

## COMMITTEE REPORT

**Date:** 4 February 2021      **Ward:** Guildhall  
**Team:** East Area      **Parish:** Guildhall Planning Panel

**Reference:** 20/00940/FULM  
**Application at:** Former Carpetright Layerthorpe York YO31 7UP  
**For:** Erection of hotel with bar/restaurant, relocation of access and associated landscaping and car park following demolition of existing building  
**By:** CBRE UK Property PAIF LTD And Premier Inn Hotels LTD  
**Application Type:** Major Full Application  
**Target Date:** 10 February 2021  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This proposal relates to the erection of a 188 bed hotel with associated bar/restaurant, landscaping and car park following the demolition of the existing building at the former Carpetright, Layerthorpe. The proposed building would be mainly four storey in height with a minor setback at top storey and some three storey elements.

1.2 The application site, which extends to an area of 0.39 hectares, is located on the corner of Layerthorpe and Foss Islands Road (inner ring road), the latter running alongside the river Foss. It lies just outside of the city walls but within the city centre as defined by the Emerging Local Plan. The site is not within the Conservation Area and is identified as Character Area 52 “Layerthorpe” within York’s Historic Environment Characterisation Project. It is within the Area of Archaeological Importance.

1.3. The existing Carpetright building comprises a single storey, steel framed retail warehouse with a car park with capacity for 51 vehicles. The existing building abuts the pavement to Foss Islands Road to the south west, Layerthorpe to the north-west and Mansfield Street to the south-east.

### 2.0 POLICY CONTEXT

## Key Sections of the NPPF

Section 4 – Decision Making

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

## Key relevant policies of the 2018 Publication Draft Local Plan

DP1 – York Sub Area

DP2 – Sustainable Development

SS1 – Delivering Sustainable Growth for York

SS3 – York City Centre

EC4 - Tourism

D1 – Placemaking

D2 – Landscape and Setting

D4 – Conservation Areas

D6 – Archaeology

D10 – York City Walls

ENV1 – Air Quality

ENV2 – Managing Environmental Quality

ENV3 – Land Contamination

ENV4 – Flood Risk

ENV5 – Sustainable Drainage

T1 – Sustainable Access

CC1 - Renewable and Low Carbon Energy Generation and Storage

CC2 - Sustainable Design and Construction of New Development

CC3 – District Heating and Combined Heat and Power Networks

## Relevant policies of the 2005 Draft Development Control Local Plan

SP3 – Safeguarding the Historic Character and Setting of York

SP7B – York City Centre and Central Shopping Area

GP1 – Design

GP4A – Sustainability

GP4B – Air Quality

GP9 – Landscaping

GP15A – Development and Flood Risk

HE2 – Development in Historic Locations

### **3.0 CONSULTATIONS**

#### **DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (DESIGN)**

##### Site Layout

3.1 A building with the walls generally at street edge is proposed and is supported. Mansfield Road permitted new building 17/02991/FULM has had an impact on the site layout as this borders and overlooks the site. It has prevented proposed buildings from spreading out deeper within the deep plan of the site, which in turn has put pressure on making the building higher to achieve the desired quantity of development.

3.2 The principle of providing an adequate planted/hard buffer space in front of large buildings and improvements to pavement widths is provided and is a supported approach. Taking road access to the rear through an opening in the façade, rather than leaving it on the edge of site creates better townscape is proposed and is supported. The principle of ensuring the proposal does not sterilise the potential for adjacent plot redevelopment by generally avoiding overlooking windows near plot boundaries is provided here and is a supported approach.

##### Massing

3.3 The single building form could easily feel overbearing and monotonous. To counter this, attempts were made to meaningfully break massing into separately articulated chunks to break the monotony which has had some success. Attempts are made to articulate the roof profile to add interest/break monotony- slight top floor setbacks, and slight zig-zag arrangement of the top floor on principle elevations, together with some modelling of the building down to three floors on Foss Islands Road. This is a supported approach.

##### Architectural design and detail

3.4 The proposal makes minor differences in architectural approach between the Layerthorpe elevation and Foss Islands Road elevation linked by a slightly visually different corner block. This is a supported approach. The Foss Islands Road aspect

would benefit from more generous space for street trees, to ensure a good tree canopy cover will develop.

3.5 Rear elevations viewed from the car park are secondary elevations, so of secondary design concern but they still require sufficient design standards. Unfortunately they are very monotonous and bland and this is a concern. Requests were made to improve this during pre app, but this remains unchanged. The Mansfield Road elevation quality has also been problematic, due to the need for a raised plinth and servicing aspect. Attempts are made to introduce textured brick panels to add visual interest. This has had some success, but it's still a rather awkward elevation.

3.6 A material palette or predominantly brick, offset by secondary alternative material detailing around windows or recesses was considered appropriate.

3.7 Overall, the proposal is not objected to on design and conservation grounds but there are design concerns that should be considered when assessing a balance of overall benefits. These concerns include:

- Sheer large size of the building footprint and large visual presence for an ordinary design standard building.
- Possible missed opportunity for other multi-building development options with possible more diverse use and architecture.
- Low quality secondary elevations, some of which will likely be viewed obliquely from public streets.

## DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE)

3.8 Overall, the inclusion of trees and shrubs in a number of locations around the perimeter of the building is a welcome addition to the street scene and the environment. The space created for the trees could be more generous to sustain the trees and provide a better long term visual impact.

3.9 The proposed tree planting on Foss Islands Road is very tight to the building using trees with extremely narrow crowns. A larger species with greater visual impact could be accommodated if the footprint of the building were locally stepped back. This would result in a greater contribution to the street scene and the environment of Foss Islands Road and the character of views around the Layerthorpe junction.

## DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.10 The evaluation undertaken suggests that there will be no impact to any significant archaeological features or deposits across the majority of the site. The remains of St Mary's Church and associated graveyard appear to have been cleared across the car park area. Residual, disarticulated human remains were noted in 1986 when the current building was constructed despite the large 19th and 20th century buildings which had previously stood on the Foss Islands frontage. No human remains were noted during the 2019 evaluation.

3.11 The 2019 evaluation and 1986 borehole information has suggested that large foundations/structures still exist beneath the extant building and in the area between the northern edge of the building and Layerthorpe. These are likely to date to the 19th and early 20th centuries.

3.12 Ground beams and pile caps for a proposed piled foundation are likely to be situated within the identified demolition and 19th century ground raising levels. The piles themselves will impact upon river and potentially Fishpool deposits. The foundation solution should ensure it does not create a full barrier to water moving between the site and the River Foss.

3.13 An archaeological watching brief will be required during the grubbing up of foundations of the existing building and ground works relating to the removal of surviving below-ground structures. Outside of the extant building footprint/Foss Islands Road frontage no archaeological monitoring will be required.

## HIGHWAY NETWORK MANAGEMENT

3.14 No objection. In relation to car parking provision, this proposal for a 188 bedroom hotel details 43 car parking spaces including six electric vehicle spaces, four disabled spaces and one drop off space. This is in line with CYC policy for a development of this nature in a sustainable city centre location. We have no objections to the principle of the relocation of the vehicular access on Layerthorpe and adequate cycle parking provision is included.

3.15 In terms of traffic generation, when compared to the permitted use, an increase of just under 30 vehicle trips is expected in the am peak but a similar decrease is

expected in PM peak. Traffic movements linked to the development are therefore not assessed as having a significant impact on the surrounding highway network.

3.16 Conditions requiring further details of access, details of servicing within the site, cycle parking details and adherence to submitted Travel Plan, are requested.

## FLOOD RISK MANAGEMENT

3.17 The Flood Risk, SUDS & Foul Drainage Assessment is generally acceptable. In summary, the report states that:

- Foul water will discharge to public combined sewer,
- Sub-soil conditions do not support the use of soakaways,
- The site is remote from watercourse, and
- Surface water will discharge to public surface water sewer via storage with restricted discharges no greater than 3.6 (three point six) litres per second the equivalent greenfield run off rate.

3.18 Conditions recommended in accordance with Environment Agency and Yorkshire Water responses together with condition requiring details of the proposed means of foul and surface water drainage.

## EMERGENCY PLANNING TEAM

3.19 If all procedures are followed, no objections in principal.

## FORWARD PLANNING

3.20 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies SS3, EC4, D1, D4, D10, CC1, CC2, CC3, ENV1, ENV2, ENV4, ENV5 and T1 should be applied with moderate weight.

3.21 The principle of a hotel in city centre accessible location is supported in policy terms. There is no policy objection to the proposals.

## PUBLIC PROTECTION

## Noise

3.22 The applicant has submitted a noise survey which takes account of the existing noise climate and the noise mitigation measures required to ensure that the hotel rooms meet recommended internal levels. The survey also considers noise from the use of the hotel; plant noise, car park noise etc. and how this may impact on the occupiers of the nearby apartment block. The report methodology is acceptable. A condition is recommended to require all sound attenuation measures to be fully implemented prior to occupation of the development.

## Air Quality - Electric Vehicle Charging

3.23 The current requirement for non-residential development is a minimum of 5% active and 5% passive provision. If 43 spaces are proposed, it would need a minimum of 3 active charge points and passive provision for another 3. If the applicant is proposing 6 spaces from the outset, that would comply with Council policy.

## Land Contamination

3.24 The submitted Phase I & II Environmental Assessment shows that the site has been used for a variety of commercial/industrial uses including a laundry, a printers, a confectionary manufacturer (with an underground fuel tank) and a motor paint sprayers. A former gas works and a former landfill site are also located within 150m of the site. These past uses could have given rise to land contamination, so a site investigation was carried out to find out whether land contamination is present. The site investigation comprised eight window sample boreholes and associated soil sampling, groundwater sampling and ground gas monitoring.

3.25 The report concludes that no significant pollutant linkages have been identified and that the overall risk rating for the site is considered to be low. However, the report recommends that a suitable thickness of clean topsoil and subsoil is imported in landscaped areas, that upgraded water supply pipes are installed, and that appropriate protocols are implemented to deal with any unexpected contamination found during the development works.

3.26 Public Protection comment that the report is generally acceptable, but additional site investigation is needed in the vicinity of the former underground fuel tank to fully assess the risks. It is recommended that the additional site investigation

is carried out after the building has been demolished and the hardstanding has been removed. Contaminated land conditions are recommended.

3.27 Conditions also recommended in relation to deliveries and waste collections, CEMP, hours of demolition and construction works and odour extraction.

## ENVIRONMENT AGENCY

3.28 The proposed development is considered More Vulnerable according to Planning Practice Guidance (Flood Risk and Coastal Change) and is located in Flood Zones 2/3 (medium/high risk of flooding).

3.29 The EA has no objection to the proposed development subject to a condition requiring that the development be carried out in accordance with the submitted Flood Risk Assessment.

## HISTORIC ENGLAND

3.30 Historic England undertook extensive pre-application discussions with the applicant and the Council and are content that the archaeological component of the application has been successfully undertaken and conditioned.

3.31 Similarly we are content that the modifications to the height of the proposed hotel (agreed during pre-application) have resulted in a building which does not dominate the city walls or the views into York, the conservation area and listed buildings from Layerthorpe. Our only concern echoes the comments made by the Council's conservation team about the architectural design quality and detailing of the proposed hotel.

