

COMMITTEE REPORT

Date: 13th December 2017 **Ward:** Guildhall
Team: Major and Commercial Team **Parish:** Guildhall Planning Panel

Reference: 17/00429/FULM
Application at: Proposed Hotel 46 - 50 Piccadilly York YO1 9NX
For: Erection of part 5/part 6 storey hotel (140 bedrooms) with ground floor restaurant and 5 storey building comprising 8 no. apartments (class C3)
By: Northminster Limited
Application Type: Major Full Application (13 weeks)
Target Date: 22 December 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a 6 storey hotel (140 Bedrooms) fronting onto Piccadilly and a five storey block of 8 apartments to the rear of the site, facing the River Foss. The majority of the hotel would be 5 storeys in height with a centrally located sixth floor.

1.2 The two storey building is currently used as a car park with a retail unit fronting Piccadilly. The building dates from the 1950s.

1.3 The site is within the Central Historic Core Conservation Area and within an Area of Archaeological Importance. To the west is the River Foss, the Castle Museum: The Female Prison (Grade I Listed) and the debtors prison (Grade I listed), curtain wall (Grade I listed); Crown Court and Railings (Grade I listed) York Castle Car Park, and Clifford's Tower (Grade I listed). York Castle is an ancient scheduled monument. To the south of the application site is Ryedale House an 8 storey 1960s tower block for which there has been a number of recent applications (see planning history). To the north is 36- 44 Piccadilly, an application (see further details in planning history) for the development of this site came before committee September 2013 and Planning Committee voted to approve the application once a legal agreement has been signed. The applicant went into administration and the legal agreement was not signed and the application was Finally Disposed of. To the east of the site are the Spark York development and a four storey office block for the Department for Work and Pensions. Further east is the Church of St Denys (Grade I listed).

1.4 The site is within Flood Zone 3 and is known to flood.

1.5 Revised plans have been submitted making alterations to the appearance of the hotel. Alterations to the apartment building include the reduction in height, and it is

moved slightly further north. A revised FRA and Flood Evacuation Plan were submitted during the application together with revised plans and elevations, an archaeology report detailing the water monitoring that has been undertaken on site, and a plan detailing works to the highway. The application has been the subject of 3 separate periods of consultation. The last consultation period ended 20.11.2017.

RELEVANT PLANNING HISTORY

Application site

- 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

Neighbouring Ryedale House

- 17/02398/FUL - External alterations to existing building and extensions to create an additional floor to provide 4 no. residential units and entrance foyer with associated car parking and landscaping - Pending
- 16/02022/ORC - Proposed change of use from offices to 73 apartments (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 - Approved

Neighbouring 36- 44 Piccadilly

- 13/02397/FULM - Demolition and partial demolition of existing buildings and erection of a mixed use development comprising 2no. ground floor retail units (use class A1/A2/A3/A4) and 37 residential units (use Class C3) with associated parking, access and landscaping - Finally Disposed Of
- 00/01297/FUL - Mixed use development - retail, restaurants, residential (27 flats), offices, leisure and car parking, alterations to Fenwick's and Preston's and associated highway works including changes to Tower Street/Piccadilly junction (Revised Scheme) - Refused

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- SP3 Safeguarding the Historic Character and Setting of York
- SP6 Location strategy
- SP7B York City Centre and Central Shopping Area
- SP8 Reducing dependence on the car

- SP9 Action Areas
- SP10 Strategic Windfalls
- GP1 Design
- GP3 Planning against crime
- GP4A Sustainability
- GP6 Contaminated land
- GP9 Landscaping
- GP10 Subdivision of gardens and infill devt
- GP15A Development and Flood Risk
- NE3 Water protection
- NE8 Green Corridors
- HE2 Development in historic locations
- HE3 Conservation Areas
- HE4 Listed Buildings
- HE5 Demolition of Listed Buildings and Buildings in Conservation Areas
- HE9 Scheduled Ancient Monuments
- HE10 Archaeology
- T2A Existing Pedestrian/Cycle Networks
- T4 Cycle parking standards
- T5 Traffic and pedestrian safety
- T7C Access to Public Transport
- T13A Travel Plans and Contributions
- T20 Planning agreements
- H5A Residential Density
- E3B Existing and Proposed Employment Sites
- E4 Employment devt on unallocated land
- S1 Proposed Shopping Sites
- S6 Control of food and drink (A3) uses
- S7 Evening entertainment including A3/D2
- V1 Criteria for visitor related devt
- V3 Criteria for hotels and guest houses
- H1 Housing Allocations

Pre-Publication draft Local Plan (2017):

- DP1 York Sub Area
- DP2 Sustainable Development
- DP3 Sustainable Communities
- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- SS3 York City Centre
- SS5 Castle Gateway
- EC1 Provision of Employment Land
- EC2 Loss of Employment Land

- EC4 Tourism
- R3 York City Centre Retail
- H2 Density of Residential Development
- HW7 Healthy Places
- D1 Placemaking
- D2 Landscape and Setting
- D3 Cultural Provision
- D4 Conservation Areas
- D5 Listed Buildings
- D6 Archaeology
- D7 The Significance of Non-Designated Heritage Assets
- D9 City of York Historic Environment Record
- GI1 Green Infrastructure
- GI2 Biodiversity and Access to Nature
- GI3 Green Infrastructure Network
- CC1 Renewable and Low Carbon Energy Generation and Storage
- CC2 Sustainable Design and Construction of New Development
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- T5 Strategic Cycle and Pedestrian Network Links and Improvements

2.2 Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 The site is in a sustainable location, close to the city centre and it's facilities. The negligible level of car parking provided for the hotel is consistent with a number of other hotels in the city centre. The application has been supported by a Travel Plan which identifies measures which will be used to promote sustainable travel for both the residential and hotel elements of the scheme

3.2 Access to the parking spaces is to be via a new dropped vehicular crossing which is located in a similar position to the existing Southern most access to the site.

