

## COMMITTEE REPORT

**Date:** 21 February 2019      **Ward:** Guildhall  
**Team:** Major and      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 18/01296/FULM  
**Application at:** Infinity Motorcycles 46 Piccadilly York YO1 9NU  
**For:** Erection of part 6/part 7-storey hotel (143 bedrooms) with 6-storey apartment block (8 apartments) following demolition of existing buildings  
**By:** Avantis Piccadilly Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 28 February 2019  
**Recommendation:** Authority to Approve delegated to the Assistant Director

### 1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a 6/7 storey hotel (143 Bedrooms) fronting onto Piccadilly and a six storey block of 8 apartments (6 x 2 bed and 2 x 4 bed) to the rear of the site, facing the River Foss. Members will recall a hotel and apartment scheme (17/00429/FULM) for the site that was approved by Planning Committee in December 2017.

1.2 The design and scale of the Piccadilly frontage is similar to the approved scheme however the apartment building facing onto the River Foss has been set slightly further away from the river bank and is significantly altered in appearance and increased in height compared with the previous approved scheme. This application also differs in that it is designed as one building rather than the approved two separate buildings. The link which joins the hotel to the apartment block is three storeys, but there is no proposed access between the apartments and the hotel.

1.3 Revised plans have been submitted during the application process to address design, height and massing concerns. The land levels to the rear of the site have been lowered to allow an additional storey to the apartment block, the number of apartments remains the same.

1.4 The existing two-storey building on the site was recently used as a car park with a retail unit fronting Piccadilly. The building dates from the 1950s and is unlisted.

1.5 The site is within the Central Historic Core Conservation Area and within an Area of Archaeological Importance. The site is within Flood Zone 3 and is known to flood.

1.6 To the west of the site is the River Foss, with the Castle Museum, Crown Court, Clifford's Tower and the Castle Car Park beyond.

1.7 To the south of the application site is Ryedale House an 8 storey 1960s block which is currently undergoing conversion to residential use. To the north is 36- 44 Piccadilly, an application for the development of this site came before Planning Committee in September 2013 and was approved subject to a legal agreement. However the legal agreement was not signed and the application has now been finally disposed of. To the east of the site are the Spark York development and a four storey office block.

## RELEVANT PLANNING HISTORY

- 17/00429/FULM - Erection of part 5/part 6 storey hotel (140 bedrooms) with ground floor restaurant and 5 storey building comprising 8 no. apartments (class C3) - Approved
- 11/00209/CLU - Use of part of the ground floor as a 63 space public long stay car park with operating hours from 7am to 7pm Monday to Saturday and 9am to 6pm on Sundays and charging on the basis of increments of 2, 4, 6 and 24 hours - Certificate granted

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006  
Conservation Area GMS Constraints: Central Historic Core CONF

### 2.2 Draft Local Plan 2005:

SP7B York City Centre and Central Shopping Area  
GP1 Design  
GP6 Contaminated land  
GP15A Development and Flood Risk  
NE8 Green Corridors  
HE2 Development in historic locations  
HE3 Conservation Areas  
HE5 Demolition of Listed Buildings and Buildings in Conservation Areas  
HE10 Archaeology  
V3 Criteria for hotels and guest houses

### 2.3 Publication Draft Local Plan 2018:

SS3 York City Centre  
SS5 Castle Gateway  
D1 Placemaking  
D4 Conservation Areas

D5 Listed Buildings  
D6 Archaeology  
D7 The Significance of Non-Designated Heritage Assets  
G11 Green Infrastructure  
CC2 Sustainable Design and Construction of New Development  
ENV3 Land Contamination  
ENV4 Flood Risk  
ENV5 Sustainable Drainage

### **3.0 CONSULTATIONS**

#### INTERNAL CONSULTATIONS

##### Highway Network Management

3.1 The changes shown to the street frontage are agreed in principle. This includes for the footway to be widened along the entire plot frontage and include space for essential operational vehicular activity such as deliveries and drop off / pick up. In addition it is anticipated that street trees or other landscaping and street furniture will form components of the street improvements.

3.2 The scheme can be secured by planning condition, although the scheme is likely to be subject to some modification through the detailed design when considered as part of the wider street scheme. This would not be expected to change the key parameters such as the footway widening but look at detailed aspects again as part of the fuller scheme. This could include a review of the overall space allocated for vehicular servicing, bus stops and the type/form of street trees.

3.3 Internal access from Piccadilly has been designed to meet the requirements of the operator and are considered appropriate and minimise the impact on the street scene. A nominal number of parking spaces for guests and also the apartment block are provided, this reflecting the central and sustainable location.

##### Design, Conservation And Sustainable Development (Design & Sustainability Manager)

3.4 The changes are an improvement on the submitted application and overall the objection to his element is removed. In design, the link is now clearly different and subservient to both the larger hotel and the apartment building. This helps maintain some sense of difference between these two principle components as requested. The link is substantially less high than before and will have minimal impact. Daylight penetration into the surrounding spaces will be less impacted on than the submitted application. In being smaller, it also contains fewer apartments and there is less impact on the privacy amenity of neighbouring Ryedale House.

