setting back of the extension into the plot it is not considered that the proposed development would result in harm to the visual amenity of the city walls, or impact on the setting of the walls. The Conservation Officer does not consider that the roof top extension or the ground floor alterations to the Station Road elevation would affect the character, appearance or setting of the city walls.

- Archaeology

4.34 Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

4.35 This site lies within the Central Area of Archaeological Importance in the former area of the Roman civil settlement (Colonia). Archaeological excavations in the 1980s in advance of the construction of Roman House (adjacent) revealed up to 7m of archaeological deposits including evidence of Roman timber and masonry buildings. Excavations in the adjacent hotel in 2009 recorded medieval structural remains at c.11m AOD. These excavations revealed that there was a steeper slope towards the river during the medieval period.

4.36 An archaeological evaluation was carried out on the site in 2009. This revealed Roman structural remains including degraded concrete and mortar floors at a height of 7.5-8 AOD. The Roman structural sequence was truncated by shallow pits containing medieval pottery, sealed by medieval dumps and 19th century demolition material. The current application was accompanied by an archaeological desk-based assessment.

4.37 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance. The information supplied by the applicant demonstrates that the site has the potential to preserve undesignated heritage assets of national importance. Evidence has been submitted to indicate no further foundations would be required

for any of the works. Therefore, the significant Roman archaeological deposits present on this site are unlikely to be effected by the proposed development. Some invention would be required to allow the lift shafts to go down to the lower ground floor level. The Archaeology Officer advised that the excavation of these lift pits and any new trenches needed for the provision of services for the proposed WCs and showers should be monitored archaeologically. It is considered that the Archaeology Watching Brief can be sought via condition.

- Central Historic Core Conservation Area

4.38 The application site is within the Central Historic Core Conservation Area. The Central Historic Core Conservation Area Appraisal (2013) sets out important considerations for the area which must be met by any new development. The site falls within Character Area 22 Railway Area, it is recognised that this part of the area is characterised by large office development, in many instances, the buildings have a poor relationship with the street. The public realm to the north and north west is a priority for public realm improvements. The key views from Station Rise and the City Walls of the Minster are considered to be of high importance and development that would negatively affect these views will not be allowed.

4.39 The proposed use of the building would not affect the conservation area or its character. The proposed south west extension would be set back from the Station Rise elevation and would not be visible or have little presence in the key views of the Minster. The Conservation Officer considers that the proposed south west extension would not result in harm to the character, appearance, or setting of the conservation area.

4.40 The existing height of the building including the service enclosure is 42.2 metres in height, there are a number of aerals, plant, etc on the roof which has a cluttered appearance but the views beyond them are still retained. The existing service enclosure is set back between 7 and 12 metres from the parapet. The proposed roof top extension including plant enclosure would result in a building of 44.3 metres in height. A viewing terrace /seating area are proposed to the northwest part of the roof with a metal and glass canopy. With the exception of the outside seating area the majority of the proposed roof top extension would be set back 1.4 metres from the parapet. As such whilst only slightly taller than the existing service enclosure on the roof the proposed roof top extension would have a much greater impact than the existing. The proposed roof top extension is pulled back from north east and whilst it would be visible in the key view of the Minister from the walls it is not considered to be unduly prominent. English Heritage have raised concerns regarding the proposed roof top canopy they question the justification and state that he canopy would appear a 'fiddly'/ 'fussy' and would clutter the lines of the roof and weaken its visual design, to the detriment of the conservation area. York Civic Trust is concerned that it would be visible from the city walls and from other key viewpoints.

4.41 The proposed roof top extension and the canopy is considered to result in harm to the conservation area; the harm comes from how the conservation area is appreciated travelling from city centre along a primary bridge, the city walls, to the station, and travelling from the station to the city - a key route. The proposed extension would result in an increase in bulk and massing of an already large building in a sensitive setting; the extension would appear uncharacteristic and damage the experience of the conservation area. The harm can not be eliminated due to the nature of the proposal. In addition potential night time illumination would impact of the night time ambience of the conservation area. The Conservation Officer considers that the harm to the conservation area as a result of the roof top extension and canopy is at the lower end of 'less than substantial'.

