

COMMITTEE REPORT

Date: 23 March 2017 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
 Commercial Team

Reference: 16/02801/FULM
Application at: Former Haymarket Car Park Dundas Street York
For: Erection of five storey hotel (use class C1)
By: Vastint Hospitality
Application Type: Major Full Application (13 weeks)
Target Date: 16 March 2017
Recommendation: Approve subject to 106 agreement

1.0 PROPOSAL

Application site

1.1 The application site falls within the Hungate area, which was granted outline planning permission for mixed-use re-development in 2006 (planning application 02/03741/OUT). A later application for either offices or a hotel on site was approved concurrently with the application for the Hiscox office next door to the site (application 13/03232/OUTM). The site is presently vacant.

1.2 The proposed building would be L-shaped and wrap around the Black Swan public house car park. It would run parallel to the recently constructed pedestrian and cycle route past the side of the Hiscox office building and be set back from the Stonebow; there would be a public space between the side of the Black Swan building and the Hiscox office. Phase I of the Hungate development is to the south-east of the site, on the opposite side of Black Horse Lane.

1.3 The Black Swan public house is grade II* listed. The majority of the application site is in Flood Zone 3. The site is in the City Centre Area of Archaeological Importance.

Proposals

1.4 This is a full planning application for a hotel building. The hotel would have 119 guest rooms and a communal space at ground level which would provide an active frontage to the street. The building would be 5-storey at the SE end, stepping down to 3-storey when facing Stonebow. The building would be primarily clad in buff brick, grey zinc cladding would be a secondary cladding material and a glazed gable end would face Peasholme Green / Stonebow.

1.5 Servicing and drop-off facilities are provided at Back Horse Lane on the SE side of the building.

Background

1.6 The building height for development on site has been established in previous outline permissions. In the 2004 masterplan there was to be a building on site ranging in height from 4-6 storey and in the 2013 outline permission a 5 storey hotel (up to 29.10 AOD); akin to scale of Hungate phase 1 where 6 storey was approved.

1.7 The site area is just under 0.18 Hectares, below the 0.5 hectare threshold for Schedule 2 Development under the Environmental Impact Assessment (EIA) Regulations 2011. A screening opinion as to whether an EIA is required has not therefore been carried out. However bearing in mind cumulative impact, it is noted that in 2013 the outline application along with the full planning application for the Hiscox office were screened, given that the overall site area exceed 0.5 hectares (reference 13/03151/EIASN). It was concluded that an EIA was not required for these developments. . The current scheme is of lesser impact than the two buildings combined previously screened.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest: City Centre Area
- Floodzone GMS Constraints: Flood zone 2 & 3
- Listed Buildings: Grade 2 Star; Black Swan Peasholme Green

Relevant Policies of the Local Plan (2005 Draft):

CYSP9	Action Areas
CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE10	Archaeology
CYV3	Criteria for hotels and guest houses

Relevant Policies of Emerging Local Plan (2014 Draft):

SS4	York City Centre
EC5	Tourism
D2	Placemaking
D7	Archaeology
ENV4	Flood Risk

3.0 CONSULTATIONS

Strategic Planning (Forward Planning)

3.1 Officers raise no objection to the scheme in principle, which would be consistent with the NPPF and emerging local plan policy.

3.2 The application site falls within the Hungate development site as shown on the Local Plan Proposals Map (2005 draft). It was identified as a mixed use allocation for both office development (B1a) and residential.

3.3 The emerging 2014 Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of planning applications.

3.4 The application site falls within the wider Hungate development site which was included in the Publication Draft Local Plan (2014) as the city centre location for providing 12,000 sq m office floorspace within a mixed use scheme. The evidence base supported the allocation of office space on the site in 2014.

3.5 Some of the 12,000sqm office space has been provided for by the Hiscox development and there was the potential for further offices depending on how outline permission 13/03232/OUTM was implemented. Whilst officers would encourage the Hungate site to provide as much Grade A office space as possible (subject to future demand) it is accepted that the proposed allocation at Hungate for office space in the emerging local plan is now out of date, superseded by the revised masterplan and developer aspirations for the site for a predominately residential led mixed use site. To reflect the current masterplan and planning permissions at Hungate the preferred sites consultation document (2016) proposes the deletion of allocation of further office space at Hungate.

3.6 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. Appropriately located accommodation is important. The city centre is a sustainable location which is accessible by a range of transport modes and as such is supported as the primary location for hotels under emerging local plan policy SS4: York City Centre. Accordingly, as a city centre site, hotel development in this location, in principle, is a suitable use.

Design and Sustainability

3.7 Officers do not object to the scheme overall and advise conditions are necessary to agree the bricks and to ensure the detailed design is good quality.

3.8 The site is between the lower scale historic/medieval streets that terminate on the western side of Peasholme Green (with the exception of the marooned Black Swan left on the eastern side), and newer development to the east including the Hiscox office and taller/larger buildings of the Hungate masterplan either built out or planning-approved.