3.5 The design of the apartments now more closely resembles the permitted scheme. Compositionally, agree with Historic England comments that in compressing an extra floor of residential accommodation into the scheme compared to the permitted scheme over almost the same height the composition has got busier and the proportions have changed. On balance there is no longer an objection to his element. Massing is now only very marginally increased The Foss elevation is highly sensitive. Going forward, given this sensitivity: detailed drawings and full mock up built samples of a typical window bay (window, surround, and louvre window) and balcony bay should be submitted via condition. This is considered proportionate and similar to that recently provided on Stonebow House and conditioned on Hudson House.

3.6 The principle of a modest height to the Foss edge guarding is accepted. However, the design of this element should still be conditioned because the proposal is affected by the overall boundary landscape design proposal which is not yet agreed and so this should be part of the landscape condition.

3.7 If approved, a condition should be added to record the existing building prior to demolition (suggested Level 2 recording).

#### Design, Conservation And Sustainable Development (Ecology Officer)

3.8 This revised scheme pulls the apartment block back slightly from the River Foss edge and reduces the residential gardens to the side, it is also slightly higher than the previously approved scheme (ref. 17/00429/FULM) – these changes are not considered significant in terms of ecology.

3.9 There are no statutory nature conservation sites on or immediately adjacent to the site. Approximately 1.6km downstream of the site is Fulford Ings Site of Special Scientific Interest (SSSI). If standard best practice in relation to demolition, construction and working near water is used there should be no negative impacts on the SSSI. The River Ouse is a Site of Importance for Nature Conservation due to the presence of otter and migratory fish species. As before this should not be impacted on.

3.10 The River Foss is noted as a Site of Local Interest because of its wildlife interest and importance as a connecting green corridor. Otter are known to use the River Foss within the city centre. This European protected species was recorded in 2015 from approx. 360m upstream of the site. Kingfisher, a species protected under Schedule 1 of the Wildlife and Countryside Act, has been recorded from King's Pool upstream of the site.

3.11 A Phase 1 Habitat Survey and bat survey has been undertaken on the site. No sign of use by otter was found and there is no habitat for water vole; the river bank is constructed out of brick and steel pilings along this section. The majority of the building offers low risk bat habitat. A bat emergence survey was carried out on 18th

July 2016 using 3 surveyors. No bats were recorded emerging from the building and no further surveys recommended.

3.12 The building currently on site is single storey and the proposed residential building will be five storey. The development will result in additional shade, noise and artificial light in this area. A sensitive lighting scheme should be secured through a planning condition to limit excessive light spill over the River Foss. There is a missed opportunity to enhance the green corridor here by setting back the buildings and providing soft landscaping along the River Foss.

### Design, Conservation And Sustainable Development (Archaeologist)

3.13 The application will result in reduction of levels across the site by up to 1m. This will not impact directly on the deeper, waterlogged well-preserved archaeological deposits. However, it will push certain elements relating to drainage and associated silt traps and other features into the very upper levels of these waterlogged deposits. Two out of a possible four groundwater monitoring points have been installed on the site. The proposed level reduction will remove these monitoring facilities. Request conditions for a programme of archaeological work; foundation design, deposit monitoring; excavation; replacement of groundwater monitoring points.

### Flood Risk Management Team

3.14 Having assessed the revised Proposed Drainage Layout - Drawing Re: 10-4810 Revision D dated 29/01/2019 by Ward Cole and in conjunction with the levels shown on the Proposed Site Section – Terrace to River Wall Drawing Re: 05-02-01a (undated) by CSP Architects the Flood Risk Management Team has no objections to the development in principle but if planning permission is to be granted, the conditions should be attached in order to protect the local aquatic environment and Public Sewer network

### Public Protection

3.15 Accept the conclusions of the noise assessment, some noise mitigation measures will be required in terms of glazing and ventilation for the rooms that face onto Piccadilly.

3.16 There will be permanent residents within the residential part of the development it is recommended that there are restrictions on delivery hours to ensure that noise from deliveries to the hotel does not cause disturbance to the future residents.

3.17 The noise report was conducted in 2017 therefore it would be advisable that some additional noise monitoring is conducted to verify that the noise levels of the existing ambient noise are still applicable.

3.18 Request conditions for details scheme of noise insulation; Details of all machinery, plant and equipment to be installed; restriction of the hours of delivery; Construction Environmental Management Plan to be submitted; hours of demolition and construction; adequate facilities for the treatment and extraction of cooking odours; vehicle recharging points .

#### Education Planning Officer

3.19 No contribution required

#### 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, SS5, EC4, D1, D4 and D7 should be applied with moderate weight. No policy objection to this application.

#### Waste Services

3.21 No comments made on the revised proposals.

#### Emergency Planning Officer

3.22 No objections if development is implemented with the procedures in the flood evacuation plan

### EXTERNAL CONSULTATIONS/REPRESENTATIONS

#### Guildhall Planning Panel

3.23 Support the change of cladding materials and the revised waste arrangements. Request greater public access to the riverbank included in the strategic plan. The mentioned bridge route across the Foss is not consistent with our understanding. Would like to see, in lieu of the trees, some greenery suitable to the development included in the plan.