4.42 The NPPG states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits.

4.43 The applicant has submitted 2 no. Prior Notifications for the change of use of the building from offices to apartments. The Prior Notification consents would create up to 66 flats which are considered to have some public benefit by virtue of adding to the housing stock, although this would not include affordable housing. As such the applicant has submitted evidence that the building is capable of a viable conversion without the need to extend and thus impact on the setting of the conservation area. Thus it is concluded that the residential development within the existing envelope is viable. It should be noted that a previous planning application for the use of the building as a hotel with a 6 storey side extension has been granted planning permission 16/01976/FULM.

4.44 The hotel would provide additional accommodation and has the potential to bring additional number of tourists to the city. The hotel is proposed to be 4* and it is an aim of the Council (York Tourism Study) to increase the number of 4*/5* establishments, however as set out in paragraph 4.21 the quality of the hotel can not be subject to conditions and the proposed and future occupiers may change. There would be additional spend from the tourists however the use of the building as flats or offices would also provide a number of people living/working in the city and the spend that would bring to the city centre. The proposed hotel would create 140 employment opportunities (an increase on the previous application of 80 - 90 potential jobs) and it is the re-use of a currently vacant building. The 'Sky bar' has the potential to become a quality destination. The applicant argues that the level of accommodation (which is a reduction on the previous application) including the extensions is required to attract the 4* hotel operator.

FLOOD RISK

4.45 The NPPG advises that a site specific FRA must -

- Identify the flood risk
- Where appropriate, demonstrate how land uses most sensitive to flood damage have been placed in areas within the site that are at least risk of flooding
- Flood risk management measures to make the development safe
- Ensure no increased flood risk elsewhere and where possible reduce risk
- What flood-related risks will remain during the lifetime of development, and how will these risks be managed? (E.g. flood warning and evacuation procedures)

4.46 Paragraph 104 of the NPPF states that applications for a change of use should not be subject to sequential or exception tests. The upper ground floor extension to the south west whilst exceeding 250sqm is within Flood Zone 1 as such a sequential test is not required for this element. However the roof top extension exceeds 250sqm in footprint and is within the area shown as Flood Zone 2 and 3 of the Environment Agency flood risk maps and therefore requires a sequential test to be undertaken.

4.47 The NPPG states that it is for LPAs, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). This indicates that priority should be given to allocating sites for development in descending order to the 'Flood Zones' set out in the CYC Strategic Flood Risk Assessment.

4.48 The NPPG states that "When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere." The proposal as a whole would result in an increase in the vulnerability classification from 'Less Vulnerable' to 'More Vulnerable'. The proposed extensions are to an existing building already sited within Flood Zone 2 and 3. In this case the site has historically been developed and currently accommodates a large building covering nearly the entire proposed site. The proposed development would bring into use a vacant building; the proposed use would be beneficial to the York Economy. It is on these grounds that the sequential test is passed.

4.49 In the NPPF it sets out that for the Exception Test to be passed:

- must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4.50 The hotel would provide additional accommodation and has the potential to bring additional number of tourists to the city. There would be additional spend from the tourists and would also provide a number of people living/working in the city and the spend that would bring to the city centre. The proposed hotel would create 140 employment opportunities and it is the re-use of a currently vacant building.

4.51 According to the NPPG for buildings to be safe for their lifetime, the impact of climate change needs to be considered. To be safe from flood risk, buildings should be designed to avoid/be resilient to flooding and there should be means of escape during 1 in 100 ('design') flood events, and plans in place for evacuation if there is an extreme flood.

4.52 The site lies within Flood Zone 1, 2, and 3. Flood risk is from the River Ouse to the north east. The 1 in 100 year flood level is 10.53 AOD, 10.95 AOD with 20% climate change and 11.94 AOD with 50% climate change, and is anticipated to have a lower level of 11.64m AOD during the 1 in 1000 year flood event. Ground levels on site range between 9.46m AOD and 12.50m AOD. The upper ground floor level within Yorkshire House has a lobby area of 11.45m AOD which steps up to 12.50m AOD. The City of Council York Strategic Flood Risk Assessment recommends finished floor levels are a minimum of 600mm above the modelled 1 in 100-year flood level; which would equate to 11.55 AOD. This is not proposed, however flood resilient design measures are proposed, to defend up to 11.94m AOD and there would be no residential accommodation on the lower or upper ground floor.