3.3 The proposed redevelopment of this site and adjacent sites will increase the footfall along Piccadilly and as such officers have negotiated and secured (via

condition) a proportionate improvement to adjacent public realm related to the development scheme being proposed. 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.

3.4 Request following conditions; Hwy 14, Hwy 17 (kerb, footway), Hwy 18, Hwy 19, Hwy 39 (narrowing of Piccadilly carriageway to 6m, widening of footway along site frontage and provision of servicing bay within the widened footway as shown indicatively on drawing 262 (PL) 006 Rev C), Hwy 40, Method of Works, Travel Plan. Request INF 1 (S278), INF 2

PLANNING AND ENVIRONMENTAL MANAGEMENT (Design and Sustainability Manager)

3.5 No objections to the design. The proposed dark grey images of bricks in submitted documentation to date are unlikely to be appropriate

3.6 Proposed development does not result in harm to the setting or special interests of the conservation area, ancient scheduled monuments, or the surrounding listed buildings (*Officer Note; these issues are considered in more detail at section 4*).

3.7 Request the following conditions: large scale details, materials, landscaping, boundary treatment, and alterations to the apertures to the compensatory flood storage under the proposed hotel

PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY OFFICER)

3.8 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.

3.9 The River Ouse is a Site of Importance for Nature Conservation due to the presence of otter and migratory fish species. This should not be impacted on. 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.

3.10 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. No bats were recorded emerging from the building and no further surveys recommended.

3.11 In the proposals the north-west corner of the site is opened up to form a new garden space adjacent to the River Foss with columnar oak trees (*Quercus robur* 'Fastigiata'). The building currently on site is single storey and the proposed residential building will be five storeys. The development will result in additional shade, noise and artificial light in this area. Request that a sensitive lighting scheme should be secured through a planning condition to limit excessive light spill over the River Foss.

3.12 There is a missed opportunity to enhance the green corridor here by setting back the buildings and providing soft landscaping along the River Foss. However, there are no ecological grounds to refuse this application. If this application were approved, request a condition for the bat accommodation.

PLANNING AND ENVIRONMENTAL MANAGEMENT (ARCHAEOLOGY)

3.13 Anoxic waterlogged deposits are preserved on this site and they are in "relatively good" condition. The deposits have the capacity to hold a large volume of water and these deposits will not drain rapidly if the water table falls. Monitoring of water levels has indicated that there is a dynamic hydrological regime with levels rising by 500mm during the spring-summer period. This regime appears to be driven through rainfall percolating through the site.

3.14 This 2017 report summary compares favourably with the assessment that was made of these deposits as a consequence of excavation of a deep trench as part of an archaeological evaluation carried out on this site in 1992: "The archaeological value of the deposits on site is undoubtedly high. The deposits of archaeological interest are undisturbed, waterlogged and well preserved". It appears therefore that the state of preservation of the deposits on this site has changed little since 1992.

3.15 The report suggests that the deposits are capable of retaining water should the water table within the site fall. It also suggests that any fall in the water table will be temporary, given the fact that the deposits are recharged primarily through rainfall.

3.16 Version 2 03/11/2017 of the evaluation report provides additional information that can be used to assess adequately the impact of the proposed development on these sub-surface deposits. The site contains anoxic, waterlogged deposits that may be considered an undesignated heritage asset of national importance.

3.17 The development proposal will cause harm and result in loss of deposits on this site. However, in the case of anoxic waterlogged deposits, this loss will be limited to that caused by the piled foundations. Policy HE10 ensures that this loss will be no greater than 5% of the deposits. The assessment of the hydrology of the site makes it clear that should water levels on the site fall, the deposits will remain saturated,

and that the water levels will be recharged through rainfall. Any loss of deposits on this site will result in less than substantial harm to their significances.

3.18 Consider that the proposed development will deliver public benefit in the area of understanding waterlogged archaeological deposits if an appropriate set of mitigation measures are put in place. (*Officer Note: This cannot be considered a factor in weighing public benefits against any harm identified to heritage assets*) These should consist of 1) continued monitoring of ground water levels and quality; 2) an archaeological watching brief on all groundworks; and 3) publication of the results of the archaeological project.

3.19 The proposed development will cause less than substantial harm to an undesignated heritage asset of national importance. This harm will be acceptable; provided that the harm is mitigated by actions covered planning conditions. Request following conditions: ARCH, ARCH 3, Archaeological programme

FLOOD RISK MANAGEMENT TEAM

3.20 No objections, seek conditions that development should be in accordance with FRA received November 2017, surface water drainage details to be submitted, no piped discharge of surface water from the development prior to the completion

3.21 The site benefits from the presence of the Foss Barrier, this regulates flood levels adjacent to the site, 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 and capital investment has been delivered by the EA 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 at the end of 2017.