#### Police Architectural Liaison Officer

3.24 It is pleasing to note that the principles of crime prevention through environmental design have been taken into consideration in the revised site plan and design and access statement. Have no concerns to raise regarding the proposal.

#### Environment Agency

3.25 Consider that the proposed development will only meet the requirements of the

National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of the following planning condition being applied to any planning permission granted: To be constructed in accordance with FRA, void should have a void of 10.555mAOD and the floor levels shall be no lower than 11.03AOD.

3.26 In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

3.27 In accordance with the National Planning Policy Framework paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the National Planning Policy Framework.

#### Historic England

3.28 Note that the present amendments only concern the residential part of the scheme. We understand that the hotel block remains unaltered and along with this, the visibility of St Denys' Church remains the same as in the consented scheme.

3.29 It is our understanding that the residential block as now proposed is no higher than the top of the balustrade of the residential block in the consented scheme. However, because there is an extra storey (five, instead of four storeys) the proportions have changed and the facade appears taller, more pattern-like and more wall-like due to the repetition of the relatively small-scale syncopated fenestration over the extra storey. We consider this block needs to be given a broader treatment so as to keep it as a distinct visual entity which avoids merging into a 'wall' of development with other adjacent proposed blocks, when viewed from Clifford's Tower and the Eye of York. We therefore strongly suggest that the fenestration design is given a broader, less fragmented and also less regular pattern by the grouping together of some of the windows and/or possibly by recessing the top storey and carrying the fenestration across it, thereby reducing this wall-like appearance.

3.30 Recommend that a condition is applied to any consent covering the photographic recording with associated plans and historical information of the existing building on the site. We suggest the record is lodged with the local Historic Environment Record and the National Monument Record in Swindon

#### Yorkshire Water

3.31 There are water mains located close to the site boundary within the footway of Piccadilly. Whilst they do not appear to be directly impacted by the development; it is

essential that they are protected during the demolition and construction phases of the development

3.32 Request 2 no. conditions: no demolition shall take place until the means of protection the water main has been submitted; the development shall be in accordance with the FRA

#### Conservation Areas Advisory Panel

3.33 The Panel felt that this was an unimaginative scheme for the site and that an opportunity for a good building had been lost

#### YORK CIVIC TRUST (To Originally Submitted Scheme)

3.34 Over-development and a consequence negative impact on historic sites and river/streetscape. The proposed riverfront apartments would be 1.5m taller and c.3m wider than those previously approved in application 17/00429/FULM. The proposal to connect the apartments and the hotel on Piccadilly would effectively be seven storeys high, and would significantly add to an apparent increased massing - in terms of height, width and density - when seen from important historic vistas and sites, notably the Scheduled Ancient Monument Castle complex, but also when approaching up and down the River Foss from Castlegate or the Coppergate Centre to the North or from the south and the soon-to-be improved public domain to the rear of the Castle Museum.

3.35 A likely negative contribution this proposal would have on the strategic implementation of the wider Castle Gateway Masterplan, and in particular the provision of a pedestrian / cycle bridge across the River Foss.

#### Publicity And Neighbour Notification

3.36 No representations have been received.

## **4.0 APPRAISAL**

### KEY ISSUES

- Principle of development
- Impact on heritage assets
- Impact on neighbouring uses
- Sustainable Transport
- Flood risk and drainage



## PLANNING POLICY

### National Planning Policy Framework

4.1 The NPPF was revised in July 2018. At its heart is a presumption in favour of sustainable development, however this presumption does not apply in circumstances where the application of policies within the framework that protect areas or assets of particular importance (e.g. designated heritage assets or land at risk of flooding) provides a clear reason for refusing the development .

### Publication Draft York Local Plan (2018)

4.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 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).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

### Draft Development Control Local Plan (2005)

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

## PRINCIPLE OF DEVELOPMENT

4.4 Planning permission exists for the demolition of the current building on the site and its replacement with a hotel and apartment building. Hotels are a main town centre use. The proposals broadly accord with NPPF policy to promote the vitality of town and city centres. SS3 of the 2018 Publication Draft states that hotels and residential

uses are acceptable in principle in the city centre. The development is compatible with SS5 “Castle Gateway” by bringing forward new commercial development with an active ground floor frontage to Piccadilly. Draft 2005 Local Plan policy V3 allows for hotel development subject to its compatibility with its surroundings in terms of siting, scale and design; that it would not result in the loss of residential accommodation and is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions. The NPPF seeks to significantly boost the supply of homes.

## IMPACT ON HERITAGE ASSETS

4.5 The site is within the Central Historic Core Conservation Area and it is within an Area of Archaeological Importance. It also forms part of the wider setting of Clifford’s Tower and the Castle precinct. The Castle Museum: (The Female Prison, the debtors prison, curtain wall are all Grade I listed); as are the Crown Court and Railings and Clifford’s Tower. York Castle is a scheduled ancient monument. The church of St Denys is also Grade I listed).

4.6 The Central Historic Core Conservation Area Appraisal (2013) sets out important considerations for the area which must be met by any new development. The Castle Piccadilly area includes buildings of exceptional historical and architectural quality of international importance. Regeneration could transform this part of the City by enhancing the unique setting of these buildings and securing their sustainable future. In particular, the character, setting and appearance of the Castle Precinct (the area of the Scheduled Ancient Monument including Clifford's Tower).