3.9 The proposal has to satisfy the difficult task of mediating between these two parts of the city. The design approach is a massing that generally sits between the two urban scales and an architectural approach that is generally texturally complex - somewhere between the organic complexity of the older city and the generally more uniform nature of contemporary large scale buildings. In general the proposal satisfies this. Throughout negotiations officers have encouraged this approach to evolve into a cohesive proposal.

3.10 The current proposal has been assessed, in how it accords with good design rather than how it complies with previously agreed parameters, but comparing is a useful starting point when assessing an acceptable upper massing. This is fully explored in applicant plan P11-12a; elevations P14-05a and photomontages P12-10a. In this comparison there are areas of increases and decreases. Overall there appear to be more decreases, although it is noted that the previous outline permission showed a bounding limit not absolute representation of a massing.

3.11 Historic England continue to have concerns over the relationship to the Black Swan (letter 08/03/2017). The applicant observes (Design & Access Statement 8.4) that the Hiscox office is a similar distance from the Black Swan and arguably more prominent in the street scene and this was deemed acceptable. There is logic to this assessment, despite the proposals' closer relation to single storey rear parts of the Black Swan.

Massing

3.12 In earlier design iterations, the proposed building stepped down twice from its main bulk, creating a principle facade of diminishing height as it approached the Black Swan. This can be argued as having less impact on the Black Swan (and is currently the favoured approach by Historic England), but resulted in compromising the overall design of the proposed building forcing an awkward and imbalanced 'Russian-doll' type design approach. The current proposal steps down once and has a slightly greater separation from the Black Swan compared to the two-stepped version. Officers consider the current version an improvement. Overall the benefits of the more cohesive design that results from this simplification will impact less on

the Black Swan.

Architectural treatment / Layout

3.13 The geometry of the plan as it turns the corner of the plot and fronts Black Horse Lane is still not ideal as it does not follow the street geometry but this compromise is largely driven by the location of an existing substation and similar sized structures. This aspect is back of house including service delivery, partially screened by a gate.

3.14 The design takes elements from both contemporary and traditional design devices and motifs. Pitched roof forms are clearly visible on the main public approaches and in viewpoints encompassing the Black Swan, whilst towards the rear and back, roof forms are more suppressed. Significant design development has been undertaken to make these different aspects into a cohesive whole, whilst acknowledging that the design deliberately sets up different design responses to different aspects. This balance is largely achieved now and supported here.

3.15 A fully glazed atrium space faces the public square and is in viewpoints encompassing both Hiscox office and the Black Swan (i.e. the main elevation of the proposal). Visually this attempts to relate both to the fully glazed Hiscox office and, through its pitched roof form, to the Black Swan. This is a little odd, although an appropriate design response for this situation is difficult given such differing neighbours. It is supported on the condition of overcoming the following issues:

- Quality of execution has to be very high. Slimness of lines shown in the 3D visual will be hard to achieve. Glazing should be structural; internal structures viewable such as drop down ceiling bulkheads or structural support should be part of the conditioned drawings as all these will be visible.
- Given that the hotel atrium could potentially be lit all hours, internal lighting should be controlled through some means. There are planning risks here as internal lighting is outside of planning control, but we would expect cooperation with the applicant over a very low lighting scheme to the upper parts of the atrium.

Materials

3.16 Three main types: Zinc (feature walls, wall accents and roofs generally); Brick (walls); dark grey cladding (wall accents) are acceptable. The dominant material is brick. A creamy buff is suggested because it relates tonally more to the Black Swan render panels. This cream brick isn't used elsewhere in the immediate vicinity. Brick of recent Hungate development is largely red/brown. Historic England have suggested render is used, but this could easily look like it is poorly aping the appearance of the Black Swan and this should be avoided. Brick is appropriate but should have more red tones.

Flood Risk Management Team

3.17 Officers have no objection to the proposed drainage scheme in principle. The surface water run off rate would be 19.4 litres / second, which accords with the approved run off rates when development was previously agreed for this site and the Hiscox office.

Highway Network Management

3.18 In commenting on the original plans officers requested -

- Adequate cycle parking facilities
- As with the outline permission for the site officers are seeking a contribution to improve the local public realm.

3.19 The scheme will widen the existing public highway between the proposed building and the Hiscox office. Officers are content the width of highway proposed will be adequate for cyclists and pedestrians and consequently the concerns raised by Sustrans representatives; that cyclists will be unduly obstructed and there could be accidents are not valid grounds to oppose the application.

3.20 The travel plan should be updated so it explains how promotion of sustainable travel modes will be communicated to guests and be secured through a condition.

3.21 Servicing will take place from Black Horse Lane to the rear of the proposed hotel. Sufficient turning facilities exist to enable servicing traffic to enter/leave in a forward gear.