3.32 Historic England has no objection to the application on heritage grounds.

## GUILDHALL PLANNING PANEL

3.33 Neither object nor support the application. We are concerned that this is not an overall positive contribution to the architecture of York. We would like to see soft landscaping and more trees along Foss Island Road to replace the terraces.

## NORTH YORKSHIRE POLICE



3.34 Having reviewed the documents submitted in relation to designing out crime, it is pleasing to note that the principles of crime prevention through environmental design have been incorporated into the design of this proposal. However, the proposed site layout plan does not appear to give any details of the boundary treatment of the soft landscaping that abuts to Mansfield Street. This boundary must be sufficiently robust to prevent incursions into the car park courtyard or the creation of a desire line from Mansfield Street into the site, as this would make the space susceptible to autocrime, criminal damage and antisocial behaviour. It is recommended that the perimeter boundary is a 1.8m high wire mesh fence. This will define the parking court as defensible space.

## **4.0 REPRESENTATIONS**

4.1 No third party representations received.

## **5.0 APPRAISAL**

### **KEY ISSUES**

5.1 The key issues to be considered are:-

- Principle of the proposed development
- Design and External Appearance
- Impact on Heritage Assets (Listed Buildings / Conservation Area / Archaeology)
- Landscaping
- Ecology
- Impact on Residential Amenity
- Highway issues
- Flood Risk and Drainage
- Sustainable design and construction

### **POLICY CONTEXT**

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework (February 2019)

5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", 2019). It is a material consideration in the determination of this application. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

### Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.5 It is considered that the policy requirements of 2018 Draft Plan policies SS3, EC4, D1, D4, D10, CC1, CC2, CC3, ENV1, ENV2, ENV4, ENV5 and T1 should be applied with moderate weight.

### 2005 Draft Development Control Local Plan

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. 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 albeit with very limited weight.

## **PRINCIPLE OF DEVELOPMENT**

5.7 Section 7 of the NPPF states that planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Policy SS3 (York City Centre) of the 2018 Draft Plan states that within the city centre, as defined on the Proposals Map, certain development types are acceptable in principle. These include food and drink uses and hotels. Policy EC4 (Tourism) of the 2018 Draft Plan also supports proposals that maintain and improve the choice and quality of visitor accommodation to encourage overnight stays, particularly by higher spending visitors.

5.8 Both the existing and proposed uses are 'town centre' uses in NPPF terms and are appropriate in this part of the city centre according to the NPPF and strategic local plan policy. The principle of the proposed change from retail to a hotel and restaurant/bar in this city centre location is therefore supported.

## **DESIGN AND EXTERNAL APPEARANCE**

5.9 The assessment of design takes into account the local context, the impact on heritage assets and the form and function of the scheme. The following sections of the 2018 Draft Plan and NPPF are relevant in this respect.

5.10 NPPF policy on developing previously developed land allows for an approach which either maintains an area's prevailing character and setting, or of promoting regeneration and change. It places importance on securing well-designed, attractive and healthy places (paragraph 122). Chapter 12 of the NPPF gives advice on achieving well-designed places. At paragraph 127 it states that planning decisions should aim to ensure that, amongst other things, developments will function well and add to the overall quality of an area, be visually attractive through good architecture, layout and appropriate landscaping, be sympathetic to local character whilst not stifling innovation, establish a strong sense of place, and create safe and accessible environments.

5.11 At paragraph 130, the NPPF advises that permission should be refused for development of poor design that fails to take the opportunities available for

improving the character and quality of an area and the way it functions. These aims are reflected in Policies D1 and D2 of the 2018 Draft Plan. Policy D1 (Placemaking) advises that schemes will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment.

### Site Layout

5.12 The proposed site layout has been informed by a number of design parameters and constraints, one of which is the approved residential scheme at Mansfield Road, which borders and overlooks the site to the north east (17/02991/FULM). This scheme has prevented the proposed buildings from spreading out deeper within the deep plan of the site and has led to the proposed hotel having an L shaped footprint with the walls of the building generally at street edge reinstating a built frontage to Layerthorpe and Foss Islands Road. The Layerthorpe elevation would be set back to allow for a landscaped strip / hard buffer space and improvements to pavement widths. This approach is supported. The vehicular access would be from Layerthorpe with the road access to the car park at the rear through an opening in the façade, which is considered to create better townscape than leaving it on the edge of site. The site's northern boundary has been left open to ensure that the development does not unduly compromise the site to the north.

5.13 The ground floor, which would be raised above the ground level in response to the topography and the flood mitigation strategy, includes a restaurant, bar and the reception area with the main guest entrance formed at the corner of the site. An external raised terrace area is proposed so as to create a strong streetscape. The upper levels comprise a mix of bedrooms layouts across three floors. A landscaped area is proposed in the intervening area between the proposed building and the approved residential scheme on Mansfield Street.

### Massing and Design

5.14 The wider area of Layerthorpe is characterised by low building height (typically two storey) out of town style large commercial premises dating from the last four decades (warehouses, retail, and office), in a flat landscape, with little green space. Whilst the area is undergoing change with the redevelopment of plots into higher density student or private apartments of between three and five floors, it is acknowledged that the proposed development will be highly visible in its context.

5.15 The proposed development is predominantly four storey in height with a minor setback at top storey and some three storey elements. Due to a high ceiling in the ground floor restaurant together with a raised plinth to avoid flooding, the overall height will appear taller than a standard four storey hotel scheme with ground floor bedrooms.