4.7 The CHCCAA sets out that the majority of the buildings along the bank of the River Foss are designated as detractors for a number of reasons. The application site however is not designated as a detractor. The Appraisal comments on the deteriorated quality of the buildings along Piccadilly and the location is particularly sensitive since it is directly opposite the Castle precinct. The Appraisal sets out the sensitivity of views to the Castle buildings and that building heights and layouts must respond to this. Breaking up blocks into a series of smaller elements and controlling building heights would help to achieve this.

4.8 The application site falls within a strategic panoramic view point from Clifford’s Tower, Key View 16 (Central Historic Core Conservation Area Appraisal (2013)). The appraisal sets out that no new development should be permitted which would break the skyline of the historic core when viewed from this point. The views from Clifford's Tower provide an understanding of the 'topography' of the townscape. The appraisal sets out that there is a clear material division from this elevated vantage point: the everyday mass of the city is coloured in the reds and browns of brick and clay tile. From this 'choppy sea', as it has been described, rise the medieval buildings of Church and State. English Heritage has expressed the importance of the view from Clifford’s Tower towards St Denys Church.

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

4.10 The NPPF 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 to the asset's conservation. The more important the asset the greater the weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal. The NPPF goes on to state that Local Planning Authorities should look for opportunities within Conservation Areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and Publication Draft York Local Plan (2018) Policy D4, reflect legislation and national planning guidance. In particular, Policy HE2 states that proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

4.11 The permitted application was considered to not to harm the character, appearance or setting of the York Castle Scheduled Ancient Monument, the character or appearance of the Conservation Area or the setting of adjacent listed buildings.

#### Conservation Area and Setting of Listed Buildings

4.12 The main facade of the proposed hotel would go up 4 storeys from the back of the pavement; the fifth storey would be set back from this frontage with the top storey recessed further and unlikely to be prominent in longer views along Piccadilly. The external finish for the hotel would be brick. The design is relatively simple in appearance. The windows will be recessed which will add an element of depth and visual interest to the elevations. As part of the highway works at least 2 trees would be planted to the front of the proposed hotel which would help create some visual break of the frontage.

4.13 The vehicle and pedestrian access to the rear of the site would be gated it is considered necessary to condition details of the gate to ensure that the views through the site are retained.

4.14 The main frontage of the apartments would face onto the river. Each flat would have an inset balcony with a glazed balustrade and the elevation would be a combination of cladding panels with the recessed bays and full storey height glazing with louvered screens and brick surrounds. To the north and south elevations

would be winged windows facing the river, brick is proposed to the side and rear elevations.

4.15 The proposed development would be taller than the existing and would have more presence in the street, river corridor, and the surrounding area. The current application broadly retains the scale and appearance of the previously approved hotel element of the scheme fronting Piccadilly and this part of the proposal would not harm the character or appearance of the conservation area or the setting of listed buildings.

4.16 The link connecting the two previously separate buildings has been amended through the course of the application and is subservient to both the Piccadilly and River Foss frontage elements. The loss of the spacing provided between the two buildings in the previously approved scheme is balanced by the fact that the elevations were previously largely blank, the views of the link would be limited from the public realm.

4.17 The apartment building element of the proposal faces the River Foss and the Castle precincts beyond. This elevation is highly sensitive. The design as amended more closely resembles the permitted scheme. The massing is now only very marginally increased and this margin of increase, is countered by the benefit of the set back from the edge of the River Foss. The proposed roof top terrace has been removed from the scheme. In compressing an extra floor of residential accommodation into the scheme compared to the permitted scheme over almost the same height the composition has got busier and the proportions have changed. The concerns of Historic England in this respect have been taken into account, however it is considered that the proposed apartment building would not harm the setting of listed buildings or character and appearance of the conservation area. The view and relationship between Clifford's Tower and St Denys Church has been retained by the revised designs of the proposed development and whilst altered from what exists at present is not materially harmed.

4.18 Taken as a whole and on its own merits the development proposals would not harm the character and appearance of the conservation area or the setting of listed buildings.

### Archaeology

4.20 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance. Anoxic waterlogged deposits are preserved on this site and that they are in "relatively good" condition and of high value. The development proposal will cause harm and result in loss of deposits on this site caused by the piled foundations. This loss will be no greater than 5% of the deposits, in accordance with Policy HE10. The proposal will also reduce levels across the site by up to 1m. This will not impact directly on the deeper, waterlogged well-preserved archaeological deposits. However, it will push certain elements relating to drainage and associated

silt traps and other features into the very upper levels of these waterlogged deposits. Any harm is considered to be less than substantial, outweighed by the economic and social benefits of the development in terms of the provision of new housing, the provision of regeneration in the area with employment and tourism benefits, and can be mitigated by conditions.

