

COMMITTEE REPORT

Date: 17 August 2017 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 17/00576/FULM
Application at: Hudson House Toft Green York YO1 6JT
For: Erection of 4 no. buildings comprising 127no. flats (C3),
office (B1) use and office or restaurant (B1 or A3) uses
following the demolition of existing office building
By: Palace Capital (Developments) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 13 June 2017
Recommendation: Approve

1.0 PROPOSAL

Application site

1.1 The application relates to the office block known as Hudson House. The building was completed in 1968 and was intended to be the new headquarters for British Rail, Eastern Region.

1.2 The building is concrete framed, and in the Brutalist style. It has 4 wings and is referred to as being pin-wheel in plan. The two blocks nearest Toft Green are 6 storeys in height; the two nearer the City Wall are 4 storeys. The building's scale is relative to the City Walls and buildings fronting Micklegate.

1.3 The building is positioned between a late C20 office block - George Stephenson House and the C21 Hilton Hotel. The City Walls are to the west. On the opposite side of Toft Green are a mix of commercial buildings, including offices and the York Brewery.

1.4 The site is within the Central Historic Core Conservation Area and is prominent from the grade I listed City Walls.

Proposals

1.5 The application is to demolish the existing building with replacement development on a similar footprint. The scheme has been revised (primarily reducing the building height and re-considering the roof form) following consultation and in response to concerns raised by Historic England. The latest revision (reducing the scale of block 2) was received 7.8.2017. The scheme would have a public route, with level inclusive access, between Station Road and Toft Green;

there would be associated landscaping within the courtyard and around the development including the car park between the proposed building and West Offices, which would be reduced in size and reconfigured. The new building would be clad in brick and range in height between 5 and 7 storey. The updated design & access statement illustrates the existing and proposed massing. The maximum height of the proposed building, compared to its neighbours would be approximately as follows -

- Proposed building - 24m
- George Stephenson House - 22m
- Hilton Hotel - 22m
- West Offices - 20m

1.6 The development would accommodate the following uses -

- Dwellings - 127 (15 x studios, 34 x 1-bed ,73 x 2-bed, 5 x 3-bed
- Office space - 4,252 sq m
- Commercial units - 475 sq m

1.7 The scheme has been subject to an environmental screening and it was concluded an Environmental Impact Assessment (EIA) would not be required (see application 17/00183/EIASN).

1.8 The developers undertook their own public consultation in January 2017 prior to making the application. Details of the exercise and the feedback is detailed in the applicants' Statement of Community Involvement report which has been submitted with the application.

Relevant planning history

1.9 The building has prior approval for conversion to 139 dwellings (application 15/02965/ORC). Permission has also been granted for part conversion to 82 dwellings, refurbished office space and external alterations (application 15/01256/FULM).

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework and the statutory duties set out below that the application proposal should principally be addressed.

2.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining planning applications the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, any features of special architectural or historic interest. It must also pay special attention to the desirability of preserving or enhancing the character and appearance of any conservation area.

National Planning Policy Framework (NPPF)

2.3 Paragraph 14 of the NPPF says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking. This means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies indicate development should be restricted, in particular in this case with reference to Heritage Assets.

2.4 Most relevant sections of the NPPF to this application are as follows –

- 1 Building a strong, competitive economy
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment

“Development Control Local Plan” 2005 (DCLP)

2.5 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

2.6 Policies considered to be compatible with the aims of the NPPF and most relevant to the development include

CYSP3	Safeguarding the Historic Character and Setting of York
CYGP1	Design
CYGP3	Planning against crime
CYGP13	Planning Obligations
CYNE6	Species protected by law
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE10	Archaeology
CYT4	Cycle parking standards

Emerging Local Plan

2.7 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

2.8 The main draft policies that are relevant to matters raised by this application are:

DP2	Sustainable Development
SS4	York City Centre
EC1	Provision of Employment Land
H3	Balancing the Housing Market
D2	Place-making
D4	Conservation Areas
D6	York City Walls
D7	Archaeology
T1	Sustainable Access
GI2	Biodiversity

3.0 CONSULTATIONS

INTERNAL

Forward Planning

Office supply

3.1 The Employment Land Review (2016) - An analysis of the office market shows a major challenge for the City - that of the undersupply of grade A office accommodation both in the city centre and peripheral locations, which acts as a constraint on inward investment. Recent analysis that has accompanied planning applications points to the oversupply of B grade office accommodation in the city, with a number of prior notifications for conversions to residential received in such cases. Whilst officer preference would be for the entire site to remain in employment use, the amount of grade A office space proposed is welcomed and considerable weight has to be given to the fallback position (established under

previous applicants and permitted development rights) for the site to change to residential.

Housing

3.2 The Strategic Housing Market Assessment (2016) identifies that there is a need for a mix of house sizes across the city. The analysis (taking account of demographic trends and market evidence) concludes that for market housing, the focus of new provision is on 2 and 3-bed properties. However in order to balance the housing market there is a need to ensure a mix of types of housing overall. The proposals indicate the provision of smaller properties in the form of 1 and 2 bed apartments. The mix proposed is not objected to.

3.3 Affordable housing would be required on this site, with a target of 20% affordable housing provision. The applicant has stated that the costs associated with the conversion of the retained office space to Grade A specification prohibits the deliverability of any affordable housing at the site and that the viability appraisal demonstrates that providing any affordable housing will make the scheme unviable. There is a demonstrable need for affordable housing provision in the city, as set out in the current SHMA. Discussion with relevant colleagues in housing should be undertaken to resolve this issue.