4.53 Alternative egress is available from the rear of the building via the hotel drop off entrance. The threshold level is identified to be 12.50mAOD; which is elevated above all modelled flood events. The route away from the building leads down a ramped access into Station Road. The footpath level at the base of the ramped access is 11.73m AOD; which is elevated above all of the modelled flood events; up to and including the extreme 1 in 1000-year event. This access route is located within Flood Zone 1 (low flood risk).

4.54 The proposal and the mitigation measures set out in the FRA meet the requirements in the NPPF in terms of providing a means of escape and being safe for its lifetime. The Environment Agency does not have an objection to the

application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. In view of the above it is considered that the proposed development passes the exception test. An informative should be added to the decision notice alerting the developer/hotel operator that it is their responsibility to have a Flood Evacuation Plan in place.

4.55 There is no increase in the impermeable surfacing. There would be no change in flood risk elsewhere due to no change in surface water run-off rates.

VISUAL AMENITY AND CHARACTER

4.56 Yorkshire House dates from the late 1960s and the design is representative of that period. In this area many of the buildings are of a greater height and scale than is typical in the rest of York. The building forms part of key views of the Minister from the city walls. The building is prominent within the public realm. The roof top extension would be used as bar area with an inside and outside seating area. The roof top extension is set back from the north west part of the roof, a glass and metal canopy is proposed it is not considered to be unduly prominent in the views of the Minister from the walls. In views of the building the proposed roof extension would appear above the natural architectural terminus of the design of the building. The design of the extension whilst representative of current architecture also reflects the stark functionality of the existing building's form. In intermediate views, the rooftop extension would become more visible. The details and quality of the materials will be key to the success of this part of the development. In addition is considered necessary to condition that all plant, machinery, aerials are set within the plant enclosure and would not be visible from the wider area, to maintain the clean lines of the proposed extension.

4.57 As a canopy is proposed to the roof top it is unlikely that there would be a requirement for further parasols etc to the outside seating area, however it is necessary to restrict this via condition. How the proposed roof top extension will be externally illuminated will be an important aspect to the development not becoming unduly prominent within the skyline. These external lighting details can be sought via condition.

4.58 The proposed upper ground floor extension to the south west elevation by virtue of its height and is set back from the south west elevation of the original building has a subservient relationship to the main building. The proposed extension has a similar building line to the neighbouring Grand Hotel dining extension and is set down in height from the neighbouring extension. It is considered that the single storey extension would fit comfortably when viewed in context. The design of the extension is considered to respond better to its surroundings than the 6 storey extension allowed in the previous planning permission (16/01976/FULM). The proposed extension is not considered to result in visual harm from the public realm.

The details and quality of the materials will be key to the success of this part of the development and these can be sought via condition.

4.59 The introduction of glazing at first floor level in the Rougier Street and Station Rise will be the scale of the existing recessed panels. It is considered that this would create interest to the ground floor level and is considered to be a positive addition. The raised plinth for the outside seating area together with the soft landscaping would be within the curtilage of the building and does not form part of the formal highway, it is considered that it would create visual interest and would be an enhancement to the existing. However it is considered necessary to condition details of the railings etc to ensure their appearance is appropriate to the development and the area.

IMPACT ON NEIGHBOURING USES

4.60 There are flats to the north east on Rougier Street opposite the main entrance of the proposed hotel. It is not considered that the use of the building as a hotel will have a further impact on the residential amenity on the occupants than the previous office use

4.61 There are a number of offices opposite the proposed site on Rougier Street, the proposed hotel use is unlikely to cause a disturbance and the office use is unlikely to impact on the workings of the proposed hotel.

4.62 The proposed hotel would be adjacent to the 5* Grand Hotel, and the proposed hotel is a 4*/5* it is likely they will compete for the same market. The NPPF states that LPAs should promote competitive town centres that provide customer choice; and retain and enhance existing markets and, where appropriate, ensuring that markets remain attractive and competitive. LPAs should support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. The applicant is confident that there is a market for 4*/5* hotel accommodation and this view is not challenged.