### Non-Designated Heritage Assets

4.21 The existing building on the site was considered, but not recommended, for statutory listing. The former Unwins Ford motor-car showroom and garage was built 1955-57 and has a Modernist-style frontage and barrel-vault concrete-shell garage roof. It was designed in partnership between prominent London-based architects Wallis, Gilbert and Partners (WGP) and Ford. The city-centre location is unusual for the time of its development but is principally of local rather than national interest, providing evidence of the development of York's motor-car industry. In its appraisal Historic England considered that, whilst, did not meet the very high architectural and structural interest required for a motor-car building of this date. Para 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

4.22 The building has no statutory protection other than the requirement for planning permission to be sought for its demolition in the conservation area. Permission already exists for the demolition of the building, it is considered that new evidence of the building's local importance does not outweigh the social, economic and regeneration benefits brought forward by its re-development.

### IMPACT ON NEIGHBOURING USES

4.23 Ryedale House to the south is undergoing conversion to residential use and residential uses are proposed as part of the application proposal. It is considered that subject to conditions to ensure environmental standards the two uses are compatible in this city centre location.

4.24 The windows in the side elevations of the apartment block are designed to mitigate against overlooking and side facing hotel windows are set away from the site boundaries.

4.25 The NPPF states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The submitted noise assessment show that internal noise levels in the proposed apartments would comply with the appropriate British Standard. Conditions are proposed to ensure that building envelope is constructed to achieve a maximum internal noise level.

4.26 No details are been provided of the plant or equipment, such as air conditioning units, kitchen extraction units etc, that will be provided within the proposed development. No external flues are shown on the plans, and external flue would require separate planning permission. Details of any machinery audible outside of the premises can be sought by condition together with mitigation measures

## FLOOD RISK

4.27 Policy ENV4 of the draft Local Plan (2018) 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

4.28 The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). Planning permission exists for a hotel and residential re-development of this site. When applying the Sequential Test to the previous scheme the city centre was used as the site search area reflecting the requirements of national and local planning policy to direct new leisure including hotel developments to town centres and then edge of centre locations built up urban areas. Eight alternative sites were identified, none met the criteria for being reasonably available in terms of either size, suitability for the development proposed, deliverability and developability.

4.29 The proposal as a whole would result in an increase in the vulnerability classification from 'Less Vulnerable' to 'More Vulnerable'. In this case the site has historically been developed; the existing building covers the majority of the site. The area is identified for regeneration in the draft Local Plan 2017 and the emerging Castle Gateway Masterplan. The site is in a prominent city centre location, being viewed in its riverside setting, and along a main route through the city

centre. The hotel would provide additional accommodation and has the potential to bring additional number of tourists to the city. There would be additional spend from the tourists and would also provide a number of people living/working in the city and revenue that it would bring to the city centre. In addition the proposed flats would bring homes which the city needs. In light of the existing planning permission, the lack of suitable alternative sites previously identified and wider sustainable development objectives it is considered the sequential test is passed.

### Exception Test

4.30 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)

4.31 The regeneration of this area is a long term aim of the Council, the redevelopment of this site for a hotel and apartments would provide additional accommodation and has the potential to bring additional number of tourists to the city. There would be additional spend from the tourists and would also provide a number of people living/working in the city and the spend that it would bring to the city centre. In addition it would provide much needed housing and does not have an undue impact on residential amenity and highway safety. For these reasons this would amount to a wider sustainability benefit.

4.32 The proposed development is not considered to increase flood risk elsewhere. The proposed development has compensatory flood storage within a void underneath the proposed hotel building.

4.33 The site lies within Flood Zone 3. Flood risk is from the River Foss to the west and the River Ouse further west. There would be no sleeping accommodation on the ground floor of the hotel. The flats would have no residential accommodation on the ground floor, the ground floor would be used for vehicle parking and storage. No additional flood resilient measures above the proposed ground floor level are proposed. The Flood Risk Management Team and the Environment Agency are satisfied that the proposed floor levels are appropriate in this location.

4.34 Safe access and egress cannot be provided during a design flood however the site benefits from the presence of the Foss Barrier, this regulates flood levels adjacent to the site, and although the Barrier was overwhelmed in December 2015 the storms experienced on this occasion were significantly in excess of the standard of protection of the barrier and record flows were experienced on the River Foss. The likelihood of this occurring again is low given the recent works by the Environment Agency to improve the resilience of the Foss Barrier, the barrier is currently able to

manage the scenarios experienced in 2015 and further resilience will be in place when the project completes.

4.35 An effective evacuation plan is appropriate in this location due to the low residual flood risks, the presence of formal flood defence infrastructure and a mature flood warning service. If other means were deployed to provide temporary emergency egress from the site it is likely that the site could be evacuated safely following the receipt of a flood warning.

4.36 Whilst the site is clearly in Flood Zone 3 the residual risk is relatively low - the NPPF guidance recognises that an understanding of residual risk is important behind flood defence infrastructure and it is considered that the applicant has addressed this in their approach.