3.22 In line with the original outline consent officers have sought a contribution of £18.6k towards public realm/hard landscaping. The contribution will be used towards a wider CYC funded highway improvement scheme. The main aims of the CYC scheme will be to;

- a) seek to improve pedestrian crossing facilities and footway widths at the St Saviourgate/Aldwark junction
- b) realign the existing car parking to the front of St Anthonys Hall to increase the footway width
- c) kerb realignment and/or relocation of the existing outbound bus stop (opposite Kings Pool) to increase the footway width and avoid conflict between pedestrians and bus passengers queuing for/alighting buses.

3.23 These works will be likely to be carried out through the authorities capital programme and will be subject to further appropriate consultation(s) and approvals.

Public Protection

3.24 Noise- a noise assessment has been provided to show that internal noise levels will meet national standards. A condition is recommended to achieve the proposed measures. A condition is also suggested to reasonably control noise from any plant and machinery.

3.25 Construction management - A draft construction management plan has been submitted with the application but does not sufficiently cover the potential issues arising from constructing a hotel near to existing residential properties and offices. Officers recommend a condition to approve a CEMP. Officers also ask for hours of construction to be limited.

3.26 Deliveries - It is recommended times of deliveries to the hotel be restricted.

3.27 Land contamination – Officers accept the proposed remediation strategy. The strategy confirms that the site will largely be covered by the building and hardstanding, but some areas of soft landscaping are proposed. In soft landscaped areas, a 600mm clean capping layer (underlain by a geotextile marker layer) is proposed to prevent site users from coming into contact with the lead contamination. The report also recommends that protected water pipes are installed as part of the development, and that a concrete class of DS-2/AC-2 is used for buried structures.

Environment Agency

3.28 The Environment Agency state conditions are necessary to be NPPF compliant with regards flood risk. Conditions are needed to secure safe access/egress, adequate finished floor levels, flood resilient construction and compensatory storage for flood water (to be provided in a void beneath the building, as has been shown in the applicants updated FRA). Also for the development to be allowed, it should pass the sequential and exception tests.

Guildhall Planning Panel

3.29 Object to the hotel due to its excessive scale and materials. The hotel would overwhelm the Black Swan, one of York's iconic buildings and even the Hiscox building due to its 5-storeys. The materials are also wrong for the area there is nothing about this building that even fits in.

Historic England

3.30 HE has not objected to the applications but has raised concerns over the design.

3.31 HE considers the glass façade facing Peasholme Green is too tall and sheer in its present form. HE preferred an earlier design shown to them at pre-application which stepped down to 2-storey where the gable faced Peasholme Green. The earlier approach appeared to bring the scale of this part of the hotel down so as to relate more successfully in massing and scale to the adjacent Grade II* Black Swan Public House.

3.32 Additionally HE perceives a visual clash between the flat glass triangular gable of the proposed hotel and the curved glass treatment of the adjacent Hiscox Building. HE suggest the amount of glass on this face of the building is reduced to avoid this clash and that the introduction of some render into this elevation might be considered to reduce this and in order to create a closer visual link with the Black Swan Public House.

Yorkshire Water

3.33 No objection provided the development is undertaken in accordance with the strategy as shown on drawing 111123/7001 (revision A). Yorkshire Water accepts surface water may discharge (at the restricted rate proposed) into the sewer.

Publicity

3.34 A letter in support of the scheme has been received on behalf on Hiscox who occupy the neighbouring office. 17 representations have been received in objection to the scheme. Comments are as follows -

3.35 Comments in support

- The setting out of the proposed building and the Hiscox office were given careful consideration to; respect the setting of the Black Swan and create improved public realm and connections which respect the historic layout of the area.
- The choice of materials will respect the setting whilst being modern and innovative.
- The scale is acceptable, bearing in mind parts of phase 1 are 6 storey and 7 storey development is envisaged for the remainder of the Hungate site.

3.36 Comments in objection

Impact on heritage assets

- Harm to the setting of the Black Swan; the proposed building would be too tall and too close to the Black Swan. The presence of the listed building would be diminished.
- Views of the Minster from the public route through Hungate and from apartments in phase I would be lost.

Design

- Elevations and roof form lack interest and animation.
- The materials and colours, in particular the dull grey proposed are out of character with the area. The building will detract from visual amenity.
- There is no coherence in the design and palette of materials used for buildings in the area.
- The building is overlarge and too tall. Buildings of this scale are inappropriate; existing examples in the City are mostly disliked and they detract from the historic character of the city.
- Development will create a wind tunnel between it and the Hiscox building and consequent rubbish build up which the council does not have the money to maintain.