3.22 The site benefits from a range of flood warnings and again using the December 2015 event as an example all warnings were issued in advance of flood waters inundating the Piccadilly area and safe evacuation could have been initiated in response to such warnings if an approach such as that detailed by the applicant were followed.

3.23 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.

3.24 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 the applicant has addressed this in their approach and comments above regarding the Foss Barrier and warning provision support this.

3.25 Their approach represents a realistic and workable approach to flood risk evacuation amidst a flood risk scenario of high risk but low residual risk. However, the inclusion of the temporary raised walkway for 'significant events' seems rather strange and is at mixed purposes with an evacuation led approach. It states it would be deployed in a significant event when in eventuality with the barrier working it would only be in these events when any water was present in the area and would expect warnings well in advance and the site could be evacuated on receipt of these.

EMERGENCY PLANNING OFFICER

3.26 No comment received to the revised Flood Evacuation Plan, the following are their original comments:-

- Concerns regarding the Flood Evacuation Plan, alterations are required

PUBLIC PROTECTION

3.27 The proposed residential properties are to be located to the rear of the development away from the Piccadilly façade and towards the River Foss, with all windows to habitable rooms facing the River Foss rather than the rear of the hotel and towards Piccadilly. As a result noise levels detailed within the submitted noise assessment show that internal noise levels in the proposed apartments would comply with British Standard 8233:2014.

3.28 In addition internal noise levels in the proposed hotel rooms are stated as being able to comply with internal levels in British Standard 8233:2014, if suitable glazing is provided. Request this sought via condition

3.29 As a result the submitted noise assessment considered the existing background noise levels at the site in order to determine the representative daytime and night time background L90 levels. Analysis of the monitoring results established that the day time representative L90 (1 hour) level is 46dB(A) and that during the night time the representative L90 (15 minute) level is 38dB(A). Request details of machinery via condition

3.30 In terms of noise and pollution associated with the development of the new hotel and housing Public Protection do have concerns over the potential for loss of amenity which may arise and therefore request a Construction and Management Plan via condition together with the restriction of the times of demolition and construction

3.31 Within the application it is unclear as to the exact location of any service entrance for the proposed entrance. Given the proposed new residential dwellings

would request that the hours of delivery be restricted to ensure that there would be no loss of amenity due to noise associated with any deliveries.

3.32 As part of the hotel development a kitchen is to be provided to cater for the proposed restaurant area on the ground floor. Due to the potential for odour associated with any kitchen extraction unit to affect the amenity of nearby receptors in the area request a condition seeking adequate facilities for the treatment and extraction of cooking odours

3.33 From the submitted plans it would appear that no areas would be provided for functions which could involve amplified music. Should this change then consideration of the potential for noise from such uses would be required.

3.34 The Preliminary Investigation Report (dated 10 November 2016). The report is acceptable and agree that an intrusive ground investigation is undertaken to find out whether land contamination is present is required. If contamination is found, the appropriate remedial action will be required to ensure that the site is safe and suitable for its proposed use. Request conditions for land contamination, remediation scheme, verification of remedial works, and the reporting of unexpected contamination

3.35 The latest monitoring data undertaken by City of York Council along Piccadilly has found that the level NO2 in the area is currently below that annual mean objective level. As a result there are not air quality requirements for this application.

3.36 Request vehicle-charging point for each of the eight car parking bays of the apartments

PUBLIC REALM

3.37 Any comments received will be reported to Committee.

PLANNING AND ENVIRONMENTAL MANAGEMENT (Forward Planning)

3.38 States given the CYC's longstanding aspirations for mixed use regeneration in the Castle Piccadilly Area it has long been recognised that a comprehensive planning approach is needed to secure high quality regeneration in this significant and sensitive historic environment. It is important to consider the key policy issues that apply for this application - namely the potential for piecemeal development of the Castle Gateway area, the overall retail strategy for the city centre and the principle of hotel and residential development at the site.

3.39 A conceptual masterplan and detailed design of the public realm and infrastructure is in the process of being prepared as part of a masterplan for the Castle Gateway area. The masterplan will shape the key elements of the development on Castle Car Park, including the bridge across the River Foss. The

commercial development elements of the Castle Gateway will also need to meet the quality criteria and vision for the area. However this masterplan is at an early stage and as such is considered to carry very limited weight in the consideration of this application.

3.40 In principle, there is no policy objection to the proposed uses of hotel/ leisure and residential, as part of a mixed use scheme. However, this highly significant part of the central historic core conservation area must be enhanced through such development and promote future opportunities for enhancement by the establishment of agreed principles within a robust urban design framework in partnership with the Council.

3.41 There are issues in relation to the potential impacts of the proposal on the Central Historic Core Conservation Area (CHCCA). This relates to policies; GP1, HE2 and HE3 in the 2005 Draft Local Plan. As well as, policies; D1, D2 and D4 of the 2014 Publication Draft Local Plan. The Central Historic Core Conservation Area Character Appraisal provides a key evidence base for the Local Plan and is an important evidence base for any future proposals for the Castle Gateway area. The proposed Castle Gateway Area of Opportunity as approved by Executive in January 2017 broadly covers the areas defined in the CHCCA as the Kings Staith/Coppergate, Castle and Piccadilly Areas and several of the stated Castle Gateway development principles directly reference the Appraisal.