5.16 In response to concerns raised at the pre-application stage that a single building form (with this combination of footprint and height) could appear overbearing and monotonous in this setting of generally low level warehouse buildings, the scheme has sought to break up the massing by adopting minor differences in the architectural approach between the Layerthorpe and Foss Islands Road elevations, linked by a slightly visually different corner block, which acts as a focus and provides a cut out corner entrance recess. The Layerthorpe elevation has a planted buffer space and in-line rhythm of multi bay building chunks and contrasts slightly with the Foss Islands Road elevation which is staggered on plan and has more complex roof setbacks and a hard paved frontage. Officers consider this has helped to break up the massing and monotony of this large single building. The scheme has also added interest through the articulation of the roof profile with minor top floor setbacks, and a slight zig-zag arrangement of the top floor on principle elevations, together with some modelling of the building down to three floors on Foss Islands Road.

5.17 There are weaknesses in the scheme, notably the rear elevations which will appear particularly monotonous and bland due to the scale of the building and there being shear walls with no meaningful relief. The applicants were asked to improve this element of the design but these secondary elevations have remained largely unchanged. The applicant makes the point that as evidenced by the visuals, there is only limited visibility of the car park elevations from Layerthorpe and should the site to the north come forward for development in the future, then both of the secondary elevations will largely be obscured. The applicant states that due to the operator requirements, further changes to the elevations which impact the internal layout cannot be made. The Mansfield Street elevation is also less successful in that it has a predominantly blank elevation at street level in part due to its non-active use as rear of a plant room and due to the need for a raised plinth. The introduction of textured bricks however has helped to add visual interest and this elevation is relieved by a new green space to the side.

5.18 In acknowledging the weaknesses of the rear elevations, Officers accept that whilst there will be some oblique views from public streets, these secondary

elevations will not be widely visible and consider that the primary elevations have been developed to a satisfactory design standard in accordance with the NPPF and 2018 Draft Plan policies D1 and D2.

## **IMPACT ON HERITAGE ASSETS**

5.19 The site is not within the Central Historic Core Conservation Area and is identified as Character Area 52 “Layerthorpe” within York’s Historic Environment Characterisation Project. The closest listed buildings are located over 100 metres to the west (the Grade 1 St Cuthbert’s Church and Grade 1 St Anthony’s Hall). The application site which is located approximately 70 metres to the east of the city walls (a Scheduled Ancient Monument), lies within the Area of Archaeological Importance.

5.20 The approach to determining planning applications, in terms of assessment on Heritage Assets, is set out in section 16 of the NPPF. The starting point is to understand the significance of the Heritage Assets affected. Paragraph 93 states that 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 provides that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

5.21 In considering impact, where a development proposal will lead to “less than substantial harm” to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal. Public benefits can derive from either of the social, environmental or economic objectives of the NPPF.

5.22 In addition, section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 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. The effect of section 66(1) is that a finding of harm to a listed building is a consideration to which the decision-maker must give "considerable importance and weight" when carrying out the balancing exercise.

5.23 Although close to the city wall, the application site is separated from it by a large and busy road junction. There are views from the city wall to the application

site, but these are largely views into a commercial and shopping complex and the views from the application site towards the Conservation Area are dominated by the same large, busy road junction. The key views have been provided as photomontages and Officers are satisfied that the proposed development would not dominate the city walls or the views into York and as such no harm would be caused to the significance of heritage assets namely the city walls, Conservation Area and nearest listed buildings.

## Archaeology

5.24 Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account in determining an application. 2005 Development Control Local Plan Policy HE10 and 2018 Draft Plan Policy D6 reflect national planning guidance.

5.25 The archaeological features and deposits on the application site are undesignated heritage assets of potential national significance that lie within the designated Area of Archaeological Importance.

5.26 The evaluation undertaken on the site indicates that there will be no impact to any significant archaeological features or deposits across the majority of the site. The remains of St Mary's Church and associated graveyard appear to have been cleared across the car park area. Whilst, residual, disarticulated human remains were noted in 1986 when the current building was constructed, no human remains were noted during the 2019 evaluation. As it is uncertain how much clearance occurred in 1986, there remains a small possibility that disarticulated human bone may survive in isolated pockets. An archaeological watching brief will be required during the grubbing up of foundations of the existing building and ground works relating to the removal of surviving below-ground structures. This will ensure any disarticulated human bone is collected and any earlier buildings or surfaces can be recorded. The evaluation carried out to date, which has established that the assets are of low significance, and the watching brief, are in accordance with Paragraph 199 of the NPPF which requires developers to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact.

## **LANDSCAPING**

5.27 Policy D2 (Landscape and Setting) of the 2018 Draft Plan states that proposals will be encouraged and supported where they include sustainable, practical and high quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of streets, spaces and other landscapes.

5.28 The landscaping scheme comprises a soft landscaping strip along Layerthorpe (to include 10 No. trees together with specimen shrubs and ornamental shrub planting), 2No trees to the south west corner of the building on the Foss Islands Road elevation (planted within hard paving using a structured cell system) and a landscaped area in the intervening area between the proposed building and the approved residential scheme on Mansfield Street (to include 7No.trees).

5.29 The introduction of a border of trees and shrubs along Layerthorpe introduces a significant extent of greenery along the street where currently there is none and this is welcomed. The contribution that the two trees to the Foss Islands Road elevation would make to the streetscene would be more limited. Through the pre-application process, the applicant was asked to alter the footprint of the building in order to accommodate one or two sizeable specimens (with good tree canopy), to Foss Islands Road. The footprint of the building was not altered but two trees were added to the south west corner of this elevation. Whilst this is an improvement on the pre-application submission, the variety of these trees has been selected on the basis of the restricted space they would stand in and with their narrow crowns, their contribution to the quality of the street scene would be limited. Notwithstanding this, overall the inclusion of trees and shrubs in a number of locations around the perimeter of the proposed building is welcomed and is considered to make a positive contribution to the character of the streetscene and wider environment in accordance with 2018 Draft Plan Policy D2.