Highway safety

- Sustrans officers have raised concerns that guests and staff coming and going will block the national cycle route that passes the site entrance. This could cause an accident. It was also queried whether there are adequate secure cycle facilities, for staff and guests, especially the latter as the site is on a popular cycle route. There are concerns signage of the cycle route will lose prominence and it is suggested alternatives could be funded by the applicants.
- Undue additional traffic on Black Horse Lane where the service/delivery access is proposed. There will be more cars, coaches and servicing vehicles. It is already hazardous to navigate service vehicles and incorporate all street users along Black Horse Lane and this will be worse if a hotel were introduced.
- Access into phase I could be blocked by unauthorised parking on Black Horse Lane.
- The vehicle access point into the building is unsafe due to the narrowness of the road and proximity to the pedestrian and cycle route. There is inadequate space (2 spaces) to accommodate all the associated delivery traffic and guests coming / going from the hotel.
- The road at the rear of the site is the only vehicle exit from Hungate phase I and is well used by cyclists and pedestrians. It should not be closed to accommodate construction. There were hold-ups when Hiscox offices were built and since then the population has increased; there will be 300 dwellings served by the street when phase 2 is complete.

Amenity

- Noise impact on phase I residents as a consequence of vehicle movements/deliveries at the rear of the building and from plant and machinery.
- Loss of outlook/view; outlook would be dominated by the proposed building which would be too close and too tall.
- The building would be over-dominant, being of larger scale than phase I
- Overlooking

Principle

- Contrary to York's 2014 Hotel strategy which seeks to increase the amount of high end (4 star) accommodation and not to flood the market with lower cost accommodation.

4.0 APPRAISAL

KEY ISSUES

4.1 The main issues for consideration are -

- Whether the proposed land uses are acceptable in principle
- Drainage and flood risk
- Visual impact, including the impact on heritage assets
- Amenity of surrounding occupants
- Highway network management
- Archaeology
- Sustainable design and construction

WHETHER THE PROPOSED LAND USES ARE ACCEPTABLE IN PRINCIPLE

4.2 The application is within the defined city centre, as designated in the emerging plan. Within the plan, policy SS4 states that York City Centre is identified as a priority area for a range of employment uses and fundamental to delivering the plans economic vision. During the plan period it will be the principal location in the City of York area for the delivery of economic growth in the tourism, leisure and cultural sectors. The policy states that in principle hotel development is acceptable.

4.3 In the Emerging Local Plan the application site sits within the Hungate site. The policy allocation was for a mix of uses on the site, including 12,000 sq. m of office space. Some 6,500 sq m of the office space has been realised as a consequence of the Hiscox development. Officers working on the emerging Local Plan have confirmed it is no longer proposed to retain the office designation, following completion of the Hiscox offices and approval of the revised masterplan for Hungate (15/01709/OUTM) which does not include further office space.

4.4 Emerging Plan Policy EC5: Tourism establishes a preference for hotels to be located within the defined city centre. Outline permission has been granted already for either office or hotel development at the site.

4.5 There is outline planning permission in place for the application site which establishes a hotel use as being acceptable. Hotel development at the site fits with national policy, which identifies hotels as a 'city centre use' and local policies which relate to hotels and the city centre. Considering national and local policy and giving

weight to the presence of outline permission in place for a hotel on site, hotel development is acceptable in principle.

FLOOD RISK

4.6 Emerging Plan policy ENV4 and NPPF advice on flood risk are consistent that development should be safe for its lifetime and not increase flood risk elsewhere.

4.7 The site is in flood zone 3. The NPPF therefore requires the Sequential & Exception Tests to be passed in order for the development to be allowable. This is because although the site has been designated for re-development in draft versions of the Local Plan, the plan has never been adopted.

Sequential Test

4.8 The site is within the defined city centre and the Hungate site which is allocated for mixed use re-development in the 2005 draft and the emerging local plans. The local aspiration is to re-develop Hungate in a sustainable way, which includes ensuring developments are reasonably safe from flooding and no increased flood risk elsewhere. This position has been established in previously granted planning permissions, and designations in the 2005 and 2014 drafts of the Local Plan.

4.9 The emerging plan identifies the Hungate site, York Central and Castle Piccadilly (Southern Gateway) as areas within the city centre for re-development. York Central is not yet in a position whereby redevelopment is ready to proceed and the Castle Piccadilly site is also an area at risk from flooding. The sequential test is passed as planning permission exists in outline for use and there are no alternative preferable sites available at this time where this development could otherwise occur.

Exception test

4.10 To pass the exception test the development must be acceptable in terms of flood risk and also demonstrate wider sustainability benefits that outweigh any harm.

Whether the development would be safe for its lifetime

4.11 The strategy would meet national guidance in the NPPG and local recommendations in the 2013 Strategic Flood Risk Assessment (SFRA) because –

- The ground floor level (FFL) would be approx 1m above 1 in 100 year flood level at 11 AOD which exceed local requirements in the SFRA.
- Access/egress would be provided above the 1 in 100 year flood level (which is 10.01 AOD) as recommended in the NPPG.