4.63 The proposed south west extension would bring the resulting building closer to the Grand Hotel, however by virtue of the proposed extension set at a lower height than the neighbouring Grand Hotel dining room extension it is not considered to result in overlooking. The proposed extension would be adjacent to the Grand Hotel dining room, there are no windows in the elevation facing the proposed extension as such it is not considered there is harm to the use of this part of the Grand Hotel.

4.64 The minimum distance between proposed hotel rooms windows in the south west elevation and the Grand Hotel rooms is approximately 21 metres, the distance

to the proposed roof top extension is circa 22.4 metres. The distances are considered to be sufficient to remove the concerns of overlooking.

4.65 The Grand Hotel is currently undergoing extension with the conversion and extension of Roman House, the minimum distance between each hotel room at its distance is 6.5 metres. If this was residential this would not be acceptable. However, a hotel use would only give rise to visitors using the rooms on a short term basis and so the same level of amenity expected with residential is an unreasonable expectation. The distance would be the same if the building was retained as office use. Therefore it is not considered a refusal could be upheld on this basis.

4.66 The change of use and the proposed extension are not considered to impact on the use and therefore economic viability of the adjacent hotel/listed building, as such in approving this application it is not considered to unduly threaten its ongoing conservation than a 4*/5* hotel elsewhere in the city.

HIGHWAYS

4.67 The National Planning Policy Framework advises that developments should:

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

4.68 The servicing will be via a lane from Rougier Street. It is likely that there would be an increase in the number of servicing vehicles. The access is close to a bus interchange on Rougier Street which attracts many pedestrian movements. Unlike the adjacent Grand Hotel which uses this access road, no turning is provided off highway for lorries. The access is close to a bus interchange on Rougier Street which attracts many pedestrian movements. Unlike the adjacent Grand Hotel which uses this access road, no turning is provided off highway for lorries. This is considered to lead to vehicle/ pedestrian conflicts across the entrance due to reversing manoeuvres. To mitigate the effects on pedestrians/ reversing vehicle conflicts, the applicant has agreed to improvement to this access which can be sought via condition.

4.69 The Highways Network Management Team consider there is sufficient cycle and car parking for the use of the building purely as a hotel in this highly sustainable location. Details of the stands can be sought via condition.

4.70 Whilst there would be an increase in the number of servicing vehicles it is not considered that the proposed hotel would result in a significant increase in traffic in the surrounding area resulting in harm. The site is a city centre location close public

transport links. Whilst the number of parking spaces on the site is restricted to 7 there are a number of public and private car parks in close proximity.

4.71 Refuse bins will be stored within the building envelope, as the previous use and will be collected from the lower ground floor vehicle access.

AIR QUALITY

4.72 Paragraph 123 of the NPPF requires that adverse impacts on health and quality of life are mitigated and reduced and that planning decisions should ensure that any new development in Air Quality Management Areas (AQMAs) is consistent with the local air quality action plan. Policy GP4b requires proposals for development within AQMAs to assess their impact on air quality. The building falls within City of York Council's Air Quality Management Area (AQMA). The Public Protection team advise a hotel is not considered to be a 'relevant location' in terms of the annual mean nitrogen dioxide objective (unless someone lives there as their permanent residence) but would be considered a relevant location in terms of the hourly mean nitrogen dioxide objective. A hotel use would generally be regarded as a lower category of sensitivity compared with a residential dwelling, due to the reduced period of occupancy.

4.73 The CYC undertake monitoring of nitrogen oxide opposite this site on Rougier Street. The monitoring is currently showing that although levels of nitrogen dioxide are breaching the annual mean objective, they are not indicating breaches of the hourly mean objective. However as the proposed use is as a hotel Public Protection do not require any mitigation

4.74 Public Protection has requested facilities for the re-charging of electric vehicles. On the basis of the number of parking spaces provided at least one bay is required for the hotel. It is considered that this is in line with the NPPF and the Councils low emission strategy. It is considered that this can be sought via condition.