## **ECOLOGY**

5.30 Part (iv) of Policy GI2 (Biodiversity and Access to Nature) of the 2018 Draft Plan states that where appropriate, any development should result in net gain to, and help to improve, biodiversity.

5.31 A preliminary ecological appraisal was submitted with the application which assessed the ecological importance of the site and the potential for it to support protected and notable ecological features and species. A preliminary Roost Assessment of the existing building for bats was also carried out together with a



further detailed evening emergence survey. These assessments conclude that the proposed development would have no impact on roosting bats and therefore no mitigation would be required. The proposal however does offer the opportunity for enhancement through such features as bat boxes and bat bricks being incorporated into the design of the new building and as such a condition requiring details of an ecological scheme of enhancement to comprise of integrated bat and bird boxes, is recommended (Condition 28). The applicant is agreeable to this condition.

## **RESIDENTIAL AMENITY**

5.32 The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policies D1 and ENV2 of the 2018 Draft Plan consider amenity.

5.33 The site is within the defined city centre, where hotel uses are appropriate in principle, as defined in both national and local draft policy. With regards town centres the NPPF policy is based on ensuring vitality and that the need for 'town centre uses' can be accommodated within the city centre. This policy context should be borne in mind when assessing the impact on surrounding residential uses.

5.34 Although the surrounding area is predominantly commercial, the land directly adjacent to the site on Mansfield Street has permission for the erection of a four storey building to accommodate 10No.Flats with associated parking (17/02991/FULM). There are also 2No. 19<sup>th</sup> century houses fronting Foss Islands Road (on the opposite side of Mansfield Street). There is a current application for redevelopment of this site to accommodate a student accommodation building with associated car parking. (20/01200/FULM).

5.35 The proposed scheme has been designed with the consented scheme in mind such that there are no windows on this elevation to allow the privacy of the residents to be maintained and the area between the hotel and the approved residential scheme has been landscaped.

5.36 In terms of noise, the survey work undertaken indicates that the overall noise climate is determined by traffic flows on Layerthorpe and Foss Islands Road such that the impact of activity noise associated with the hotel upon the consented

apartment building is likely to be fully masked by existing ambient and traffic noise and unlikely to be noticeable within habitable rooms. Internal noise criteria given in the hotel operator specification will require the use of appropriate acoustic rated glazing and vents for all bedrooms throughout the proposed development. A condition requiring adherence to the noise mitigated measures as detailed in the noise survey, to safeguard both occupiers of nearby residential properties and occupants of the hotel, is proposed.

5.37 In relation to security and designing out crime, Safer York Partnership (SYP) is satisfied that the principles of crime prevention through environmental design have been incorporated into the design of this proposal. This includes issues relating to access control, surveillance and activity support through CCTV and appropriate lighting and defensible space. A question has been raised in relation to the details of the boundary treatment of the soft landscaping that abuts to Mansfield Street, which should be sufficiently robust to prevent incursions into the car park courtyard or the creation of a desire line from Mansfield Street into the site. This issue has been raised with the applicant with details of the boundary treatment required via a planning condition (Condition 25 (iii)).

## **HIGHWAY NETWORK MANAGEMENT**

5.38 Paragraph 108 of the NPPF states that when assessing applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport included.
- Safe and suitable access to the site can be achieved for all users.
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.39 Para 109 continues by advising that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.40 Policy T1 of the 2018 Draft Plan states that to provide safe, suitable and attractive access, proposals will be required to demonstrate there is safe and appropriate access to the adjacent adopted highway. Proposals should also create safe and secure layouts for motorised vehicles (including public transport vehicles), cyclists and pedestrians that minimise conflict.

5.41 All vehicles will access the site through an opening under the building through to the car park where there is provision for 43 car parking spaces including six electric vehicle spaces, four disabled spaces and one drop off space. This is in line with CYC policy for a development of this nature in a sustainable city centre location. The relocation of the vehicular access on Layerthorpe is supported and adequate cycle parking provision (20No. secured and covered spaces) is included. A condition requiring the submission of a Travel Plan is recommended.

5.42 In terms of traffic generation, when compared to the permitted use, an increase of just under 30 vehicle trips is expected in the am peak but a similar decrease is expected in PM peak. Traffic movements linked to the development are therefore not assessed as having a significant impact on the surrounding highway network.

## **FLOOD RISK AND DRAINAGE**

5.43 Policy ENV4 of the 2018 Draft Plan is in accordance with Paragraph 163 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
- and development is appropriately flood resilient and resistant;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed;
- and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

### Sequential Test

5.44 The proposed building is located within Flood Zones 2 and 3a (medium/high risk of flooding) and as such the NPPF suggests that a sequential test should be undertaken to establish if there are other more suitable locations for the development which are at a lower risk of flooding. The site is disused brownfield land in the city centre where the principle of a hotel use is acceptable. The applicant owns the site and the proposed hotel operator has stated that this is the only site

within York they would be interested in given their other existing location and the location of competitors.

### Exception Test

5.45 As it is not possible for the development to be located in zones with a lower risk of flooding and a hotel use is considered “more vulnerable”, the exception test must be applied. For the Exception Test to be passed: it must be demonstrated that a) the development provides wider sustainability benefits to the community that outweigh flood risk; and b) 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 (para 160 of the NPPF).

5.46 The proposed development involves the regeneration of a prominent vacant and underutilised brownfield site and represents investment in York’s tourism economy, creating 55 new jobs. This demonstrates that the scheme would provide wider sustainability benefits to the community.