Planning and Environment

Archaeology

3.4 Prior to the submission of this application a desk-based assessment and archaeological evaluation have taken place. Both reports accompany the current application. The assessments concluded that the area has a possibility of undiscovered non-designated heritage assets particularly relating to the post medieval period and early modern railway development.

3.5 The majority of the proposed building is within the existing Hudson House footprint meaning that the impact of development on undisturbed archaeological deposits or features will be limited. The construction and associated landscaping for the extant Hudson House will have had a negative impact on any surviving archaeological deposits in the area although the evaluation has shown that features can survive in some areas.

3.6 Further excavation within the proposed block 2 is required to further investigate the potential Georgian culvert/drain/flue. The rest of the groundworks should be monitored by archaeological watching brief. Officers recommend conditions to cover these matters.

Design & Landscape

3.7 Officers consider the loss of Hudson House would be a regrettable loss of railway office architecture from the late 1960s; the building is a decent example of its kind. Very little of this type exists in York.

3.8 On the scheme officers commented that block 2, due to its scale and proximity to the City Walls, would have an adverse impact on the setting of the walls. Otherwise the scheme has demonstrated its own benefits and on balance they outweigh the merits of the existing in its current state. The large proposed form of block 3 (which faces Toft Green) is still higher than existing Hudson House by a floor, but the architecture appears more appropriate for the street. In addition, the new pedestrian route between blocks four and three off Toft Green will make the new buildings more intrinsically beneficial to the street.

3.9 To address this concern the plans were again amended and the 7th August submission has reduced the massing of block 2.

Comments on architectural approach

3.10 Both office and residential are proposed to be brick. The office is differentiated by the omission of the zig-zag roof and has larger, less subdivided windows. This is sufficient to both link them as a composition and express their different functions.

3.11 In response to officer comments the residential building elevations are more logically ordered, expressing the service cores which are the only flat tops, and there is generally a calmer composition with stronger regular rhythm broken mostly at corners which are carved to create recessed balconies and top floor terraces.

3.12 The applicant has also partly grounded the more sculptural top floors into the lower building. The zig-zag motif is carried through sometimes by inverting the floorplan shape on the floor below (as on block three) and on all blocks the slight “v” on plan is taken down all floors on at least one gable. These are successful ideas and have not been used to excess.

Comments on roof form

3.13 The roof form remains a distinctive zig-zag profile on all the residential blocks. The applicant wished to make a direct reference to the highly articulated York city roofline through this. Officers initial comments on this approach were that the subdivision of big single buildings through the roof form was contrived compared to the organic development over time of smaller city building plots and also that it appeared detached from the building upon which it sat.

3.14 The applicant did not wish to lose this motif, and so it has adapted: the zig-zag is less frenetic with wider spaced repetition, less randomised and on each block it now stems from the form below in some way. The changes have made a more considered architecture and the motif imparts a desirably strong rhythm to the buildings.

Ecology

3.15 In May 2017 four nocturnal bat surveys were undertaken; two at dusk and two at dawn over four separate dates. The methodology followed best practice guidelines.

Eleven separate day roost sites were identified in buildings A – D, all of common pipistrelle bats and a maximum of three bats in a single roost. Bats were also recorded foraging around the buildings; gleaning insects that were attracted to the exterior.

3.16 The demolition of Hudson House would result in the disturbance of bats and destruction of day roosts; however it is considered that with mitigation measures, it is possible to retain this population at a favourable conservation status.

3.17 If this application is approved the following planning conditions should be used;

- Requirement that either a licence from Natural England, or confirmation that one is not required, be provided prior to any demolition works.
- Provision of facilities for bats in the replacement scheme.
- The requirement for further survey work should demolition not commence within a year of permission or if construction work stalls.

Education

3.18 Officers advise contributions would be required towards education as detailed below.

Facility	Amount	Where spent	No. of pooled contributions
Pre-school	£58,289	Provision within 1.5km of site	3 rd contribution
Primary	£12,874	Scarcroft Primary	5 th contribution
Secondary	£16,092	Millthorpe	2 nd contribution

Highway Network Management

3.19 Officers raise no objection in principle to the revised scheme.

3.20 There was a concern that cars parked outside the office block (block 4) could block the access to the cycle store. It was asked for the parking layout to be reconfigured to address this. This issue has been addressed in the 7 August revisions.

3.21 Officers ask for contributions towards sustainable travel for future residents (£400 per dwelling towards car club, bus travel & cycle vouchers).

Parks and open spaces

3.22 Using the 2014 Open Space and Green Infrastructure report as the base line Micklegate Ward is over supplied with amenity and sport space, but has a shortfall in children's play facilities. Accordingly officers would wish to see a play area within the new development. Otherwise it may be possible to take an off site contribution to expand the nearby site at Lower Prior Street.

Public Protection

3.23 Officers have no objections but have requested conditions to deal with noise from plant/machinery, deliveries, cooking odour from commercial premises, adequate noise levels for future residents, construction management (including restricted times of construction), air quality and land contamination.

EXTERNAL

Conservation Areas Advisory Panel

3.24 The panel note that Hudson House was built during 1967-8 to the designs of David Kellett of the Architect's Office of British Rail's Eastern Region; that the proposals had been scrutinised and endorsed by the Royal Fine Arts Commission (RFAC), and that it received a Civic Trust award on completion.