4.37 The Environment Agency does not have an objection to the application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. In view of the above it is considered that the proposed development passes the exception test. There is adequate evidence that the sequential and exception tests can be passed. The measures within the FRA would be secured through a planning condition, as recommended by the Environment Agency

## SUSTAINABLE TRANSPORT

4.38 The National Planning Policy Framework advises that developments should:

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

4.39 The site is close to city centre bus stops and is within walking distance of many city centre attractions and facilities. Policy SS3 of the Publication Draft Local Plan (2018) seeks the upgrading of key streets in the city centre, policy SS5 seeks the reduction of the Piccadilly carriageway and improvements to the size and quality of the pedestrian footway provided through developer contributions. The proposed redevelopment of this site and adjacent sites will increase the footfall along Piccadilly and a proportionate improvement to the highway along the site frontage is proposed. The improvements consist of a reduction in the carriageway width of Piccadilly to 6-7m with the footway on the development site side being widened. A servicing/drop off bay will be provided within this widened footway area. The bay would be at grade and appear to be a wide footway with a reinforced area subtly demarcated for servicing when required. The works would be carried out to the cost of the applicant through Agreement under S278 of the Highways Act 1980. As other development sites along this section of Piccadilly come forward the public realm improvements will be extended.



4.40 Cycle parking is provided for hotel guests and staff and for each of the apartments. The detail is secured through planning condition. Twelve car parking spaces are proposed, including one disabled parking bay. The provision of electric vehicle charging points is in line with the NPPF and the Council's low emission strategy. Whilst none appear to be shown on the submitted drawings it is considered reasonable to require such provision via condition.

4.41 The Publication Draft Local Plan (2018) shows an indicative location for a pedestrian cycle bridge across the Foss at the southern edge of the application site. Policy SS5 encourages new public access along one or both sides of the River Foss with new or improved connections linking to the wider pedestrian and cycle network. The emerging proposals for the Castle Gateway envisage a bridge crossing the river between the former Castle Mills car park site and the rear of the Castle Museum. Notwithstanding the evolving proposals for a bridge further downstream, the current proposals do not materially alter the layout approved for the previous scheme on the site, when it was concluded that the construction of a bridge would remain technically feasible.

4.42 As with the previously approved scheme, while the apartment building is set-back from the river edge it would not accommodate a walkway, which in any event would be prevented by other developments further along the river. Evolving proposals for the Castle Gateway area envisage the footpath cycleway along the opposite bank.

## ECOLOGY

4.43 The application site lies within the Foss Corridor which is of regional importance. The River Foss is noted as a Site of Local Interest because of its wildlife interest and importance as a connecting green corridor. A Phase 1 Habitat Survey and bat survey has been undertaken on the site and no bat roosts were found. No sign of use by otter was found and there is no habitat for water vole. The majority of the building offers low risk bat habitat. Whilst setting back the riverside building away from the river edge would enhance the green corridor it is considered that the character of the conservation area is maintained by providing the development closer to the water's edge. The development would not harm ecology.

## 5.0 CONCLUSION

5.1 The application site is within an area proposed for redevelopment and regeneration outlined in the 2005 and emerging draft Local Plans. The site is in a sustainable location and brings forward regeneration benefits to the local area. The site is within Flood Zone 3 would not increase flood risk elsewhere. The proposal meets the requirements of the NPPF sequential and exception tests (as set out

above) and is acceptable when considered against national planning policy on flood risk, the sequential and exceptions tests are passed.

5.2 The development would not harm the character and appearance of the conservation area or the setting of nearby listed buildings and the scheduled ancient monument and accords with planning law and national and local policy in this regard. The loss of the existing building affects a non-designated heritage asset, however planning permission exists for its demolition as part of the previously approved application and the regeneration benefits are considered to outweigh any harm. Impacts on archaeology are acceptable and can be mitigated by planning condition.

5.3 The proposed development is not considered to result in harm to residential amenity or highway safety, nor would the proposal have an unacceptable impact on ecology on or adjacent to the site.

**6.0 RECOMMENDATION:** Authority to **Approve** to be delegated to the Assistant Director including authority to amend the recommended planning conditions:

1 TIME2 Development start within three years

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

Drawing number 05-01-01d 'Location Plan' received 31 January 2019;  
Drawing Number 05-01-05b 'Proposed Site Plan (revised)' received 29.01.2019;  
Drawing Number 05-02-01a 'Proposed Section - Terrace to River Wall' received 29.01.2019;  
Drawing Number 05-04-16b 'Comparison Sections to AOD' received 31 January 2019;  
Drawing Number 05-05-05e 'Riverside Railing' received 29 January 2019;  
Drawing Number 05-11-09b 'Level -1 (Revised)' received 29 January 2019;

Drawing Number 05-11-10b 'Level 0 (Revised)' received 29 January 2019;  
Drawing Number 05-11-11a 'Level 1 (Revised)' received 08 November 2018;  
Drawing Number 05-11-12a 'Level 2 (Revised)' received 08 November 2018;  
Drawing Number 05-11-13a 'Level 3 (Revised)' received 08 November 2018;  
Drawing Number 05-11-14a 'Level 4 (Revised)' received 08 November 2018;  
Drawing Number 05-11-15a 'Level 5 (Revised)' received 08 November 2018;  
Drawing Number 05-11-16a 'Roof (Revised)' received 08 November 2018;  
Drawing Number 05-13-01b 'East Elevation (to Piccadilly)' received 13 June 2018;  
Drawing Number 05-13-08f 'West elevation (to River Foss) (revised)' received 29 January 2019;  
Drawing Number 05-13-09a 'South Elevation (revised)' received 08 November 2018;  
Drawing Number 05-13-10a 'North Elevation (revised)' received 08 November 2018;  
Drawing Number 05-13-11a 'East elevation/Section (revised)' received 08 November 2018;

Drawing Number 05-13-12d 'Comparison with Approved Elevations;' received 03 January 2019;

Drawing Number 05-13-13b 'North Elevation/Section (revised)' received 16 November 2018;

Drawing Number 05-13-14b 'West Elevation/Section (revised)' received 16 November 2018;

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used (including details of the balustrades, external steps ramp, windows, louvres etc ) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the hotel and apartments. The development shall be carried out using the approved materials.