5.47 In relation to the requirement that the proposed development will be safe from flood risk and would not increase flood risk elsewhere, the Environment Agency raises no objection subject to a condition requiring that the development be carried out in accordance with the submitted Flood Risk Assessment and the mitigation measures it details. This includes the requirement for the floor levels of the main building / all sleeping accommodation be no lower than 11.05 metres above Ordnance Datum (AOD) and compensatory storage be provided as detailed. The Council’s Emergency Planning Team are satisfied with the submitted Flood Evacuation Plan, which sets out appropriate evacuation procedures in the event of a severe flood warning being issued by the Environment Agency. The Plan details the lines of communication (there would be 24 hour management presence on site) and provides details of how the hotel would be evacuated on issue of a flood warning.

### Drainage

5.48 The submitted Flood Risk, SUDS and Foul Drainage Assessment demonstrates that sub-soil conditions do not support the use of soakaways and details that surface water will discharge to the public surface water sewer via storage with restricted discharges no greater than 3.6 litres per second (the equivalent greenfield run off rate). Foul water will discharge to public combined

sewer. The Council's Flood Risk Management team and Yorkshire Water are satisfied with the submitted Assessment and raise no objections to the scheme subject to conditions.

## **SUSTAINABLE DESIGN AND CONSTRUCTION**

5.49 2018 Draft Plan Policies CC1, CC2 and CC3 are applicable to this development. These require the following –

- Carbon emissions enhanced by 28% in relation to Building Regulations (CC1)
- BREEAM Excellent (CC2)
- The development of decentralised energy and the use of decentralised district heating and combined heat and power (CHP) networks involving a need to demonstrate that heating and cooling technologies have been selected in accordance with the set out heating and cooling hierarchy (CC3).

5.50 In relation to Policy CC1, the submitted Energy Strategy sets out that a reduction in carbon emissions of 44%, exceeding the 28% requirement, can be achieved. With regard to Policy CC3 and CHP networks, the Energy Strategy sets out that the feasibility of utilising CHP for providing hot water services has been assessed but is not recommended as an option for reducing carbon emissions due to the adverse effect on NOx emissions and impact on air quality.

5.51 Policy CC2 states that all new non-residential buildings with a total internal floor area of 100m<sup>2</sup> or greater, should meet BREEAM 'Excellent' (or equivalent). The BREEAM assessment looks at 9 different credit categories (Management, Health and Well Being, Energy, Transport, Water, Minerals, Waste, Land Use and Ecology and Pollution and sets out the credits which can be achieved and provides a reason for each credit which cannot. The submitted assessment concludes that BREEAM "Excellent" cannot be achieved for this development. The planning statement provides further explanation as to why "Excellent" cannot be achieved as follows;

*Many of the credits which could be targeted are high risk and therefore the applicant cannot guarantee they will be achieved during construction. Therefore, BREEAM Excellent cannot be achieved on site. BREEAM Very Good can comfortably be achieved and the applicant is happy to accept a condition requiring the building to be constructed to BREEAM Very Good.*

*The building incorporates measures to ensure an element of the buildings energy requirements are generated from decentralised and renewable or low carbon sources to reduce predicted CO2 emissions. The overall developments carbon emissions will be reduced 44% below the Plan L 2013 baseline. This exceeds the requirements set out in emerging Policy CC1 which requires 28% reduction.*

*It is proposed to provide PV panels on the roof of the building. There will be 140 panels on the roof each of which will be 1600mm x 900mm (approx.).*

5.52 The BREEAM assessment notes the following;

*Four key challenges were identified which restricts the ability to target key credits and therefore achieving an excellent rating is technically and economically unfeasible. These challenges are;*

- The credit would be technically difficult to achieve and no guarantee can be given at this stage, even with best endeavours, that the requirements will be met.*
- Due to causing a significant deviation from, or conflict with the developers' specification.*
- Due to the cost being disproportionate to the potential sustainability benefits on offer including credits which are more of a "tick-box" exercise providing comparatively low sustainability uplift for the cost incurred.*
- Credits not physically possible due to site attributes.*

5.53 On the basis of the advanced stage of the emerging Plan's preparation, the lack of significant objection to Policy CC2 and its consistency with the Framework, Forward Planning advise that Policy CC2 should be applied with moderate weight. In responding to the conclusions of the BREEAM report, they note that it is disappointing but the willingness to commit to delivering Very Good is welcomed. The applicant has submitted a statement as to the weaknesses of Policy CC2 and weight which should be attributed to it.

5.54 It is unfortunate, notwithstanding the reasons set out by the applicant, that the development is not being designed to achieve BREEAM Excellent. However in the context of the weight afforded to the policies of the Local Plan, it is considered that in the planning balance, a refusal for this reason alone would be difficult to defend. This consideration is in the context of the fact that the building would achieve a reduction in carbon emissions of 44% (exceeding the requirements set out in the

2018 Draft Plan Policy CC1), which would be required by condition, and would provide 140 PV panels.

## **6.0 CONCLUSION**

6.1 The proposed redevelopment of the application site for a hotel with associated bar/restaurant is considered to be acceptable in principle given the city centre use and fits with the aspirations for economic growth in the NPPF and the local plan, by facilitating a sector where there is growth and evidentially demand. The scheme is appropriate for the site; the design is acceptable and relates to the context. Furthermore, there would be considered to be no harm to heritage assets.

6.2 The proposal would not comply with 2018 Draft Plan Policy C2 insofar as the scheme would not achieve BREEAM Excellent but in the context of the weight that can be afforded to the policies of the 2018 Draft Plan, Officers consider that a refusal for this reason alone would be difficult to defend, particularly given that the building would achieve a reduction in carbon emissions of 44% (exceeding the requirements set out in the 2018 Draft Plan Policy CC1).