NOISE

4.75 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life, paragraph 123 and Policy GP1 of the Development Control Local Plan (2005) requires that there should be no undue adverse impact from noise disturbance. Local planning authorities' plan-making and decision taking should take account of the acoustic environment and in doing so consider:

- whether or not a significant adverse effect is occurring or likely to occur;
- whether or not an adverse effect is occurring or likely to occur; and
- Whether or not a good standard of amenity can be achieved.

4.76 A noise assessment was submitted with the application and provided details of background noise monitoring undertaken within the existing property and to the rear of the property demonstrated that during the day time and night time periods internal noise levels on all levels of the existing property and proposed extension could comply with the requirements for internal Leq levels in dwellings set in BS8233:2014 and the WHO Guidelines on the basis that suitable glazing and ventilation were provided.

4.77 As part of the application a seventh floor addition is proposed to incorporate a 'sky bar' and roof top terrace. Around the external seating area a glass balustrade is proposed and within the assessment it is assumed that this would provide approximately 5dB attenuation on any noise levels arising from the roof. In addition the sound level from the noise source would reduce further given the 22 metre distance between the source and the nearest window to the Grand Hotel. The noise assessment predicts that use of the roof top terrace external seating area would have negligible impact during peak use. In terms of the coffee shop terraced area the report shows that this would be unlikely to have any impact. The Public Protection team are satisfied with the conclusions of the report and that the use of the external areas will be unlikely to affect amenity. They request a condition be attached to any permission granted in order to ensure any music noise does not result in loss of amenity.

4.78 The kitchen is to be provided on the lower ground floor and it is anticipated that external plant and equipment for other purposes, such as air conditioning, is likely to be installed as well. The nearest receptor to any plant proposed is likely to be at the Grand Hotel. Public Protection considered that given the location of the site, the location of proposed plant, the existing users in the area and the likely consistency of the noise source, that the normal plant limit of not exceeding the background level could be relaxed on this case. The noise assessment states that a level of 5dB above background would be considered the Lowest Observable Adverse Effect Level in the circumstances and that 10dB above would be the maximum allowable plant not rating at which Significant Observed Adverse Effect may occur. The report then states that a suitable plant limit of 76dB(A) during the day and 73dB(A) during the night time would be acceptable, this being 10dB above the background measured L90 levels at NSR2. Whilst the noise survey would indicate that at the Grand Hotel Façade this would relate to a limit of 50dB(A) during the day or 47dB(A) during the night, which is similar in level to the measured Leqs during those time periods. Public Protection consider a relaxation of the criteria of 10dB above the background level has the potential to cause amenity issues and request a condition allowing levels not to exceed background levels by 5dB.

4.79 The third bullet point of paragraph 123 of the NPPF is pertinent: "...recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established".

In allowing a hotel use in this location this may potentially impact on the surrounding business activities of the surrounding late night businesses and prevent any further development of those businesses. Therefore ensuring (via condition) that building envelope is constructed to achieve a maximum internal noise level would reduce this potential. It is not considered that the use of the building as a hotel will unduly impact further on neighbouring properties than the previous office use in terms of noise.

4.80 The extract from the kitchens would be directed through the central core of the building and no extraction flues on the side of the building will be required. Any such external flue proposed in the future would require separate planning permission.

SAFE ENVIRONMENTS

4.81 There is a requirement on the LPA to consider crime and disorder implications, under S17 of the Crime and Disorder Act 1998. The NPPF states that decisions should aim to ensure development creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions. Given the surrounding uses and the late night economy of the area there may be issues. The PALO submitted a report showing that between 01.06.2016 and 31.05.2017 there were 148 incidences of reported crime and 91 reported incidences of Anti Social behaviour and stated that the level of crime was 'extremely high' in this locality. With regards to the reported crime the majority of the reported crimes took place between 21.00 and 04.00 hours.