4.12 The December 2015 flood event has been considered as part of the proposals. In the flood, water levels reached approx 10.1AOD. During the event this building would have been protected and the access/egress onto Peasholme Green and beyond maintained.

Flood risk elsewhere

4.13 The site is partially within flood zone 3. As such re-development of the site could potentially displace floodwater (based on the existing situation now the site has been cleared). To prevent moving flood risk elsewhere compensatory storage will be provided within a void below the proposed hotel. The approach will prevent increased flood risk elsewhere and would be secured via a planning condition.

Wider sustainability benefits

4.14 The benefits of the development are the regeneration of a previously developed site and improved public realm. The building would achieve reasonable sustainable design and construction targets. As such, and as there would be no undue flood risk, the proposals pass the exception test.

DESIGN / IMPACT ON HERITAGE ASSETS

4.15 National guidance in the NPPG states that well designed places are successful and valued. They exhibit qualities that benefit users and the wider area. Well designed new or changing places should:

- be functional;
- support mixed uses and tenures;
- be lively and include successful public spaces;
- be adaptable and resilient;
- have a distinctive character;
- be attractive; and
- encourage ease of movement.

4.16 The NPPG advises that in consideration of distinctive character consideration needs to be given towards urban grain, building form, style, vernacular, materials, landscaping and wildlife. In deciding whether a development would be attractive the guidance states that composition of elements and the relationship between colours, textures, shapes and patterns are all important, as is the depth of views, particularly across roofscapes or between buildings.

4.17 Local design policies are consistent with national advice. Emerging Local Plan policy D2: Placemaking, in addition to the considerations above requires respect for the city skyline and the dominance of The Minster, the integration of car parking so it is not dominant, active frontages and the creation of buildings that are true to their intended purpose.

4.18 Paragraph 128 of the NPPF says local planning authorities (LPAs) should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. And where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. In this application the applicant has submitted a heritage statement describing the impact on the heritage assets, and a desk based archaeological assessment.

4.19 Paragraph 219 of the NPPF says that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) and take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The significance of the relevant heritage assets and the impact of the proposals on them is considered below.

4.20 The application site neighbours the Grade II* listed Black Swan public house. This building has 15th century origins with extensions in the 16th, 17th and 20th century when further restoration took place. It is the only historic building on the south side of Peasholme Green (outside the Central Historic Core Conservation Area). To the rear of it lies the hard surfaced customer car park and utilitarian outbuildings. There are other listed buildings on the opposite side of Peasholme Green, within the Central Historic Core Conservation Area.

4.21 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall pay special regard to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

Function of the area

4.22 The masterplan for Hungate established the general layout and type of building blocks to be established over the site. The L-shaped plan form proposed, which gives enclosure and overlooks the public route through the site and the surrounding streets is consistent with the masterplan for the area and the 2015 proposals submitted by Hiscox. In this scheme the existing public route would be widened slightly, and in accordance with previous approvals public open space referencing the historic layout, would be created in front of the building. The intent is that the public realm improvements in the area, phase 1 of which were completed in conjunction with the Hiscox development, will be continued and the applicants would

be expected to make a contribution towards these enhancements which would be secured through a S106 agreement.

4.23 The scheme includes an active frontage at ground level, where there would be a cafe/restaurant within the building which would be open to non-guests. Providing this commercial use at ground level is welcomed in the Hungate area and accords with national planning advice to support mixed uses and provide lively public places. Officers anticipate that this use would help to animate and give natural surveillance to the adjoining public spaces.

Layout and scale

4.24 The outline consent for the original Hungate development (application 02/03741/OUT which was approved in 2006) had 4 storey buildings behind the Black Swan, stepping up to 6 storey. At the time of the Hiscox applications the position of the buildings was varied, with the public route through the buildings moved slightly to the SW. A 5 storey building was consented (in outline) on the application site.

4.25 The proposed building would be part 3 storey and part 5 storey with a varied roofscape. The scale and setting out of the proposed building compared to the offices to each side and Hungate phase 1 is illustrated in the revised package of plans. At its tallest part the proposed building would exceed the maximum height established in the 2015 outline (by approx 1m); this allows for a pitched, opposed to a flat roof, and the configuration differs at the South-East end where the building is setback from the street, but it extends behind the sub-station. The roof form adds interest to the skyline which is advocated in the Central Historic Core Conservation Area Appraisal. The layout and scale of the building will respect the Hungate streetscape and setting

4.26 The facade would be setback 19.5m (the setback was increased in the revised plans) from the front elevation of the Black Swan, which accords with the previous outline permission, and set behind landscaped public open space. The ridge of the front gable is about level with the glazed facade of the Hiscox office and the buildings would be a comparable distance from the front of the Black Swan.