3.25 There is concern at the proposed increase in height in the proposed development – which appeared to be from two-thirds of a storey to one full storey. It was felt this would bode ill for the central courtyard. The plans showed this slightly enlarged from the present courtyard but still a quite modest space, currently strongly overshadowed for much of the year; this will be made worse. The panel recommended the basic massing should not exceed the existing.

3.26 It was felt that the elevation treatment of parts of the additional/top floor, setting it apart from the lower floors, was rather gimmicky and would draw far too much attention to it.

3.27 Not in the application, but what would be preferred by the panel would be to open up a route between the War Memorial & Queen Street. Such a route would be of more use than the proposed route through the application site.

Civic Trust

3.28 No objection in principle to demolition. The current building is not designated. While it has architectural merit as a building of its style and function, and historic connection to the city due to its railway association, these are not of the highest calibre or historic importance.

3.29 It is important that the proposed replacement building does not unduly represent an increased massing from that of the existing building and it should not encroach further onto the City Walls.

3.30 In the case of planning approval being given, measures should be put in place to provide sufficient opportunity to thoroughly investigate the area's archaeology.

Historic England

3.31 Historic England objected to the original proposal submitted on the grounds that there would be harm to the character and appearance of the conservation area. No comment has been received on the revised proposals to date.

3.32 Hudson House is considered to be of good design for its time. It is strongly sculptural, deeply modelled and has a playful skyline. HE considers Hudson House to be an undesignated heritage asset which makes a positive contribution to the conservation area.

3.33 HE raised concerns over how the proposed development (prior to the scheme being revised) would sit in proximity to the City Walls and challenge them for attention. The scale and articulation appeared unsatisfactory; the building looks monolithic, wall like and lacks in articulation. There was particular concern over the scale and massing of the NE block (closest to West Offices) which appears 'over-loaded and un-resolved in profile'. HE stated that any redevelopment of the site should not diminish the setting of the City Walls or (compromise) views of the Minster which evolve as the pedestrian walks next to the site.

3.34 The blocks facing Toft Green would be taller than the existing building and dwarf its neighbours, in particular the grade II listed Toft Green chambers, and be over-dominant in the street scene.

3.35 The railway plays a major role in the character of this part of the conservation area. The ability to read the line of the railway tracks, which entered the City Walls through the railway arches and terminated at what are now West Offices are critical

to the understanding of early railway development in York. This connection has recently been reinforced by the re-positioning of the former railway station roof on public views at West Offices. The footprint of the proposed building would fully block the line of the former railway tracks to a greater extent than Hudson House does at present, thus eroding their legibility. This is deemed to be harmful.

3.36 Archaeology - Only a limited area was tested for such a large application site, where there are the potential for nationally important remains. The strategy for dealing with archaeology, including if excavation would be required is not detailed.

Yorkshire Water

3.37 Recommend conditions to approve drainage.

- Surface water discharging to public sewer to a maximum discharge rate of 80.4 litres per second, in accordance with the submitted Drainage Assessment.
- Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hard-standing must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge.
- Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

Publicity

3.38 Letters in support have been received from Make it York and Principal Hotel Group (Station Rise). There is support for the proposed investment in high quality city centre office space, for the appearance of the proposed building and the enhanced connectivity between the railway station and Micklegate.

- The scheme will provide the space needed for York's existing businesses to grow while providing the modern infrastructure needed to attract new businesses to the city.
- York city centre currently suffers from a lack of high quality office accommodation and the proposals will provide a much needed boost to supply, supporting the city's aspirations for growth in high value sectors. The current building is of very low quality and as a result suffers from severe under occupancy.
- The broader scheme will deliver much needed housing and provide better connectivity between the station area and businesses on Micklegate, supporting the rejuvenation we have seen in this area over the last year or so.

- Hudson House is regarded as an ugly and intrusive building that has been under occupied for years. The proposed development is attractive and would use materials appropriate to the setting.

3.39 Issues raised in objection

Amenity

- York Brewery advised of their industrial operations (use of machinery and delivery vehicles) which take place at their Toft Green premises during the daytime. They are conscious that their operation could affect amenity if there is not adequate mitigation. It was suggested that the residential uses be contained to facades not fronting Toft Green.
- Concern raised over rights to light of neighbouring properties on the opposite side of Toft Green.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed uses
- Planning gain / developer contributions
- Impact on heritage assets (setting of listed buildings, character and appearance of the conservation area and archaeology)
- Sustainable travel / impact on the highway network
- Amenity of future occupants & surrounding occupants
- Drainage and flood risk
- Impact on protected species (bats)

Principle of the proposed uses

National policy

4.2 The NPPF states that Local Plans should be produced which set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth. However York does not have such a Local Plan against which to assess this proposal. One of the core principles within the NPPF (para.17) states in decision making planning should “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business

and other development needs of an area, and respond positively to wider opportunities for growth”.

4.3 The NPPF goes on to state (para.22) that "Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regards to market signals and the relative need for different land uses to support sustainable local communities".

4.4 The NPPF (para.51) advocates residential re-development of empty commercial buildings where there is an identified need for additional housing, provided that there are not strong economic reasons why such development would be inappropriate. In a similar manner the Government have introduced permitted development rights allowing offices to be converted into houses.

4.5 The NPPF (paragraph 47) requires housing need to be met. In addition to local authorities meeting the annual need, there should be a buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market. If the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, paragraph 14 of the NPPF is triggered. Paragraph 14 sets a presumption in favour of sustainable development; granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

Local Evidence base

4.6 The DJD Economic and Retail Growth and Visioning report undertaken for York as part of the evidence base for the emerging Local Plan notes that only 19% of the city's office stock is grade A. The majority of space is grade B; 50%. The report recommends an increase in grade A provision, in line with economic growth, and advises there is an opportunity for grade B stock to be upgraded.