Full mock up built samples of a typical window bay (window, surround, and louvre window) and balcony bay of the apartment block shall be provided and approved in writing by the Local Planning Authority prior to the commencement of the construction of the hotel and apartments. 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.

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

4 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification 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.

5 Wet, organic archaeological deposits survive on this site which merit preservation in-situ. An archaeological programme of hydrological and water quality monitoring is required on this site to assess continued in-situ preservation. The archaeological programme shall comprises 4 stages of work. Each of the following

stages shall be completed and submitted to and approved in writing by the Local Planning Authority.

(i) No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. The WSI shall set out how appropriate hydrological and water quality monitoring will be introduced on the site and how it shall be assessed and reported at suitable intervals. The WSI shall conform to standards set by the Chartered Institute for Archaeologists.

(ii) Installation of hydrological and water quality monitoring devices shall be completed in accordance with the programme set out in the WSI approved under part (i) of this condition.

iii) The evidence of provision for monitoring of and analysis and reporting on data from the hydrological and water quality monitoring devices for a period of 5 years, shall be submitted to and approved in writing by the Local Planning Authority.

(iv) A copy of a report on the archaeological programme detailed in the WSI will be deposited with City of York Historic Environment Record within six months of the completion of the monitoring period or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant undesignated heritage asset (waterlogged organic archaeological deposits) which will be affected by development. The effect on these deposits must be monitored. This condition is in accordance with Section 16 of NPPF and the latest guidance from Historic England on in-situ preservation of organic deposits and subsequent monitoring.

6 No development 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 Any deposits identified during the archaeological watching brief that will be disturbed by ground works or disturbances below the level of 8mAOD (except for disturbance caused by the boring or auguring of piles for the building foundation and except for disturbance caused by any other operations which have been agreed in writing by the Local Planning Authority in advance of such other operations being carried out ) will be recorded through a programme of archaeological work (an archaeological excavation and subsequent programme of analysis, publication and archive deposition by an approved archaeological unit) in accordance with a WSI for

this programme approved by the Local Planning Authority.

Reason: this development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum

8 Prior to the first use of both the buildings as a hotel and apartments a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs of the landscaping to the River Foss/South West elevation and the trees to the front of the hotel/Piccadilly elevation shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site. The River Foss/South West elevation is prominent within the Central Historic Core Conservation Area and in key views from Cliffords Tower (ancient Scheduled monument), therefore details are required to ensure the planting is visually acceptable. Trees are required to provide a visual break of the proposed hotel building.

9 The development shall be carried out in accordance with the recommendations contained within the Flood Risk Assessment by Ward and Cole Consultants (Job reference 10/4810 Revision F dated April 2018) received 25 January 2019.

- Provision of the void as described within the FRA with a soffit of 10.555mAOD (ground levels to remain as existing) which will allow the free ingress and egress of flood flows. A maintenance plan and regime is to be put in place to ensure that the full volume of the void remains available for the lifetime of the development.
- Finished floor levels are set no lower than 11.03m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation.

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

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Draft Local Plan 2018 and the City of York Development Control Local plan (2005) and Part 14 of the NPPF.

11 Large scale details of the items listed below (including large scale part head and sill sections & elevation bay details including dimensions) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be submitted following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments. The works shall be carried out in accordance with the approved details.

(i) Hotel single punch hole windows and hotel multi storey punch hole windows to particularly show deep window reveals.

(ii) Hotel typical interface at ground level and roof level and roof terrace level to show plinth and parapet details.

(iii) Hotel main entrance area from the Piccadilly.

(iv) Hotel projecting multi-storey oriel window facing River Foss

(v) Residential car port including columns and soffit treatment

(vi) Residential single punch hole windows to particularly show deep window reveals.

(vii) Residential typical interface at ground level and roof level and roof terrace level to show plinth and parapet details.

(viii) Residential complex facade, facing the River Foss including any balconies and louvre walls, solid wall & glazed infill panels. Also including covered colonnade to Foss.

Reason: The success of the design is significantly dependant on detailing and built quality so these are needed to avoid the proposed design intent from being watered down in execution. Some of the plans lack clarity so additional details are required so that the Local Planning Authority may be satisfied with these details and the appearance of the development. In the interests of the character and appearance of the conservation area. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

12 Following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments a detailed scheme of noise insulation measures for protecting the approved residential and hotel rooms from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of

the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

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

**REASON:** To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

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

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed 46dB(A) L90 1 hour during the hours of 07:00 to 23:00 or 38dB(A) L90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

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

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

situation, including the location of positions, recording of results and identification of mitigation measures required.