3.42 Issues are raised in relation to the flood risk for the site as it is located in flood zone 3a and the proposed uses are classified as vulnerable uses. Therefore, officers should be satisfied with the FRA, Sequential Test and the Exceptions Test. Consideration should be given to any potential impact this proposal may have on the neighbouring properties, including Ryedale House.

3.43 There are potential issues with transport and access. This relates to policies; T13a, T18 and T19 of the Draft Local Plan (2005) and Policies SS4, T5, T10 of the emerging Local Plan (2017) and the proposals map for the 2014 Publication Draft Local Plan. This proposal potentially compromises the location and delivery of the pedestrian/ cycle bridge across the River Foss discussed in policy T5 and shown on the emerging Local Plan Proposals map (2017). The policies set out in the draft plan support the regeneration of the Castle Gateway area. Specifically in relation to the Castle Piccadilly sub-area definitive schemes including a new pedestrian bridge across the River Foss and walkways along the river aim to enhance access and promote cultural enhancement through connectivity. Development in this location should ensure that these aspirations can be realised in the future as part of the wider Castle Gateway regeneration scheme (Policy SS5). Policies that particularly support this are, but not limited to: SS3, SS5, T5 and D3.

3.44 Whilst the principle of this use is supported, it is noted that the updated proposal still potentially compromises the location and delivery of the pedestrian/ cycle bridge across the River Foss discussed in policy T5 and shown on the Pre

Publication draft Local Plan (Regulation 18) Proposals map. The principle of a pedestrian/cycle footbridge is also part of the development principles of the emerging local plan Castle Gateway Area of Opportunity policy (SS5), which stated that development proposals should deliver a new landmark bridge for pedestrians and cyclists across the River Foss linking Piccadilly with the Castle Precinct through developer contributions and commercial uplift from new development sites.

WASTE SERVICES

3.45 No comments have been received regarding the revised refuse storage area for the apartments, the following is the original comments received:-

- The bin store that is indicated is not large enough for the number of bins required for 8 apartments. Collectively, they require 1,440 litres of bin capacity which can be made up using a variety of different bin sizes.

ECONOMIC DEVELOPMENT UNIT

3.46 Any comments received will be reported to Committee.

REGENERATION AND ASSET MANAGEMENT TEAM

3.47 States the application site sits in the Castle Gateway regeneration area. A key ambition of the vision for the area is to create a new landmark pedestrian and cycle bridge over the River Foss. This is set out in the Draft Area of Opportunity Policy in the emerging Local Plan. States that the Council has consulted on the Castle Gateway vision with the public over the summer through the My Castle Gateway project and there is overwhelming support for a new bridge over the River Foss.

3.48 The My Castle Gateway project is currently at the next stage, in which the emerging masterplan ideas that have been put forward by the council's masterplanning consultants, BDP are being explored. This period runs from mid November until 22 December. The outcome of that public engagement will be used to shape a preferred masterplan for the Castle Gateway which will be taken to the council's Executive for approval in March 2018.

3.49 The emerging ideas that are currently out to consultation propose two potential locations for the bridge over the Foss. The first is part of a wider expansion of a new River Foss walkway and would connect the council owned former Castle Mills Car Park and the rear of the Castle Museum. The second would run from a strip of land between the application site and the neighbouring Ryedale House, connecting Piccadilly to the Castle Car Park.

3.50 It is important to note that at this stage these remain ideas, and further testing of financial viability and engineering feasibility will need to be undertaken to inform which bridge will proceed to the preferred masterplan. Consequently, although the

bridge adjoining the application site at this stage still remains an option, it may be the only viable option for realising the ambition for a new pedestrian bridge.

3.51 The applicant and the neighbouring landowner are aware of this ambition and are supportive of the principle and the location between their two sites. The bridge would require a small section of the application site, and whilst a more significant section would improve the scope and potential quality of the bridge, it would technically be feasible under the current application. Ideally the bridge would form part of this application to allow a comprehensive consideration of the proposals, but the applicant is keen to proceed in advance of the preferred masterplan decisions. The team's view is that should any permission be granted it should be noted that the bridge as illustrated in the application drawings remains a real future prospect, and the permission should not preclude it from being built.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

GUILDHALL PLANNING PANEL

3.52 No comments received

POLICE ARCHITECTURAL LIAISON OFFICER (PALO)

3.53 The reported crime and antisocial behaviour levels in the immediate area are high

3.54 Private secure bicycle parking spaces are being provided for each apartment within undercroft stores next to allocated parking bays and that access into the site itself from Piccadilly will be via electrically controlled gates. This is welcomed.

3.55 It is recommended that the access road into the site and the rear parking area should be lit. Lighting should be compatible with any CCTV system fitted. In respect of the hotel element, it is highly recommended that all public entrances and exits into and out of the building should be covered by CCTV and in particular the entrance foyer and main reception area.

3.56 The sale of alcohol within the proposed restaurant area would require an application being submitted for a Premises Licence. It is noted in the Planning Statement (3.2) that a bar area has been mentioned. The application premises would sit just outside the City of York Cumulative Impact Zone. Recommend that vertical drinking within the hotel should not be supported.

3.57 The lack of parking spaces would indicate to that this venue would be extremely attractive for visiting 'Hen' and 'Stag' parties travelling to the city by coach or rail. The management and control of this hotel will have to be extremely robust to reduce the opportunity and likelihood of unacceptable behaviour by guests.