4.7 The Strategic Housing Market Assessment produced by consultants GL Hearn established the objectively assessed need for York as 841 dwellings per annum. The Council does not currently have an NPPF compliant five-year supply of deliverable housing sites.

Other material planning considerations

4.8 The previous permission to convert part of Hudson House into dwellings (application 15/01256/FULM) and that Hudson House has prior approval (under permitted development rights) to convert the building into dwellings are material considerations in decision making of this application.

Assessment

4.9 The host building has not been fully occupied for years. Despite marketing, the current operators have only ever been able to secure approx 50% occupancy maximum. The building is in a good location. The key reason for lack of interest in the office space is the large open plan spaces, which are currently inflexible, the poor condition of the building and its lack of modern amenities. These issues could be addressed however significant investment would be required. The developer would have to undertake such investment on a speculative basis; a risk given the amount of floor space within the building.

4.10 The building, based on its current condition is unlikely to secure full occupation, and therefore as advocated in the NPPF paragraph 22 alternative uses should be considered and treated on their merits.

4.11 The application proposes 4,252 sq m of improved (described as grade A) office space. There is currently 12,014 sq m office space within the building. In addition commercial units (retail or cafe) are proposed (475 sq m) and 127 dwellings.

4.12 The development would provide a mix of uses; specifically housing and modern and enhanced office space for which there is evidenced demand in a sustainable location. It is demonstrable there is a lack of demand for the office space within the building in its current condition.

4.13 In principle the proposed mix of uses accords with NPPF policy; providing development which meets demand. In addition considerable weight must be attached to previous extant permissions for residential development of the site.

Planning gain / developer contributions

4.14 As with the previous planning application at this site the proposals have been subject to a viability assessment to determine whether section 106 contributions can reasonably be sought.

4.15 The proposals, based on current policy and consultation responses, would be expected to provide the following obligations -

- Affordable housing (20%)

- Education contributions (£87,255 towards off site provision)
- Sustainable travel (£400 per dwelling towards car club, bus travel, cycle vouchers)

4.16 National planning policy asks for a flexible approach in seeking planning gain. The NPPF (para.205) states that “Where obligations are being sought ... local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled”. National Planning Policy Guidance states “Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible, especially on brownfield sites”.

4.17 It is acknowledged that to support development and promote economic growth the developer should be expected to generate a reasonable profit as a consequence of development in order to make schemes viable. The guidance on viability advocates the use of local evidence to inform the process.

4.18 Viability assessments take an independent look at a site and are based on normal conditions and comparable market based evidence. An assessment decides whether planning obligations are reasonable, considering -

- Land value (includes the incentive to a current landowner to release the land and should be informed by comparable market based evidence)
- Costs of construction
- Gross development value, using evidence from other developments, showing sales/rental income
- Developer profit, with what is reasonable varying depending on the scale and complexity of the scheme.

4.19 The viability appraisal values Hudson House at £14.9m which takes into account the permitted residential use of the building (without the need for affordable housing) and is informed by recent sales of similar buildings in the city (including Hilary House, Yorkshire House and United House).

4.20 The developer’s construction costs are relatively high however this is explained by the high quality of the proposed scheme and the extent of landscaping/public realm works.

4.21 The development value, considering grade A classed office space and comparing residential sales to Hungate, are deemed reasonable.

4.22 The outcome of the assessment is that without any planning contributions the developer profit would be approximately 4.7%. This is low bearing in mid 20% is the upper limit of what is typically considered reasonable profit. As such, considering

national policy requirements to be flexible and ensure development delivers reasonable profit and is not stalled, it is concluded that the contributions – affordable housing, education provision and towards sustainable travel measures are not required in this case.

Impact on heritage assets (setting of listed buildings, character and appearance of the conservation area and archaeology)

Relevant policy

4.23 The site is within a designated area of archaeological importance (city centre area). As explained in Local Plan policy HE10: Archaeology the designation requires that in the designated area, proposals require an evaluation, to assess the extent and importance of any archaeological remains and that less than 5% of any archaeological deposits be disturbed or destroyed. Where 95% preservation is not possible, excavation and recording is required.

4.24 The site is within the Central Historic Core Conservation Area and prominent from the grade I City Walls.

4.25 The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining planning applications that affect a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, any features of special architectural or historic interest which it possesses. It must also pay special attention to the desirability of preserving or enhancing the character and appearance of any conservation area. Case law has made clear that the decision-maker must give particular weight to the desirability of avoiding such harm to give effect to its statutory duties under the 1990 Act.

4.26 The legislative requirements the 1990 Act are in addition to Central government policy contained in Section 12 of the NPPF. The NPPF classes listed buildings and Conservation Areas as “designated heritage assets”. The NPPF’s advice on designated heritage assets includes the following requirements:

- To identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset).
- To give great weight to the asset’s conservation. The more important the asset, the greater the weight should be.
- To look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

4.27 National planning practice guidance advises that in assessment of design, consideration, where appropriate, should be given to layout, form, scale, detailing and materials.