4.27 The glazed facade was encouraged and had the support of Historic England in the previous application. Their advice was that the *“fully glazed nature of the 3/4 storey facade proposed was the most appropriate architectural solution to developing this challenging site. In association with high quality public realm the setting could be enhanced”*. The glazed facade has also been encouraged by Hiscox who are the current landowners and have subsequently been involved in the design process.

4.28 The glazing would give an active frontage to the building, revealing the communal areas within; it improves the internal space, making it more generous and there would be visual interest from the outside; the glass revealing the buildings zinc and brick walls within.

4.29 The proposed building is of lesser scale than the Hiscox building. There are trees by the entrance to the office block which neighbours the Black Swan which would hide the proposed building and the Hiscox building has a curved facade; revealing views of the Black Swan along Stonebow. The proposed building is intentionally set back behind public open space to ensure that the existing buildings, the listed Black Swan and the Hiscox building remain dominant. The proposed hotel would only be viewed as a backdrop to the existing buildings, and only viewed alongside the Black Swan from the opposite side of Peasholme Green.

4.30 In previous outline permissions there was to be 5-storey development 26m back from the front of the Black Swan. In views from St Saviours Place phase 1 of Hungate is already evident behind the Black Swan. Where the building is taller at the rear, its scale is comparable with the Hiscox building and the neighbouring block at Hungate Phase I. In the revised scheme the rear roof has been reduced in bulk whilst maintaining the chimney which gives interest.

4.31 The taller block behind the Black Swan would be some 55m from its facade. Due to this separation distance there would be a limited effect on existing views from Aldwalk and outside St Anthony's Hall.

4.32 Due to the setback and scale of the proposed building and as landscaping will be introduced there would not be harm to the setting of the listed Black Swan. The impact of this scheme would not vary considerably compared to the outline application for the overall site or the more recent outline permission granted in 2015. The overall impact on the setting of the conservation area to the north and the listed buildings within it would be minimal and acceptable.

Materials & vernacular

4.33 A light, buff brick, glass and zinc are the proposed palette of materials to the building. The materials are intended to enable a calm and discreet backdrop to the existing buildings, they will tie in with the brick and glass used on the Hiscox building and the render on the Black Swan and subsequently are acceptable in this particular location.

4.34 The taller elevations have a strong vertical emphasis; the approach agreed for development at Hungate and recognisable in the completed phase 1. The facades will have visual interest, articulated by a mix of deeply recessed windows and projecting oriel windows. The majority of the variation is to the lower levels, letting the top floor be calmer and appear recessive. This language follows the ordered

approach characteristic of the Central Historic Core Conservation Area where buildings diminish in scale by virtue of the proportions and detailing.

4.35 To conclude the design considers and does not significantly deviate from previous permissions at this site, it accords with national design advice and the previously approved master-plan proposals for the Hungate area. There would not be harm to the setting of listed buildings, in particular the Black Swan, and re-development of a vacant site in the manner proposed would benefit the setting, including the adjacent Central Historic Core Conservation Area.

AMENITY OF SURROUNDING OCCUPANTS

4.36 The massing for buildings at Hungate was established in the original design statement when outline consent was granted in 2006 (application 02/03741/OUT). The building at the application site was shown as 4 storey behind the Black Swan, stepping up to 6-storey. Phase 1 of Hungate, where facing north-west (NW) towards the King's Pool office site would range from 4 to 6 storey (as built). The building given outline consent at the application site in the later application 13/03232/OUTM was approved with a maximum height of 29.1 AOD; half a storey lower than the maximum height of Hungate phase 1.

4.37 The majority of the NW of Hungate phase 1 looks past the proposed building, towards the office site further north. The proposed building is also set back further from phase 1 compared to previous iterations; it sits behind the sub-station buildings adjacent the site. Where windows in phase 1 would look directly at the proposed building, the separation distance would be at least 20m. The separation distance is double the 10m (approx) phase 1 will be from later phases of the Hungate development along Palmer Street. The relationships can be appreciated on the proposed location plan and aerial views, which show the site as envisaged when fully developed.

4.38 The proposals, in scale and separation distances, sit comfortably with planning permissions for the Hungate site. The proposed hotel would be to the NW of phase 1, as such and due to the proposed setting out of the buildings phase 1 would not be over-dominated and would not suffer an undue loss of light.

4.39 The loss of the view of the Minster from both phase 1 and Palmer Street does not present a basis to refuse the application, with this being a location where further re-development of a certain scale and type was always anticipated. A design code was established for the Hungate area at outline stage and it was not expected that views of the Minster would be retained along Palmer Street. Then intent was that the Minster would emerge in a revealed view along the new route between the Hiscox site and the application site.

4.40 Comparing what has been approved in the Hungate masterplan and the proposed development, there would not be a materially increased adverse impact on the amenity of surrounding occupants with regards over-looking or over-dominance, or loss of light. Those impacts are in any event considered to be acceptable in this context.

4.41 The servicing is proposed on Backhorse Lane. Again within the Hungate design code it was established that this street would be a vehicular street from which the site would be serviced.