6.3 There would be no unacceptable impact on amenity, which cannot be reasonably controlled through the use of planning conditions. Other technical matters can also be dealt with by way of conditions.

6.4 The presumption in favour of sustainable development in paragraph 11(d) of the NPPF applies to this application. This tilts the planning balance in favour of granting planning permission, unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. Approval is therefore recommended.

## **7.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years

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

15728-502 Rev A (Location Plan)

15728-V110 Rev A (Proposed Site Plan)

15728-110 Rev A (Proposed Site Layout)

15728-111 Rev A (Proposed Ground, First and Second Floor)

15728-112 Rev A (Proposed Third Floor and Roof)

15728-116 Rev A (Proposed Section and Details)  
15728-114 Rev C (Proposed Elevations)  
15728-115 Rev B (Proposed Elevations)  
15728-120 (Proposed Sub Station)  
15728-VL L01 Rev K (Landscape Plan)

3690-100-P-049 Rev A (Swept Path Analysis 12m Rigid Vehicle)  
3690-100-P-050 Rev A (Swept Path Analysis Urban Articulated Vehicle)  
3690-100-P-051 Rev A (Swept Path Analysis Large Articulated Vehicle)

C7415/M/201 (Ground Floor Ventilation Services Layout)  
C7415/M/202 (First Floor Ventilation Services Layout)  
C7415/M/203 (Second Floor Ventilation Services Layout)  
C7415/M/204 (Third Floor Ventilation Services Layout)  
C7415/M/701 (Ground Floor Plant Room)  
C7415/M/702 Rev A (Roof Level Plant Services Layout)

Hoare Lea Noise Survey ref 10/1011651-05-AM-20200110-R3 dated 16/3/20.  
Kitchen Ventilation Strategy prepared by Thornley and Lumb Partnership TLP C7415 dated 20/3/20,  
Flood Response Plan dated 7 September 2020  
Dwg No: P19-760 SK03 Rev P3 (Drainage Strategy Plan)  
Dwg No: 15728-506 (Proposed Site layout w/Constraints)

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

3 The odour extraction system, as detailed in the Kitchen Ventilation Strategy prepared by Thornley and Lumb Partnership TLP C7415 dated 20/3/20, shall be fully implemented before the proposed use first opens and shall be permanently maintained and serviced thereafter in accordance with manufacturers guidelines.

Reason: In the interests of the amenities of residents of the use hereby approved and the environmental qualities of the area.

4 All sound attenuation measures detailed in the submitted noise assessment (Hoare Lea Noise assessment Rev 4 dated 28/7/20) shall be fully implemented prior to the occupation of the development. These measures shall be permanently retained thereafter.

Reason: To protect the amenity of people residing in the hotel and neighbouring residents from noise in accordance with the National Planning Policy Framework.

5 Upon occupation of the development, delivery vehicles to the hotel and waste collections shall be confined to the following hours:



Monday to Sunday (including Bank Holidays): 07:00 to 18:00 hours

Reason: To protect the amenity of local residents and businesses.

6 No work shall be carried out on site for the development hereby approved until a method of works statement identifying the programming and management of site clearance/preparatory and construction works to address safety concerns on the public highway, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include at least the following information;

- (i) Contractor parking management
- (ii) Contractor and construction vehicles routes and times
- (iii) Dilapidation survey
- (iv) Management of mud and other debris on the 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.

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

|   |                    |
|---|--------------------|
| Monday to Friday                        | 0800 to 1800 hours |
| Saturday                                | 0900 to 1300 hours |
| Not at all on Sundays and Bank Holidays |                    |

Reason: To protect the amenity of occupants of the nearby properties from noise.

8 Prior to the occupation of the development, 6No. Electric Vehicle Recharging Points shall be provided in a position and to a specification to be first agreed in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing, an Electric Vehicle Recharging Point Management Plan that will detail the maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years. The Electric Vehicle Recharging Point Management Plan shall be implemented as approved.

Notes; Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point

of the same specification, should demand require this in this future. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

9 Prior to commencement of construction, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Note: Details of the tank removal and the importation of topsoil should be included within the Remediation Scheme.

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.

10 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out 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.

11 LC4 Land contamination - unexpected contam

12 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

13 Prior to the construction of any works above the ground floor slab, details of the junction between the internal access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

14 Prior to the construction of any works above the ground floor slab, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To ensure adequate space for such storage and to promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

15 The hotel shall operate in accordance with the aims, measures and outcomes of the submitted Travel Plan (Ref: RLR/WHIT/20/5300/TP01 dated April 2020).

Reason: To reduce private car travel and promote sustainable travel in accordance with section 9 of the National Planning Policy Framework and policies DP3: Sustainable Communities and T7: Minimising and Accommodating Generated Trips of the 2018 Publication Draft Local Plan.

16 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority.

A) No grubbing up of foundations or development within the Foss Islands Rd frontage shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no grubbing up of foundations/development on the Foss Islands Rd frontage shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the

condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of NPPF.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

17 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

18 The development shall be carried out in accordance with the submitted flood risk, SUDs and foul drainage assessment (ref: P19-760 compiled by Simpson TWS dated 24/09/2020) and the following mitigation measures it details:

(i) Finished floor levels of the main building and all sleeping accommodation shall be set no lower than 11.05 metres above Ordnance Datum (AOD).

(ii) A scheme of flood resilience measures shall be agreed with the LPA and implemented at the ground floor. These measures are to include those listed in section 8.8 of the FRA as a minimum.

(iii) FFL of the substation shall be no lower than 11.6mAOD.