4.82 The application premises are situated within the City of York Council's Cumulative Impact Zone. City of York Council as Licensing Authority under the Licensing Act 2003 has in place a special cumulative impact policy for the area. This policy identifies the area as being under 'stress', because the cumulative effect of the concentration of late night and entertainment premises. As the PALO states, outside the Planning regime any premises license granted may be subject requiring the installation of CCTV which may assist in addressing any issues immediately outside the building. However it is considered that hotel users would be aware of the city centre location and the surrounding late night uses and the potential problems that arise in the proximity of such uses. As such it is considered that refusing the planning application on the fear of crime could not be reasonably defended at appeal.

SUSTAINABILITY

4.83 Policy GP4a 'Sustainability' of the Development Control Local Plan (2005) requires issues of sustainability to be considered within planning applications. The site is in reasonable proximity to the train station, and regular bus routes. A limited number of vehicle parking is provided on site however there is an NCP car park in close proximity. The site is in close proximity to shops and other amenities. The site

is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site. The development would also benefit from covered and secure cycle parking.

4.84 Due to the scale of the development, according to York's Supplementary Planning Document on Sustainable Design and Construction, it would be a requirement that the extensions achieve a BREEAM rating of Very Good. The supporting information indicates that the proposed development can achieve BREEAM very good and it is considered necessary to condition this to ensure it is undertaken.

5.0 CONCLUSION

5.1 The loss of the office space and the requirement for the hotel is accepted. However the roof top extension is considered to result in 'less than substantial harm' to the character and appearance of the Central Historic Core Conservation Area. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The economic benefits set out in the above report (para 4.44) are cumulatively considered to provide such public benefit as to outweigh the less than substantial harm to the character and appearance of the conservation area.

5.2 Approval subject to the following conditions is recommended.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number 109 Revision C 'Lower Ground Floor (Level LG) Proposed GA' received 18 August 2017;

Drawing Number 110 Revision D 'Ground Floor (Level G) Proposed GA' received 25 August 2017;

Drawing Number 111 Revision E 'First Floor (Level 1) Proposed GA' received 25 August 2017;

Drawing Number 117 Revision D 'Seventh Floor (Level 7) Proposed GA' received 25 August 2017;

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Drawing Number 118 Revision D 'Roof Plan (Level 8) Proposed GA' received 25 August 2017;
Drawing Number 121 Revision C 'Proposed Elevation North-East' received 18 August 2017;
Drawing Number 122 Revision C 'Proposed Elevation South-East' received 18 August 2017;
Drawing Number 123 Revision D 'Proposed Elevation South-West' received 25 August 2017;
Drawing Number 124 Revision C 'Proposed Elevation North-West' received 18 August 2017;
Drawing Number 125 Revision C 'Elevation Comparison North-East' received 21 August 2017;
Drawing Number 126 Revision C 'Single Storey Extensions' received 18 August 2017;
Drawing Number 127 Revision C 'Skybar & Terrace Sections' received 18 August 2017;
Drawing Number 131 Revision D 'Station Rd Part Elevation & Extension details Elevation' received 24 August 2017;
Drawing Number 132 Revision C ' Proposed Elevation 7th Floor Sky Bar' received 18 August 2017;
Drawing Number 133 Revision C 'Landscaping Layout Station Road Layout' received 24 August 2017;
Drawing Number 134 Revision B 'Skybar Terrace canopy details' received 18 August 2017;
Drawing Number 5283-M-520 Revision A 'Roof Level - Plant Layout Sheet 1' received 21 August 2017
Drawing Number 5283-M-521 Revision A 'Roof Level - Plant Layout Sheet 2' received 21 August 2017

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used (including details of the balustrades, access ramp, windows, plinth for the outside seating area, the permanent planters) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

For component repairs and repatching (e.g. removal of escape staircase and making good) a sample and details of the proposed external material to be used shall be submitted to and agreed in writing by the Local Planning Authority, to ensure that it is a good match for the existing. The development shall be carried out using the approved materials.

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

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed building and ancient scheduled monument.

4 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: This site lies within the Central Area of Archaeological Importance in the former area of the Roman civil settlement (Colonia) and the development will affect important archaeological deposits which must be recorded during the construction programme. In addition, it lies within the Central Historic Core Conservation Area and faces the Scheduled City Wall and Grade II* listed Grand Hotel. There are no plans to extend the depth of the current foundations nor to provide any new foundations for the proposed works. Therefore, the significant Roman archaeological deposits present on this site are unlikely to be effected by the proposed development. The proposals do include the provision of a lifts in the basement. The excavation of these lift pits and any new trenches needed for the provision of services for the proposed WCs and showers should be monitored archaeologically.