4.42 The aspiration for Hungate has always been that it is a vibrant and mixed use area. Consequently a degree of activity associated with commercial uses is to be expected. A condition is proposed to restrict delivery times, consistent with other commercial properties on Hungate. Conditions are also proposed to prevent harm to amenity as a consequence of noise from plant/machinery and from cooking odours.

HIGHWAY NETWORK MANAGEMENT

4.43 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.

Access arrangements

4.44 The previous application at the site, along with the Hiscox office, included a scheme to improve the public realm and pedestrian cycle movement across Peasholme Green. A significant element of the scheme was completed under phase 1 of the works, in conjunction with the Hiscox development. It was intended there would be further phases of work in conjunction with development at this site. As per the previous outline permission for the site a contribution is sought towards the improvements.

4.45 The existing pedestrian cycle route running past the Hiscox offices has pinch points where it narrows down to 4m wide (a similar width to Hungate bridge). The route would be widened as a consequence of the development. The pinch points would be widened by around 1m on completion of the hotel building, which would be setback around 2m from the existing site hoarding. This extent of space, considering users respect one another, is adequate to deal with the envisaged pedestrian and cycle movement.

4.46 The design code for Hungate established Black Horse Lane, along with Dundas Street as vehicular accesses which would serve Hungate; different to Palmer Street which was to be pedestrianised. The Stonebow is being narrowed and the intent is Hungate is served from the quieter side streets.

4.47 The hotel option in the previously approved outline application had a car park accessed from Black Horse Lane with approx 20 car parking spaces. This scheme has accessible car parking only. There is a drop off point and a servicing area with adequate turning facilities (as has been demonstrated by the applicants). There would be less vehicle traffic on Black Horse lane compared to the approved outline. The area in question has been envisaged as, and designed to operate as a shared space.

4.48 The revised plans show cycle parking provision. There will be (short stay) spaces within the public realm to the front of the site (double the existing provision of 4 sheffield hoops). For hotel staff and guests within the courtyard (which will have restricted access) there will be covered Sheffield hoops providing 12 spaces. The provision is satisfactory and compliant with locally established standards (2005 Local Plan).

4.49 The measures within the application – no private car parking, provision of cycle spaces and promotion of sustainable travel through the travel plan (the plan would be secured through condition) accord with policy. There is suitable access and servicing provision.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.50 Due to the international nature of the applicants they have advised us that their standard is to meet LEED standards rather than BREEAM. LEED (Leadership in Energy and Environmental Design) is the American equivalent of BREEAM.

4.51 The applicants have provided information on the two accreditation methods (in their sustainability statement) and officers are satisfied that the Gold standard proposed is reasonably equivalent to BREEAM Very Good, the minimum standard locally required. The proposed LEED Gold standard would be secured through planning condition.

ARCHAEOLOGY

4.52 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. In accordance with the policy at least 95% of archaeological remains will be preserved, this would be secured through a condition. Based on investigation to date later medieval deposits have been found within the northwest portion of the curtilage of the site. In summary this consists of the substantial remains of what appears to be a Norman (12th Century AD) stone

built building with C13th to C14 additions. In addition to preservation of 95% archaeology, there would be a requirement for a watching brief on groundworks.

5.0 CONCLUSION

5.1 The scheme will regenerate part of the city centre in line with aspirations outlined in the 2005 and emerging draft Local Plans. The proposed use is acceptable in principle. The site is in an area where flood risk is high but the sequential and exceptions tests are passed and the development has been designed to be flood resilient. There would be no harm to heritage assets or their setting, to residential amenity or highway safety.

5.2 Approval, subject a section 106 agreement to secure a contribution of £18,000 towards public realm improvements at Peasholme Green is recommended. At the time of writing the applicants agree in principle to the contribution but have yet to confirm agreement of the amount.

5.3 The contribution would be towards public realm and pedestrian improvements on the opposite side of Peasholme Green, akin to those detailed in phase 2 of the landscaping plans submitted with the previous outline application of the site. In the event that the permission sought under this full application is implemented, the contribution secured through a section 106 required and would be CIL compliant, being directly related to the development (improving access/egress to the site) and reasonable. This would be the second contribution to the overall works for the improvements on Peasholme Green; the Hiscox development made a contribution to the now completed phase 1 work.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to 106 agreement

1 Development to commence within 3 years

The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 Approved plans

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

Package PGY 362

Location / Site plans

P11- 01d, 02e, 03h, 10c

Floor Plans

P11 – 04h, 05e, 06e, 07e, 08e, 09f

Sections

P13 – 01e, 02e

Elevations

P14 – 01e, 02e, 03e, 04e

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

3 Dilapidation survey

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: The condition is necessary prior to commencement of development in the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

4 Construction Management

Prior to works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting and dust resulting from the site preparation, groundwork and construction phases of the development and include measures to ensure no mud/detritus is dragged out over the adjacent highway. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: The condition is necessary prior to commencement of development to protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

5 ARCH2 Watching brief required

No ground work shall commence on site until the applicant has secured the

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implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

6 ARCH3 Foundation design required

No construction shall take place until the applicant has submitted a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, to, and secured the approved in writing of, the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

7 Site Drainage

The development shall be carried out in accordance with the Fairhurst's external drainage strategy (including drawing 111123/7001A). Peak surface water run-off from the proposed development restricted to a maximum 20 lit/sec.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

Informative: Consent should be sought from Yorkshire Water to connect foul and surface water into their sewers.