3.58 Request an Operational Management Statement should be conditioned. This statement should clearly detail how management and supervision of both the accommodation and its occupants are to be addressed.

3.59 Access to the apartment block should be controlled

3.60 The security of the proposed development is not compromised by access into the site from Ryedale House, particularly alongside the river edge. The covered river terrace and recessed area beneath the apartment block could be utilised, which can only be directly viewed from the opposite river bank

ENVIRONMENT AGENCY

3.61 The site lies within Flood Zone 3, which has a high flood risk. Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test. Avoidance is the most effective flood risk management measure. Even when development can be made 'safe' in flood risk areas, there are always residual risks. In accordance with paragraph 103, consideration should only be given to development in flood risk areas following the Sequential Test. Development should not be permitted if there are reasonably available sites, appropriate for the proposed development, in areas with a lower probability of flooding. Evidence to support the sequential test should be added to the planning file for the public record.

3.62 The proposed development will meet the requirements of the NPPF if the measures as detailed in the Flood Risk Assessment by AAH, dated October 2017 Ref 68801 submitted with this application are implemented and secured by way of a planning condition

3.63 Controlled waters are particularly sensitive in this location because the proposed development site is located upon the Sherwood Sandstone principal aquifer. The principal aquifer at the location is overlain by made ground and alluvial sands and clays. Furthermore the site is less than 50m from the river Foss. The previous uses of the proposed development site as a car park and motorbike workshop present a risk of contamination that could be mobilised during construction to pollute controlled waters. The contamination reports submitted in support of this planning application provide the EA with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 121 of the NPPF.

YORKSHIRE WATER

3.64 The Drainage strategy states that surface water will be discharged to the River Foss. Restrictions on the surface water disposal from the site may be imposed by other parties should seek advised from EA /Land Drainage Authority/IDB

3.65 Water supply can be provided. Depending on the demand requirements, some off site main laying will be required to service the site.

3.66 Request a condition for no piped discharge

CONSERVATION AREAS ADVISORY PANEL

3.67 Supportive of the proposed development

RIVER FOSS SOCIETY

3.68 Object, the development proposed would obstruct the subsequent creation of a public access, connected riverside walkway along the east bank of the River Foss between Blue Bridge and Piccadilly

3.69 In 2000, the Foss Walkway Project, commissioned from Arup jointly by CYC and the EA, recommended the creation of a continuous public walkway from Castle Mills Bridge to Piccadilly along the east bank of the Foss. This ambition was again expressed in 2008 in the report "York - New City Beautiful", which called for "a continuous walking edge along both rivers in the city centre" and pointed out the economic gains to be made from adding to York's environmental and recreational attractions in this way.

3.70 Taking a lead from these earlier proposals, the CYC is currently developing plans for the Castle Gateway area, which envisages a continuous riverside walkway on the east bank of the Foss all the way from Blue Bridge to Piccadilly, passing underneath Castle Mills Bridge and connecting with a new footbridge linking Clifford's Tower with Piccadilly. The CYC's ownership of the Castle Mills car park and Banana Warehouse sites, coupled with redevelopment of Ryedale House and 46-50 Piccadilly, offers an opportunity to make this a reality. Piecemeal development on individual sites should not be allowed to obstruct the broader objective of opening up the riverside to public pedestrian access

3.71 The application for 46-50 Piccadilly, while it appears to show a ground level riverside terrace for residents of the proposed apartment block, makes no provision to link this terrace with a connected riverside walkway or with an eventual footbridge, but rather appears to fence the terrace off within the private residential area. This would prevent the creation of a public walkway along this stretch of the river.

HISTORIC ENGLAND

3.72 No objections on heritage grounds. Consider that the application meets the requirements of the NPPF, in particular paragraph numbers 131 to 134.

YORK CIVIC TRUST

3.73 A hotel on this site would be a positive move for the city and in keeping with the Council's castle gateway ambitions. The revision to the design is an improvement.

3.74 Objection to the footprint and design of the proposed apartment block. The ground floor of the apartment floor remains a blank wall lacking in aesthetic interest to an important riverfront vista when viewed from the Castle Complex. To extend the apartments right up to the riverfront remains a particular detriment to the scheme. The city should exploit the great potential of its riversides by improving public access to them whenever possible. This development would remove the possibility of a walkway along on the Piccadilly side of the River Foss. The proposed apartment block should be set back from the riverfront to allow a walkway to continue from Weatherspoon / Castle Mills Bridge and past Ryedale House (or any future replacement).

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.75 One representation of general comments to revised scheme:

- Support the redevelopment of this Brownfield site and the replacement of the unattractive C20 buildings; agree with the advisory comments made by Historic England and York Civic Trust. The proposed development blocks the important views from Clifford's Tower towards the St. Deny's Church
- The design of the planned building is still too generic and not 'York' enough.
- Agree with the Police Designing Out Crime Advisor comments.

3.76 Two representations of Objection

- Proposed development would prevent the creation of a public walkway. The creation of a riverside walkway along the east bank of the Foss between the Blue Bridge and Piccadilly was recommended in the Foss Walkway Project (2000). In 2008 the "York - New City beautiful" report called for a continuous walking edge along both rivers in the city centre and that it would have economic gains in addition to being an environmental and recreational attraction. This is also supported by the "My Castle Gateway" document. The application has ignored this and provides further tourist facilities with no provision for the people of York. Allowing the current building would be an inexcusable lost opportunity

3.77 Two representations of general comments:

- Request details of the when construction would begin and how long
- Agree with the comments made by York Civic Trust regarding the River Foss frontage, design quality and footprint.