4.28 Design of schemes in the Central Historic Core Conservation Area is guided by the management strategy within the Central Historic Core Conservation Area Appraisal Management Strategy which states the design of new buildings should:

- respect the characteristics which define York's distinctive urban form, as identified in the *Heritage Topic Paper*. For example: building lines, historic street patterns, building scale, plot and block dimensions;
- respect local building heights. This is discussed separately in section 5.8 Views and Tall Buildings, but there should be a presumption against buildings of more than 4 storeys high (plus roof) in the Conservation Area;
- place importance on the design of roofs and the roofscape: these are often in effect another public frontage because they are often highly visible from raised viewpoints (walls, Clifford's Tower, the Minster), and new development should contribute positively to the character of York's distinctive skyline in this respect;
- preserve existing views and look to create interesting new ones;
- seek to add to the variety and texture of the Conservation Area, which is one of its defining characteristics; and
- use materials appropriate to the status and context of the building

Significance of the heritage assets

4.29 The Heritage Topic Paper identifies the City Walls as a landmark and views from the walls are described as a defining characteristic of York which has succeeded in conserving so much of its architectural and artistic legacy.

4.30 The conservation area appraisal of the railway area states that this area contrasts starkly with the dense historic streets typical of York. Instead there are large secluded buildings - on Toft Green they are at a significantly lower level than the street. In many instances, the buildings have a poor relationship with the street and there is no consistent building line onto the pavement. Large buildings can be accommodated in this area as it is at a lower level than the commercial centre. They are already part of the existing character and relatively rare in the city.

4.31 The appraisal describes Hudson House as a characteristic building of its era which is also of interest and integrity because of its powerful sculptural form and thoughtful detailing, and the 'pin-wheel' plan around a courtyard. However, it is also flawed because it relates poorly to the streets and ramparts around it, from which it is isolated by awkward left-over spaces used for car parking and servicing (which are mostly below street level because they are at the level of the old railway). The

appraisal states that any further development on sites on Toft Green should aim to have a relationship with both the street and the wall.

Assessment of impact on heritage assets

4.32 The applicants provided a design and access statement, heritage statement and a townscape and visual impact assessment to demonstrate their assessment of the scheme and the impact on heritage assets. There have also been addendums to the design and access statement and updated visual impact assessments to give commentary on how they have revised the scheme in response to officer advice and consultation responses.

4.33 The addendum design and access statement provided a comparison of building footprint and height between existing and proposed buildings. In the latest set of revised plans the scale of block 2; the block closest to West Offices has been reduced in scale significantly to respect the setting of the City Walls (revised further since the addendum), preserve views from along the walls and the roof form and building articulation has been reconsidered. The top floor of the office block (block 4) has been set back from Toft Green to respect the neighbouring grade II listed Toft Green Chambers. The revisions have led to an improved, more refined and calmer building that is visually less dominant.

Setting of the Walls

4.34 The existing building on the City Walls side is 4-storey, approximately 15.5m in height. The maximum height of the proposed block (block 1) facing the City Walls would be 16.2m. The proposed block would be further from the walls and the eastern corner would be opened up and facilitate the public route between Station Road and Toft Green. The comparable footprint and massing are shown in the design & access statement addendum.

4.35 Block 2 (the block on the West Offices side) has been lowered in scale (again since the design & access statement addendum submitted in July). It would be a maximum height of 18.6m; some 3m higher than the existing block in this area. However to lessen the scale and massing of the building where it relates to the City Walls, the top floor would be set back around 8m further than the end elevation facing the City Walls.

4.36 Now Block 2 has been reduced in height and scale and the roof form simplified the proposed building would not be dominant over the City Walls and there would be no harm to views of the city, and The Minster from the relevant section of the walls.

Character and appearance of the conservation area

4.37 The host building is a standalone office block, built to a design which was of its time. It is not out of character with the Railway Area. The buildings massing respects the setting and the building is not identified as a detractor in the conservation area appraisal. HE in their consultation response explain the merits of the building.

4.38 The proposed replacement building is considered not to harm the character and appearance of the conservation area on the following grounds -

4.39 The building design adheres to the guidance for new development in the Central Historic Core Conservation Area Appraisal Management Strategy.

- The building's massing has been reduced since original submission and the roof form refined. The top floor appears integral to the overall design. The building would be nominally higher than the existing building but not over dominant.
- The building would be clad in brick, with a similar appearance to the grade II listed Toft green Chambers proposed. The detailing proposed is of good quality and will lead to a building of identity and interest. The buildings form, with decorative brick base, middle and top; defined by a parapet and lighter massing respects the local vernacular. The design quality is demonstrated in the material provided with the application and large scale detailed drawings.

4.40 There are public benefits and enhancements to the character of the area -

- The host building has been under occupied for many years. The proposed scheme proposes a mix of land uses which are identified as being of need based on local evidence bases.
- The commercial uses, improved landscaped setting and new public route through the site will bring activity and vibrancy.
- The development deals with the changes in levels between Toft Green and the application site; it provides an active frontage to Toft Green and increased public access as a consequence of the new inclusive public route. These are enhancements compared to the existing building.
- Important views from the walls – looking North-East towards the Grade II* Grand hotel's roof and the city centre and through the application site towards the grade I listed Holy Trinity Church on Micklegate are preserved. The car parking in the space between the proposed building and West

Offices will be reduced in area and more soft landscaping introduced. The landscaping around the building, and within the courtyard (which will be evident in public views), will enhance the setting.

4.41 HE raised concern about the lack of evidence of the route of the former railway route to the old station within this scheme. Officers' opinion on this matter is that there is not evidence as such of the former railway route through the application site and adequate illustration / evidence of the route of the former railway lines through the City Walls remains by the arches within the walls and the former railway station canopy which is now publically evident from the walls following refurbishment of West Offices.