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

For dust details should be provided on measures the developer will use to minimise dust blow off from site. Such measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>

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

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

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



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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

Reason. To protect the amenity of local residents

16 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to and approved in writing by the Local Planning Authority. Once approved it shall be installed and fully operational before the prior to the first use of the hotel and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

INFORMATIVE: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with Annex C of the DEFRA guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozon treatment, or odour neutraliser, and include details on the predicted air flow rates in m<sup>3</sup>/s throughout the extraction system.

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

17 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure

18 Prior to development, 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 prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must 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. The remediation scheme shall take the archaeology of the site into consideration.

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. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

19 Prior to first occupation or use of the hotel and apartments, the approved remediation scheme shall 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.

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

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

21 A three pin 13 amp external electrical socket shall be provided for each of the four car parking bays for the approved residential units. The sockets shall be located in a suitable position to enable the charging of an electric vehicle on each of the car parking bays using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. Where located externally it should also have a weatherproof cover and an internal switch should be also provided in the property to enable the socket to be turned off.

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and the National Planning Policy Framework

22 Following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments 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, and 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. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

23 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 kerb and footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

24 Following the demolition of the car park building but prior to the start of the  
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commencement of the construction of the hotel and apartments 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 promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours. The submitted plans lack detail of the cycle parking provision, further details are required to ensure adequate cycle parking is provided.

25 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety

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

(i) Narrowing of Piccadilly carriageway to 6m, widening of footway along site frontage and provision of servicing bay within the widened footway as shown on drawing 05-11-09b (received 29 January 2019).

Reason: In the interests of the safe and free passage of highway users and to secure regeneration improvements to Piccadilly proportionate to the development proposed in accordance with policy SS5.

27 Following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments details of what measures are to be provided within the design of the new buildings to accommodate bats shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes etc.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 15 of the NPPF. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

28 Prior to the first use of the hotel and apartments details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

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

Reason: So as to achieve a visually cohesive appearance. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument. Night time illumination may potentially impact on the night time ambience of the conservation area. To ensure that the proposed development is not unduly prominent within conservation area and wider views of the city. On ecology grounds - to limit excessive light spill over the River Foss

29 Upon completion of the development, delivery vehicles to the hotel shall be confined to the following hours:

Monday to Saturday 07:00 to 18:00

Sundays and Bank Holidays 09:00 to 17:00

Reason: To protect the amenity of local residents and businesses

30 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties. To ensure the boundary treatment is appropriate to the area. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure. The details of the railings to the river elevation are not considered to be acceptable.

31 Notwithstanding the submitted plans, following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments the details of the openings/apertures to the compensatory flood storage area shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with these approved details.

Reason: In the interest of visual amenity. The apertures to the compensatory flood storage area are not well integrated into the design to minimise their visual impact. The number of openings could be reduced particularly on the front elevation without impacting on the viability/usability of the flood storage. The information is sought prior

to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

32 Prior to the first use of the hotel and apartments details of the pedestrian and vehicle gate shall be submitted to and approved in writing by the Local Planning Authority. The gate shall be constructed in accordance with these approved details.

Reason: as to achieve a visually cohesive appearance. To ensure that the gate is not a solid barrier and allows views into and through the site

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

Reason: In the interest of satisfactory and sustainable drainage.

34 Following the demolition of the car park building but prior to the start of the commencement of the construction of the hotel and apartments 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 means by which the surface water discharge rate shall be restricted to a maximum rate of 11.75 (eleven point seven five) litres per second for each of the two outfalls,
- ii) 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 for each of the two attenuation tanks, and
- iii) the future management and maintenance of the proposed drainage systems.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. The information is sought prior to commencement of construction work to ensure that it is initiated at an appropriate point in the development procedure.

35 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.

36 No demolition shall commence until the means of protecting the water mains  
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that are located adjacent to the site boundary have been implemented in full accordance with measures that have previously been submitted to and approved by the Local Planning Authority. The details shall be relevant to the demolition and construction phases of the development .

Reason: To protect public health and the public water supply. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. DRAINAGE INFORMATIVE**

i) The applicant should be advised that the Environment Agency's prior consent (outside the planning process) is required for any development/construction within 8.00m of the bank top of any Main River within or forming the boundary of the site.

ii) The applicant should be advised that the Foss Navigation Authority's prior consent (outside the planning process) is required for any development/construction to include outfalls and surface water discharge within the River Foss channel. The Foss Navigation Authority is the City of York Council Flood Risk Management Team.

#### **2. DISPOSAL OF COMMERCIAL WASTE**

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

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

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

#### **3. INFORMATIVE - NESTING BIRDS**

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any

wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

[http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal\\_boxes.aspx](http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx)

#### 4. INFORMATIVE:

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

Section 278 - [highwaysdc@york.gov.uk](mailto:highwaysdc@york.gov.uk)

#### 5. INFORMATIVE:

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

**Contact details:** Victoria Bell Development Management Officer

**Tel No:** 01904 551347