- Support the redevelopment of this Brownfield land and acknowledge the need for a city centre hotel in this location, feel that the Castle Gateway vision should be adopted before planning applications are made in this area.
- The proposed hotel building is visually disappointing.
- Impacts on the Conservation Area and the setting of nearby (and nationally important) Listed Buildings. Loss of views from Castle / Clifford's Tower area towards St. Deny's Church.
- The hotel could attract stag & hen parties and the resulting anti-social behaviour.
- It needs to reference the surrounding historic buildings and that some modern additions to Piccadilly (such as Piccadilly Plaza and the Postern Gate Travelodge / Wetherspoon) are much more sympathetic to the Conservation Area's character.
- Apart from the loss of views towards the church, have no concerns with a building of this scale in this location, as 5 storeys offers a transition between the largely 3 storey buildings along Piccadilly and the larger 8 storey Ryedale House building.

4.0 APPRAISAL

KEY ISSUES

- Flood Risk
- Future Bridge and River Path
- Impact to heritage assets
- Visual amenity and character
- Impact to neighbouring uses
- Highways
- Sustainability

PLANNING POLICY

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

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

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

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

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

4.5 Policy S1 'Proposed Shopping Sites' of the City of York Draft Local Plan (2005) states that Castle Piccadilly is identified as a key opportunity to meet identified need for new retail development. It was envisaged that it would be part of a mixed use scheme incorporating significant civic/open space and other appropriate uses in accordance with Policy SP9. Policy SP9 'Action Areas' identifies Castle Piccadilly (including the application site) as a mixed use development for retail, residential and employment, public transport facilities, car parking and quality civic open space.

EMERGING LOCAL PLAN

4.6 The public consultation on the Pre-Publication draft Local Plan ended on 30th October 2017 and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the

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

FLOOD RISK

4.7 The NPPG advises that a site specific FRA must -

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

4.8 The site lies within Flood Zone 3 and has flooded on previous occasions. Paragraph 103 of the NPPF 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, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

- Sequential Test

4.9 The NPPG states that it is for the LPA, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The LPA needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere. The aim of the sequential test is to steer new development to areas at the lowest probability of flooding (Zone 1). The NPPG states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken: "the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives". In this case, the city centre has been used as the site

search area for this mixed use commercial development, 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. Of the 8 alternative sites identified, none met the criteria for being reasonably available in terms of either size, suitability for the development proposed, deliverability and developability.

4.10 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 (the Pre-Publication 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 lack of suitable alternative sites and the above is on these grounds that the sequential test is passed.

- Exception Test

4.11 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, informed by a Strategic Flood Risk Assessment where one has been prepared; 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.

4.12 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.

4.13 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.

4.14 The NPPG states that development should be safe and that any residual flood risk can be overcome. Access considerations should include the voluntary and free movement of people during a 'design flood' (1 in 100 year high), as well as the

potential for evacuation before a more extreme flood. To demonstrate to the satisfaction of the local planning authority that the development will be safe for its lifetime (minimum 100 years) taking account of the vulnerability of its users, a site-specific flood risk assessment should show that appropriate evacuation and flood response procedures are in place to manage the residual risk associated with an extreme flood event. In locations where there is a residual risk of flooding due to the presence of defences, judgments on whether a proposal can be regarded as safe will need to consider the feasibility of evacuation from the area should it be flooded.

4.15 The site lies within Flood Zone 3. Flood risk is from the River Foss to the west and the River Ouse further west. The 1 in 100 year flood level is 10.07 AOD, 10.66 AOD with 30% climate change. The proposed ground floor level within the hotel is 10.66 AOD, and there would be no sleeping accommodation on the ground floor. The lowest point of the ground floor of the apartment building would be 9.45 AOD - 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.

4.16 The proposed ground levels on site range between 9.45 AOD and 9.7 AOD. The footpath to the front of the hotel varies between 9.48 AOD and 9.91 AOD. Safe access and egress can not be provided during a design flood however the Flood Risk Manager states that 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 Flood Risk Manager considers that 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 at the end of 2017.

4.17 The site benefits from a range of flood warnings and using the December 2015 event as an example all warnings were issued in advance of flood waters inundating the Piccadilly area and safe evacuation could have been initiated in response to such warnings if an approach such as that detailed by the applicant were followed.

4.18 The Flood Risk Manager states that 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 in less time than it would take commence and complete deployment of temporary measures set out in the Flood Evacuation Plan. For example, to deploy a temporary raised

platform to provide a dry egress route from the property would require significant time to obtain the materials from storage and deploy.

4.19 The NPPF Planning Practice Guidance states: Even with defences in place, if the probability of inundation is high, safe access and egress should be maintained for the lifetime of the development. The practicality of safe evacuation from an area will depend on: the type of flood risk present, and the extent to which advance warning can be given in a flood event; the number of people that would require evacuation from the area potentially at risk; the adequacy of both evacuation routes and identified places that people could be evacuated to (and taking into account the length of time that the evacuation may need to last), and; sufficiently detailed and up to date evacuation plans being in place for the locality that address these and related issues.