8 Flood risk management

The development shall be carried out incorporating the proposed flood resilience measures as detailed in the Fairhurst Flood Risk Assessment addendum dated January 2017, in particular the following mitigation measures -

- Provision of flood compensation storage in the form of an open void beneath the ground floor.
- Finished floor levels (apart from car parking areas) shall be set no lower than 10.94m above Ordnance Datum (AOD).

Prior to construction commencing details of the floodwater storage area (which

demonstrate that the development will not result in a loss of volume of flood storage) including details of ongoing maintenance shall be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF, in particular paragraph 103.

INFORMATIVE:

Ground levels under the building are to be amended to compensate for the volume lost and the void will be taken up to the 1 in 100 year flood level (10.01mAOD). The total compensatory volume provided must be no less than that proposed in the Addendum Flood Risk Assessment January 2017 (table 3). There must be no barriers to flood flow and the void must be able to drain freely under gravity.

9 Materials

Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to construction of the building envelope. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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.

Indicative materials were detailed on drawing P12 – 06d

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of the sensitive location.

10 Large scale details

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 construction and the works shall be carried out in accordance with the approved details.

- Typical sections of each element of the building, including roof
- Zinc clad areas shown in context
- Rainwater goods
- Chimneys
- Gates/railings/handrails/service access gates all shown in context

Reason: To ensure good design in accordance with paragraph 57 of the NPPF.

11 Landscaping

A detailed hard and soft landscaping scheme shall be approved by the Local Planning Authority prior to completion of construction. The scheme follow the principles detailed on the approved plans including –

- Tree planting in front of the proposed building
- Re-provision of cycle parking
- Any crossings to be made redundant to be made good

The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which 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: In the interests of the character and appearance of the area in accordance with paragraph 58 of the National Planning Policy Framework.

12 Land contamination (Verification of Remedial Works)

Prior to first occupation or use of the development, the proposed remediation scheme

(Fairhurst Remediation Strategy dated July 2016) shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

13 Highway works

The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the highway to match adjacent levels, and the areas, as shown on the approved plans.

Reason: In the interests of highway safety and management, and visual amenity.

14 Cycle Parking

Prior to occupation of the development hereby approved cycle parking shall be provided in accordance with the approved plans. The facilities shall be retained and made available for use for the lifetime of the development.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

15 Travel Plan

Prior to occupation of the development hereby approved a Full Travel Plan shall be submitted to and approved in writing by the LPA. The travel plan shall be developed and implemented in line with local and national guidelines and the submitted Travel Plan Issue 2 dated 2nd March 2017. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Yearly travel surveys shall be undertaken thereafter.

Reason: To promote sustainable travel, in accordance with section 4 of the framework, in particular paragraph 36.

16 LEED

The development shall be constructed to a LEED Gold Standard. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a LEED Gold standard a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a Gold standard. The approved 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.

17 Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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.

18 Deliveries

Following completion of the development the hours of delivery to and dispatch from the site shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday 08:00 - 18:00
Saturday, Sunday & Bank Holidays 09:00 - 18:00

Reason: To protect the amenity of local residents.

19 Amenity of future occupants

The building envelope of the hotel shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45dB LA Max (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future occupants and in the interests of the long-term viability of the building.

20 Cooking smells / odour

There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once

approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

Note: 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.

21 Plant

Noise from any plant and machinery at the application site shall not exceed the following noise levels, when measured at a distance of 1m from surrounding dwellings -

LA90, 5min 48 dB during the day time (07.00 to 23.00 each day)

LA90, 5min 38 dB at night (23.00 to 07.00 the following day)

Reason: To protect the amenity of the locality.

22 Works below ground

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Prior to installation details of any underground storage tanks, chambers / cabling shall be approved in writing by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details.

Reason: To protect the surface water and groundwater receptors in the area from contamination by creating new pathways.

7.0 INFORMATIVES:

STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

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

achieve a positive outcome: pre-application advice, negotiation during processing of the planning application and the use of planning conditions.

Works in the Highway

Consent is required from the Highway Authority for the works being proposed, under the Highways Act 1980

Contact Utilities

As the proposal may have an affect on Statutory Undertakers equipment

Contact details:

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