(iv) Compensatory storage shall be provided as detailed in the FRA, providing a storage volume of 2134m<sup>3</sup>. This volume shall be maintained for the lifetime of the development and precluded from further development. The design of the storage area shall allow for free flow of any floodwater in and out of the void.

(v) An emergency flood warning plan shall be agreed with the Local Planning Authority.

(vi) Surface water discharge shall be restricted to the proposed greenfield run-off rate of 3.6l/s. (Although discharge is to sewer, this connects to the River Foss adjacent to the site which is designated main river).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason; To reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site

19 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

(i) the flow control device manhole the means by which the surface water discharge rate shall be restricted to a maximum rate of 3.6 (three point six) litres per second,

(ii) the voided stone sub base and permeable paving the means by which the surface water attenuation up to the 1 in 100 year event with a 30% climate change allowance shall be achieved, and

(iii) Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Note: The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

20 The development shall be carried out in accordance with the submitted Landscape Plan (Dwg No: 15728-VL L01 Rev K) and shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting or the substantial completion of the development, whichever is the sooner, 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 the Local Planning Authority agrees alternatives in writing.

Reason: The landscape scheme is integral to the amenity of the development

21 The development hereby permitted shall achieve a BREEAM rating of at least very good.

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate 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 within 3 months of the submission of the above mentioned certificate 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: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

22 The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to above ground construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018

23 Notwithstanding any proposed materials specified on the approved drawings or other documents submitted with the application, samples of all proposed external building materials to be used shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building envelope. For clarity, this includes vision and any non-vision glazing, flat or pitched roofs. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices, it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located. Samples should be provided of sufficiently large size to be able to appropriately judge the material (including joints/fixings

where an important part of the visual quality of the material), and to be provided together where materials are seen together.

Reason: In the interests of good design and in accordance with NPPF paragraph 127.

24 On-site sample panels of bricks, in each type of brick, in each type of bond, including chosen mortar and pointing, and including any special brick features shall be erected on the site, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The sample panel shall be 2x1.2m minimum overall. If multiple combinations of brick and/or bond are proposed each type to be 1x1.2m. The agreed panel is also to represent a minimum standard for the quality of workmanship that the development should achieve, and the panel should remain on site for the duration of the brickwork package.

Reason: In the interests of good design and in accordance with NPPF paragraph 127.

25 Prior to the commencement of above ground development, 1:20 drawings for the following detail types shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details;

- (i) Typical building wall bay in brick construction, with variations for differing types of recessed feature plane (brick & metal), any wall ventilation grilles, guarding, wall interfaces at ground, projecting terraces, set back top floor level wall types, any plant room wall construction & roof edge, together with overall maximum height AOD,
- (ii) Main entrance area including external soffit,
- (iii) Boundary treatments.

Reason: In the interests of good design and in accordance with NPPF paragraph 127.

26 Brick window reveals within the main wall plane shall be set back a minimum 200mm (approx. one full brick deep) from the plane of a window. Feature recessed wall planes shall be set back a minimum 100mm (approx. ½ brick deep) from the main wall plane, after which any windows within these shall be set back a minimum further 100mm.

Reason: To impart an overall high quality and robustness of construction systems and to provide visual relief on a façade.

27 Prior to the commencement of above ground development, 1:20 drawings in plan and elevation for any external plant room enclosures shall be submitted to and

approved in writing by the Local Planning Authority (LPA) and the works shall be carried out in accordance with the approved details. This shall include a maximum height of any plant equipment within the enclosure.

Note:

For flat roofs, in situations without a solid roof parapet (1m or higher, as shown on permitted drawings), service protrusions are not allowed within 2m of any building edge. Any service protrusions lower than 1m above roof finish level elsewhere are allowed. Any proposals for service protrusions higher than 1m above flat roof level elsewhere are to be submitted to, and approved by, the LPA, but should generally be expected not to be permitted.

For flat roofs in situations with a solid roof parapet (1m or higher, as shown on permitted drawings): service penetrations should not be higher than top of parapet. Any such proposals above parapet level are to be submitted to, and approved in writing by, the LPA.

Permanent external wall fixed equipment used to service the building are not permissible, unless subsequently agreed by the Local Planning Authority through the submission of drawings.

Reason: In the interests of good design and in accordance with NPPF paragraph 127.

28 Prior to the commencement of above ground development, details of an ecological scheme of enhancement to comprise of integrated bat and bird boxes, shall be submitted to and approved by the Local Planning Authority. The boxes shall be installed / constructed prior to occupation of the development in accordance with the approved details and thereafter retained.

Reason: To take account of and to enhance the habitat for a protected species.

29 Prior to occupation of the development, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall consist of drawings and reports as necessary to describe the scheme to both technical and lay audience, and shall include a demonstration of sensitivity to dark-skies/ecology issues. It shall include the following details;

- (i) The proposed hours of use of the external lighting;
  - (ii) The number, type and location of the proposed luminaires;
  - (iii) The maintained average illuminance levels of the areas to be illuminated;
  - (iv) The steps that will be taken to minimise stray light and glare from the lighting;
- and
- (v) The steps that will be taken to minimise impacts on wildlife.



The lighting shall be installed, maintained and operated in accordance with the approved scheme.

Reason: To ensure that the development is well lit, providing natural surveillance and make it safe for users. To ensure that the proposed development is not unduly prominent within the immediate locality and wider views of the city. On ecology grounds - to limit excessive light spill over the River Foss.

## **8.0 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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- pre-application advice
- the use of conditions

#### **2. Notes for the Developer :**

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), s/he should contact our Developer Services Team (telephone 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

3. A foundation design for this site should be discussed with the LPA in relation to archaeology in advance of construction works on the site.

### **Contact details:**

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