5 Prior to the first use of the building as a hotel a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs of the landscaping to the Station Rise/North West elevation shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall also include hard/soft landscape details of the upper ground floor/external vehicle parking area, this shall include some soft landscaping.

The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety,

suitability and disposition of species within the site. The Station Rise/North West elevation is prominent within the Central Historic Core Conservation Area and in key views of the Minister and the city walls (ancient Scheduled monument), therefore details are required to ensure the planting is visually acceptable.

6 The development shall be carried out in accordance with the recommendations contained within the Flood Risk Assessment by Flood Risk Consultancy Limited (2017-063 Revision A dated 30/05/2017) received 15 June 2017, in particular the flood mitigation measures identified in Part 7.

Reason: To ensure the development is safe from flood risk, in accordance with paragraph 103 of the National Planning Policy Framework.

7 The extensions and the refurbishment of the original building shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' and Part 10 of the NPPF.

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.

- (i) Balustrades / glazed screens to external ground floor terrace and planting areas, to stairs and ramped access to the front access (to include manufacturer's details if applicable).
- (ii) Details of outside café seating area, including section
- (iii) Section through proposed ground floor windows in north east elevation
- (iv) Details of the proposed railings at ground floor level
- (v) Detailed sections of the upper ground floor/south west extension- including sections through the front/north west elevation, sections should also include the

connection to the original building, and a section through the side/south west elevation, and a section detailing including its connection to the existing building

(vi) Detailed sections of the roof extension and part bay elevation of the roof extension

Reason: Some of the plans lack clarity; additional details are required so that the Local Planning Authority may be satisfied with these details and the appearance of the development, in the interests of the character and appearance of the conservation area. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

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

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

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

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

employed (if any).

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

Details shall be provided of the complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept.

Reason: To protect the amenity of occupants of the surrounding/nearby buildings and the users of the pedestrian and vehicle highway. The information is sought prior to commencement to ensure that the CEMP is initiated at an appropriate point in the development procedure.

10 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved hotel rooms/sleeping accommodation from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

INFORMATIVE: The building envelope of all hotel accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 50dB(A) on any occasion or 45dB(A) on more than 10 occasions in any night time period in bedrooms. These noise levels shall be observed with all windows shut in the sleeping accommodation and other means of ventilation provided.

Reason: To protect the amenity of hotel residents and guests, to protect the existing surrounding businesses, and to comply with paragraph 123 of the National Planning Policy Framework to protect the existing business. The information is sought prior to first use to ensure that the works are undertaken at an appropriate point in the development procedure.

11 Details of all machinery, plant and equipment to be installed in or located on the premises, which are audible outside of the premises, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades by more than 5dB when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. For this site this relates to a rating level not exceeding 45dB(A) during the daytime or 42dB(A) during the night time at the nearest noise sensitive receptor

REASON: To safeguard the amenity of occupants of neighbouring premises. To comply with Core Principles and Part 11 of the NPPF.

12 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 and agreed in writing by the Local Planning Authority. Once the details are approved the approved facilities shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

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

Reason: To protect the amenity of future residents and nearby properties.

13 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of

measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. To comply with Part 11 of the NPPF.

14 One electric vehicle recharging point should be installed prior to first use of the hotel use. The location and specification of the recharge points shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. The details shall also allow for increased demand in future years, appropriate cable provision shall be included in the scheme design and development, to allow further recharge points to be added if demand necessitates this. Prior to first use of the hotel, an Electric Vehicle Recharging Point Plan that will detail the maintenance, servicing, access and bay management arrangements for the electric vehicle recharging points for a period of 10 years shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 35 of the National Planning Policy Framework. The information is sought prior to first use to ensure that the electric vehicle recharging point is initiated at an appropriate point in the development procedure.