4.20 Whilst the site is clearly in Flood Zone 3 the Flood Risk Management team consider the residual risk is relatively low - the NPPF guidance recognises that an understanding of residual risk is important behind flood defence infrastructure and the Flood Risk Manager considers that the applicant has addressed this in their approach.

4.21 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.

FUTURE BRIDGE AND RIVER PATH

4.22 The 2006 CYC Castle Piccadilly Planning Brief and York Central Historic Core Conservation Area Appraisal emphasise the importance of establishing an overall cohesive plan to guide the regeneration/reinvigoration of the area, without which opportunities to achieve the necessary objectives would be lost by piecemeal development activity. This focussed on an area bounded by the Castle Precinct & part of Piccadilly and such a masterplan was expected to be undertaken by a comprehensive developer who would lead the development activity for the whole area.

4.23 The Pre-Publication draft Local Plan (2017): Policy SS3: York City Centre recognises this area to be the economic, social and cultural heart of York. The policy identifies this as a priority area for employment uses fundamental to delivering the plans economic vision and is supported as the principle location for the delivery of economic growth in tourism leisure and cultural sectors. Proposals that promote accessibility and movement are encouraged, particularly those that prioritise pedestrian and cycle movement and improve linkages between key places such as

Castle Piccadilly. The policy also identifies Castle Piccadilly (ST20) as a draft site allocation for mixed use development. Part of this policy requires that the setting of the River Ouse and River Foss be enhanced and their frontages, turning them into attractive, vibrant and bustling environments with improved access to the riverside and linkages to other parts of the city centre.

4.24 Policy SS5: Castle Gateway (ST20) is proposed to be allocated within the Spatial Strategy as an Area of Opportunity. The draft policy sets out that the purpose of this regeneration is to enhance the setting of Clifford's Tower and the Eye of York to recognise their importance, integrate the area into the city centre more, and improve connectivity. The policy requires the provision of a new landmark bridge for pedestrians and cyclists across the River Foss linking Piccadilly with the Castle Precinct through developer contributions and commercial uplift from new development sites. Together with the creation of a new public access, with varied treatment along one or both sides of the River Foss, with new connections linking to the wider pedestrian and cycle network. Provide active river frontage to any new development on sites adjoining the River Foss. The location of the bridge is also cover by Policy T5 'Strategic Cycle and Pedestrian Network Links and Improvements'.

4.25 The proposals map for the Draft Local Plan (2005) and Pre-Publication draft Local Plan (2017) both show a bridge in this location. The bridge location is also shown in the Central Historic Core Conservation Area Appraisal (2013).

4.26 Recently the council in partnership with My Future York have started to develop a masterplan, and taken in a wider area called the "Southern Gateway". The impetus for this change in approach has been the understanding that comprehensive retail led regeneration was no longer likely to be realised and so a single external party would not be able to create such a plan. The emerging ideas that are currently out to consultation propose two potential locations for the bridge over the Foss. The first is part of a wider expansion of a new River Foss walkway and would connect the council owned former Castle Mills Car Park and the rear of the Castle Museum. The second would run from a strip of land between the application site and the neighbouring Ryedale House, connecting Piccadilly to the Castle Car Park. It is important to note that at this stage these remain ideas, and further testing of financial viability and engineering feasibility will need to be undertaken to inform which bridge will proceed to the preferred masterplan.

4.27 Whilst none of the above has been adopted there is a clearly held long term intention of the Council for a bridge in this location (although other alternatives are being forwarded as part of the emerging masterplan) together with improved public relationship with the river. However it is acknowledged that the new masterplan is at an early stage and the emerging local Plan can only be afforded limited weight in accordance with the NPPF at this stage of preparation..

4.28 The NPPG explains how weight may be given to policies in emerging plans. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account.

4.29 The proposed apartment block would prevent future public access/walkway being constructed on this side of the River Foss however this is further prevented from development further along the river. The Central Historic Core Conservation Area Appraisal (2013) states that character of the Foss is defined by its enclosure by historic buildings and it would not be appropriate to have a continuous walkway on the Piccadilly bank since this would diminish its historic character. A walkway could still be provided on the other side of the river.

4.30 The proposed apartment block is set back slightly from southern boundary with Ryedale House to the south. The applicant and the neighbouring landowner are aware of the ambition for a bridge in this location between their two sites. The bridge would require a small section of the application site, and whilst a more significant section would improve the scope and potential quality of the bridge, the current application does not prevent a bridge in this location albeit on the neighbouring site. The above policy is not adopted and as such has little weight and the masterplan is at a very early stage. The Regeneration and Asset Management Team consider that the construction of a bridge would technically be feasible in this location if the proposed development was constructed.

HOTEL DEVELOPMENT

4.31 The NPPF seeks to promote the vitality of town and city centres and requires Local Planning Authorities to set policies which are positive and promote competitive town centre environments. The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. The NPPF states planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

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

4.33 Policies E3b of the Development Control Local Plan (2005) and Policy EC2 (Loss of Employment Land) of the Pre-Publication draft Local Plan (2017) seeks to keep all employment uses in such use, unless there is an adequate supply of alternative premises over the plan period or where the proposed use will lead to significant benefits to the local economy. The broad intention of these policies does not conflict in principle with the NPPF.

4.34 The NPPF considers tourism related developments such as hotels to be a main town centre use. As a town centre use hotel development plays an important role in supporting the economic well being and vibrancy of York's city centre. By virtue of the city centre location a sequential test (Section 2 of the NPPF) is not required.