Archaeology

4.42 The majority of the proposed development will be within the footprint of the existing C20 building and in this respect it is expected there will be limited impact on undisturbed archaeology. The applicants have undertaken a desk-based assessment and archaeological evaluation within the remaining area of the site which is not presently developed. This work was in accordance with CYC officer advice provided at pre-application stage. Officers are content that further investigation and a watching brief on groundworks can be secured by condition to meet the requirements of local policy HE10: Archaeology.

Conclusions

4.43 Now the revised plans have reduced the prominence of the proposed building it is concluded there would be no harm to heritage assets. The overall scheme has public benefits and would enhance the character and appearance of the conservation area.

Sustainable travel / impact on the highway network

4.44 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.

4.45 The main access for servicing, from Station Rise is unchanged in the proposals. The landscaping scheme demonstrates how surfacing will be upgraded outside the site to provide a shared space. This space would be more attractive than the existing service road, more welcoming for pedestrians and cyclists and provide amenity space. A convenient and welcoming public pedestrian route is also to be created through the site between Station Road/Queen Street and Toft Green. This

facility was welcomed by Micklegate traders in the applicant's pre-application public consultation.

4.46 The site is ideally positioned for public transport links and for the car club which has many positions in Nunnery Lane; only a short walk from the sites Toft Green access. On viability grounds no contributions towards sustainable travel are being sought.

Electric vehicle charging facilities

4.47 The applicants intend to install electric charging facilities. They acknowledge residents will expect this and that electric vehicle use will increase in future. 32 of the 57 car residential parking spaces will be internally located and the applicants have stated intent to construct this area so it can accommodate electric charging facilities. A condition will require provision of electric charging facilities for the residents and the spaces dedicated to the proposed office building.

Cycle parking

4.48 Based on the 2005 Draft Local Plan standards there should be a minimum of 1 cycle space per dwelling and a minimum of 70 spaces for the offices. Spaces should be covered and secure. The proposals meet the minimum requirements in the Local Plan.

4.49 In the office block there would be 60 cycle spaces within the building and shower \ changing facilities adjacent. There would be a further 8 uncovered visitor spaces by the entrance and 38 spaces (10 covered) alongside the access road, which could be used in association with the mix of uses over the site.

4.50 There would be secure cycle storage within each of the residential blocks at a rate of more than 1 space per dwelling.

Car parking

4.51 Car parking space numbers in the local plan are the maximum. A low provision would be expected here due to the sustainable location of the development.

4.52 Currently there are 82 car parking spaces on site. The proposals are for a reduction in existing provision as follows –

- 57 spaces for residents (Local Plan maximum of 132)
- 13 spaces for the offices (95)

4.53 The reduced provision is supported by estimated movements at peak times (using the TRICS database, a nationally used methodology). The predicted car

movements are approx 50 less at peak times comparing the extant office and proposed development.

4.54 Importantly the scheme enhances the setting from public views, in particular from the walls by improving the setting through landscaping and by moving much of the car parking into one of the proposed buildings.

Amenity of future occupants & surrounding occupants

4.55 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.56 Noise – the proposed development is informed by a noise assessment that identifies the required construction ensure internal noise levels achieve national targets. The works would be secured through a planning condition.

Impact on surrounding occupants due to scale of proposed building

4.57 The site is predominantly surrounded by commercial buildings. The increased scale of buildings and the change in footprint would not have a material impact on neighbouring buildings of similar scale on the same side of Toft Green. Toft Green itself is generous in width, around 17m wide and there is adequate space between buildings to accommodate the scale of building proposed (essentially an additional storey compared to the existing building) without an undue impact on light gain and outlook of the buildings opposite.

Drainage

4.58 The York Strategic Flood Risk Assessment, states that peak runoff from brownfield sites should be limited to approximately 140 l/s/ha. On this basis it is proposed to restrict runoff from the redeveloped site to a maximum rate of 80.4 l/s; this corresponds to a 30% reduction in existing peak runoff from the 0.82 ha site.

Impact on protected species (bats)

4.59 Bats are a species protected by law and there are a number of roosts in the building. The bat survey undertaken on behalf of the applicant's details mitigation, including the expected requirement for a license from Natural England, and replacement habitats. The mitigation is agreed by officers and would be secured through planning condition.

5.0 CONCLUSION

5.1 The revised scheme would not harm on heritage assets. Where the proposed building is close to the Grade I listed City Walls due to the design of the scheme, and its massing and footprint, there would not be harm to the setting of the City Walls. The images of the scheme produced by the applicants demonstrate there would be an adequate relationship in terms of massing and there would not be a harmful impact on views from the walls and therefore the public enjoyment of such. The extra massing on the Toft Green side would not harm the townscape and there are benefits to the character and appearance of the conservation area – enhanced connectivity and landscaping, provision of a mix of uses that will enhance viability, and built form of reasonable quality and sympathetic materials. To conclude there would not be harm to heritage assets.

5.2 The absence of a five year housing land supply as required by the NPPF triggers the presumption in favour of sustainable development and the second part of paragraph 14 of the NPPF. This states that planning permission should be granted unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or ii) specific policies in the NPPF indicate development should be restricted.

5.3 Given that the proposal would not cause any harm to the significance of heritage assets; the Central Historic Core Conservation Area and the setting of neighbouring listed buildings, including the City Walls and Toft Green Chambers, the main issue in this case is whether, having regard to material planning considerations, any adverse impacts of the development proposed would significantly and demonstrably outweigh any benefits, when assessed against the policies of the Framework as a whole.