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

Monday to Friday 07.00 hours to 19.00 hours
Saturday 07.00 hours to 13.00 hours
Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of occupants of neighbouring and nearby buildings

16 Upon completion of the development, no deliveries shall be taken at or dispatched from the site outside the hours of:

Monday to Friday 07:00 hours to 23:00 hours
Sundays and Bank Holidays 09:00 hours to 18:00 hours

Reason: To protect the amenity of occupants of neighbouring and nearby buildings

17 Prior to the first use of the roof top (sky bar) extension details of any external lighting shall be submitted to and approved in writing by the Local Planning

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Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting associated with that extension. The development shall be carried out in accordance with the approved lighting scheme.

Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved lighting scheme.

The external illumination shall be switched off when the sky bar roof top extension is not in use.

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed building and ancient scheduled monument. Night time illumination may potentially impact on the night time ambience of the conservation area. To ensure that the proposed development is not unduly prominent within conservation area and wider views of the city.

18 The resulting height of the building including roof top plant enclosure shall not exceed 44.3 metres AOD, the proposed plant (included the portrayed height of the plans/machinery) shall be as shown in drawing numbers 5283-M-520 Revision A and 5283-M-521 Revision A (both received 21 August 2017). Any subsequent plant, machinery, aerials etc shall be sited within the plant enclosure only and shall not exceed the height of the enclosing plant screen as set out in Drawing Number 125 Revision C (received 21 August 2017).

Reason: The site is within a conservation area and within the setting of a listed building and ancient scheduled monument. Additional structures/paraphernalia may exacerbate the prominence of the roof top extension/development and would create a cluttered appearance to the further detriment of the conservation area and wider views of the city.

19 With the exception of the canopy approved on the roof top seating area (in Condition 2) there shall be no parasols/canopies/sunshades or any other paraphernalia that would be taller than the enclosing parapet wall of the outside roof top seating area

There shall be no parasols/canopies/sunshades or any other paraphernalia (with the exception of seats and chairs) in the ground floor outside seating area to the Station Road/North West elevation.

Reason: The site is within a conservation area and within the setting of a listed building and ancient scheduled monument. Additional structures/paraphernalia may exacerbate the prominence of the development and would create a cluttered appearance to the further detriment of the conservation area and wider views of the city.

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

(i) Works to include removal of radius kerbs and tactiles and installed dropped crossing in material to complement existing footway as shown in Drawing Number 1609501b 'Proposed Access Improvements' received 08 August 2017.

Reason: In the interests of the safe and free passage of highway users.

21 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/ excavation/ preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority.

The statement shall include at least the following information;

- A dilapidation survey jointly undertaken with the Local Highway Authority
- The routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- How vehicles are to access and egress the site
- How pedestrians are to be safely routed past the site
- Details of any implications to the highway of demolition and waste removal vehicle operation
- Where contractors will park to avoid affecting the highway
- How large vehicles will service the site
- Where materials will be stored within the site
- Measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

22 HWAY19 Car and cycle parking laid out

23 Prior to the first occupation of the development details of the cycle stands or fixings within the cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the approved details have been provided, and the cycle parking area shall not be used for any

purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

24 All electronically amplified music emitted from the premises shall be played or reproduced through loud speakers and a tamper proof noise limitation device. The device, the levels set and the installation shall be submitted to and approved in writing by the Local Planning Authority before the use hereby approved commences. Thereafter the approved levels, equipment, installation, position and type of speakers shall be maintained in accordance with the planning permission; at no time shall they be modified without the written approval of the Local Planning Authority.

Reason:- To safeguard the amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

7.0 INFORMATIVES:

Notes to Applicant

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

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

- Sought revisions to the proposed development
- Sought additional information
- Use of conditions

2. INFORMATIVE:

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

3. DISPOSAL OF COMMERCIAL WASTE INFORMATIVE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

4. INFORMATIVE

Notwithstanding the approved plans the adverts indicated on the elevations will likely require advertisement consent.

5. HIGHWAY INFORMATIVE

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

Section 278/62 – highwaydc@york.gov.uk

Streetworks Special Permission – streetworks@york.gov.uk

Contact details:

Author: Victoria Bell Development Management Officer

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