5.4 The viability of the scheme has been subject to scrutiny and given NPPF policy and NPPG guidance on viability and the need to be flexible to ensure schemes are not stalled equates to a recommendation to approve without planning obligations. The proposals are acceptable in principle and conditions can be applied to ensure there would be no undue harm with regards amenity, impact on the highway network, ecology and flood risk.

6.0 RECOMMENDATION: Approve subject to conditions

1 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

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Purchase Act 2004.

Approved plans

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

Site

Proposed Works & Ownership Boundary - 16_037_(20)_050 R1

Ground Floor Block Plan - 16_037_(20)_051

First Floor Block Plan - 16_037_(20)_052

Landscaping Strategy

RF16-335-I01-D

Reform landscape and public realm strategy document RF16-355-Rev.B

Plans

Block 1 - Ground & 1st Floor Plans - 16_037_(20)_001 R4

Block 1 - 2nd & 3rd Floor Plans - 16_037_(20)_002 R2 R4

Block 1 - 4th & Roof Floor Plans - 16_037_(20)_003 R2 R4

Block 2 - Ground & 1st Floor Plans - 16_037_(20)_010 R2

Block 2 - 2nd & 3rd Floor Plans - 16_037_(20)_011 R2

Block 2 - 4th & 5th Floor Plans - 16_037_(20)_012 R3

Block 2 - 6th & Roof Floor Plans - 16_037_(20)_013 R3

Block 3 - Ground Floor Plan - 16_037_(20)_020 R4

Block 3 - 1st & 2nd Floor Plans - 16_037_(20)_021 R5

Block 3 - 3rd & 4th Floor Plans - 16_037_(20)_022 R4

Block 3 - 5th & 6th Floor Plans - 16_037_(20)_023 R4

Block 3 - 7th & Roof Floor Plans - 16_037_(20)_024 R3

Block 4 - Ground & 1st Floor Plans - 16_037_(20)_030 R3

Block 4 - 2nd & 3rd Floor Plans - 16_037_(20)_031 R2

Block 4 - 4th & 5th Floor Plans - 16_037_(20)_032 R3

Block 4 - Roof Plan - 16_037_(20)_033 /R2

Elevations

Block 1 - West & South Elevations A1 1:100 16_037_(20)_100 R4

Block 1 - North & East Elevations A1 1:100 16_037_(20)_101 R2

Block 2 - East & North Elevations A1 1:100 16_037_(20)_110 R3

Block 2 - South & West Elevations A1 1:100 16_037_(20)_111 R3

Block 3 - East & South Elevations A1 1:100 16_037_(20)_120 R4

Block 3 - North & West Elevations A1 1:100 16_037_(20)_121 R3

Block 4 - West & North Elevations A1 1:100 16_037_(20)_130 R3

Block 4 - East & South Elevations A1 1:100 16_037_(20)_131 R3

Sections

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Site Sections A-A & B-B - 16_037_(20)_200 R1
Site Section C-C & D-D - 16_037_(20)_201 R1
Site Sections E-E - 16_037_(20)_202 R1

Block 1 Detailed Bay Section A0 1:25 16_037_(20)_210 R1
Block 2 Detailed Bay Section A0 1:25 16_037_(20)_211 R1
Block 3 Detailed Bay Section A0 1:25 16_037_(20)_212 R1
Block 4 Detailed Bay Section A0 1:25 16_037_(20)_213

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

Construction management

3 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, and measures for dealing with any complaints 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 CEMP, unless otherwise agreed in writing by the Local Planning Authority. The CEMP shall include the following information -

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

For dust details 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.

For complaints, a 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 and planning.enforcement@york.gov.uk

Reason: The requirements of this condition need to be approved prior to commencement to protect the amenity of the area, in accordance with the National Planning Policy Framework paragraph 123.

Highway Network Management

4 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

5 Prior to the development commencing 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: 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.

Bats (European Protected Species Licence)

6 Works to the exterior of Hudson House, such as removal of the cladding, demolition or other activity likely to cause harm to bats, shall not commence unless the Local Planning Authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To protect a European Protected Species in accordance with NPPF paragraphs 117 and 118.

Archaeology

7 No groundwork shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the 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 and the development carried out in accordance with the approved details.

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

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

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.

Investigation of Land Contamination

9 No groundwork shall commence until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been 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 produced. The written report shall be 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.

Submission of a Remediation Scheme

10 Prior to the commencement of construction of the buildings hereby approved 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) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

Bats (Mitigation)

11 Prior to the commencement of construction of the buildings hereby approved details of what measures are to be provided within the scheme to accommodate bats shall be submitted to and approved 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. There will be a need to provide a minimum of 11 bat tubes or boxes across the site located in similar locations as those that currently exist.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the NPPF.

Repeat Bat Surveys

12 If the development hereby approved does not commence within one year of this permission, or demolition is not completed within two years from the date of this permission, the approved ecological measures secured through Conditions 6 and 11 shall be reviewed and updated. The review shall be informed by further ecological surveys commissioned to –

- establish if there have been any changes in the presence and/or abundance of bats and
- identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To account for changes in the distribution or abundance of mobile protected species on site and ensure associated mitigation remains relevant.

Materials

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

A sample panel 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. This panel 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.

Details of all non-right angle corners shall also be clarified. (These elements are to be made out of brick specials not glued cut bricks, because this feature is a strong element of the design and so should not appear to be compromised).

Note: Sample materials must be made available for inspection at the site, ideally all materials will be approved concurrently. 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 and in the interest of heritage assets.

Large scale details

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

Notwithstanding the approved plans details of the glass balustrade to the roof of block 2 by the City Walls. This shall illustrate the design in context and show the balustrade set back significantly from the building edge.

- a) Typical windows for both residential and office - to be viewed as on-site a physical built mock up on site including brick reveals and lintels for approval.
- b) Entrance doors and their surrounds to each block
- c) Any edge guarding or roof protrusion types for service or access.

Reason: In the interests of visual amenity and the character and appearance of the conservation area, in accordance with the National Planning Policy Framework paragraph 7.

Drainage

15 Prior to construction details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, shall have been submitted to and approved by the Local Planning Authority. The details shall include the means of restricting surface water discharging to public sewer to a maximum discharge rate of 80.4 litres per second, in accordance with the submitted Drainage Assessment (Weetwood - Report 3650/DA/Final/v1.1/2017-02-03 dated February 2017).

Reason: To avoid increased flood risk in accordance with National Planning Policy Framework paragraph 99.

Verification of Remedial Works

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

Reporting of Unexpected Contamination

17 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Landscaping

18 The hard landscaping measures shall carried out in accordance with the

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approved Reform plans (drawing RF16–335-I01-D) and Public Realm Strategy prior to first use of the development hereby approved unless otherwise approved by the Local Planning Authority.

The soft landscaping shall be provided and maintained in accordance with the approved Reform plans and the Landscape and Public Realm Strategy before the end of the first planting season following first occupation of the development hereby approved unless otherwise approved by the Local Planning Authority. 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 visual amenity and the character and appearance of the conservation area, in accordance with the National Planning Policy Framework paragraph 7.

Residential amenity – Noise

19 The building envelope of all dwellings 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 45dB(A) on more than 10 occasions in any night time period. Noise levels shall be observed with windows open in the habitable rooms or with windows shut and other means of ventilation provided.

The detailed scheme shall be approved in writing by the Local Planning Authority, fully implemented and a post completion noise assessment undertaken to demonstrate compliance with this condition before the use approved in is occupied.

Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s), which would affect the performance of the building fabric in terms of noise attenuation, shall be undertaken without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of future occupants from noise, in accordance with the National Planning Policy Framework paragraph 123.

Electric vehicle charging points

20 Before the occupation of the development at least 2 electric vehicle recharging points and associated dedicated parking bays shall be provided on-site and the facilities maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority.

The location and specification of the charging points and parking bays shall be approved by the Local Planning Authority and provided in accordance with the approved details.

Reason: To promote and facilitate the uptake of electric vehicles in accordance with the Council's Low Emission Strategy and the National Planning Policy Framework (paragraph 39).

INFORMATIVE: Electric Vehicle Recharging Point means a recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point. To prepare for increased demand in future years, appropriate cable provision should be included in scheme design and development, to allow further recharge points to be added if demand necessitates this.

Noise - Plant and machinery

21 Details of all machinery, plant and equipment to be installed, which is audible outside of the application site, shall be submitted to the Local Planning Authority for approval. 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 first use and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area, in accordance with the National Planning Policy Framework paragraphs 17 and 123.

INFORMATIVE: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 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.

Cooking odours

22 There shall be adequate facilities for the treatment and extraction of cooking odours at the commercial premises hereby approved. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Reason: To protect the amenity, in accordance with the National Planning Policy Framework paragraphs 17 and 123.

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

BREEAM (offices)

23 The office development shall be constructed to a BREEAM standard (or equivalent) 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 occupation (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

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

Cycle parking

24 Prior to first use of the development hereby permitted the cycle storage and ancillary facilities, as shown on the approved plans, shall be installed and made available for use. External cycle parking shall be provided, using Sheffield type stands or similar, as detailed in the design and access statements. The facilities shall be retained for the lifetime of the development.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

Bin Storage

25 Facilities for waste and recycling shall be provided in accordance with the approved plans prior to first use of the relevant block. There shall be adequate space provided for waste storage within the approved buildings at all times.

Reason: In the interests of visual amenity.

Travel Plan

26 The development shall operate in accordance with the Travel Plan version 2 prepared by Fore 6 July 2017.

The travel plan (including its associated monitoring and objectives) shall be updated annually in accordance with National Planning Policy Guidance and made available for assessment by the Local Planning Authority at their request.

Reason: To promote sustainable modes of transport, in accordance with section 4 of the National Planning Policy Framework, in particular paragraphs 35 and 36.

Deliveries

27 Upon completion of the development, delivery vehicles to the commercial use shall be confined to the following hours:

Monday to Friday 07:00 to 18:00

Saturdays, Sundays and Bank Holidays 09:00 to 16:00

Reason: To protect the amenity of local residents, in accordance with the National Planning Policy Framework paragraphs 17 and 123.

Noise – amplified/recorded music

28 Any amplified / recorded music played at the commercial premises hereby approved shall not exceed existing background levels, when measured at a distance of 1m from the relevant commercial facade.

Reason: In the interests of amenity and the character and appearance of the conservation area, in accordance with the National Planning Policy Framework paragraphs 17, 123 and section 12.

Drainage and Pollution

29 Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hard-standing must pass through an oil,

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petrol and grit interceptor/separator of adequate design before any discharge.

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

Reason: To avoid increased flood risk and to ensure proper drainage provision in accordance with National Planning Policy Framework paragraph 99 and the overall requirements of section 11.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: required revised plans to address design issues and through the use of planning conditions and a legal agreement.

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