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

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

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

4.37 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel in location terms. The area is commercial and there would be no loss of dwellings. In this respect there is no conflict with Development Control Local Plan (2005) Policies V1 and V3. The proposed hotel is considered to have a neutral if potentially positive impact to the vitality and viability of the area. The proposed use will provide more footfall in the area during later hours.

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

4.39 There is currently no hotel operator involved with the proposed development. The layout of the hotel would indicate that it is unlikely to be a 4*/5* hotel. The York Tourism Accommodation Study (July 2014) has aims of increasing the number of 4*/5* standard accommodation however the star rating of the hotel can not be ensured. If the principle of a hotel is considered acceptable, it is therefore considered unreasonable to condition the hotel be 4*/5* quality.

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

IMPACT ON HERITAGE ASSETS

4.41 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 (Ancient Scheduled Monument) and Castle Museum: The Female Prison (Grade I Listed) and the debtors prison (Grade I listed), curtain wall (Grade I listed); Crown Court and Railings (Grade I listed) York Castle Car Park, and Clifford's Tower (Grade I listed). York Castle is an ancient scheduled monument, Church of St Denys (Grade I listed).

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

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

within the setting of heritage assets to enhance or better reveal their significance, paragraph 137.

4.44 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The presumption in favour of sustainable development set out at paragraph 14 of the NPPF does not apply in these circumstances.

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

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

4.47 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)

- Archaeology

4.48 The NPPF sets out that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

4.49 The archaeological features and deposits on the application site are undesignated heritage assets that lie within the designated Area of Archaeological Importance. The information supplied by the applicant demonstrates that the site has the potential to preserve undesignated heritage assets of national importance.

4.50 From the supporting information the CYC Archaeologist considers that the anoxic waterlogged deposits are preserved on this site and that they are in "relatively good" condition. The deposits have the capacity to hold a large volume of water and that these deposits will not drain rapidly if the water table falls. Monitoring of water levels has indicated that there is a dynamic hydrological regime with levels rising by 500mm during the spring-summer period. This regime appears to be driven through rainfall percolating through the site.

4.51 This supporting 2017 archaeology report summary compares favourably with the assessment that was made of these deposits as a consequence of excavation of a deep trench as part of an archaeological evaluation carried out on this site in 1992: "The archaeological value of the deposits on site is undoubtedly high. The deposits of archaeological interest are undisturbed, waterlogged and well preserved". It appears therefore that the state of preservation of the deposits on this site has changed little since 1992. The report suggests that the deposits are capable of retaining water should the water table within the site fall. It also suggests that any fall in the water table will be temporary, given the fact that the deposits are recharged primarily through rainfall.

4.52 The site contains anoxic, waterlogged deposits that may be considered an undesignated heritage asset of national importance. NPPF paragraph 135 states that "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". The deposits on this site are of national significance; loss of these deposits should therefore be wholly exceptional. The NPPF goes on to state that where a proposed development will lead to substantial harm or loss of significance of a designated heritage asset, local planning authorities should refuse planning consent (paragraph 133). Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal (paragraph 134).

4.53 The development proposal will cause harm and result in loss of deposits on this site. However, in the case of anoxic waterlogged deposits, this loss will be limited to that caused by the piled foundations. This loss will be no greater than 5% of the deposits, in accordance with Policy HE10. The assessment of the hydrology of the site makes it clear that should water levels on the site fall, the deposits will remain saturated, and that the water levels will be recharged through rainfall. The CYC Archaeologist considers that any loss of deposits on this site will result in less than

substantial harm to their significance and they consider that the harm would be acceptable, provided that the harm is mitigated by actions covered planning conditions.

4.54 A Preliminary Investigation Report for contamination was submitted with the application regarding the potential contamination of the site. Based on these past uses, land contamination, underground tanks and made ground could all potentially be present at the site. The report therefore recommends that an intrusive ground investigation is undertaken to find out whether land contamination is present. Both Public Protection and the Archaeology Officer consider that there are means of decontaminating the site with minimum disturbance to the archaeology.

- Ancient Scheduled Monument

4.55 The castle area is an Ancient Scheduled Monument. 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. English Heritage is now satisfied that the view and relationship between Clifford's Tower and St Denys Church has been retained by the revised designs of the proposed development.

4.56 The Design and Sustainability Manager does not consider that the proposed development would affect the character, appearance or setting of the York Castle Ancient Scheduled Monument.

- Central Historic Core Conservation Area

4.57 The application site is within the Central Historic Core Conservation Area. The Central Historic Core Conservation Area Appraisal (2013) (CHCCAA) sets out important considerations for the area which must be met by any new development. The site falls within Character Area 14: Piccadilly, and is directly adjacent and affecting Character Area 13: Castle.

4.58 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.

4.59 The proposed buildings would be taller than the existing and would have more presence in the street, river corridor, and the surrounding area. However it is considered that the proposed development would not result in harm to the character, appearance, or setting of the conservation area.

- Listed Buildings

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

4.61 The Design and Sustainability Manager does not consider that the proposed cumulative development would result in harm to the character, appearance or setting of the adjacent listed buildings.

VISUAL AMENITY AND CHARACTER

4.62 Chapter 7 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 64, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.63 The advice in Chapter 7 is replicated in Draft Local Plan Policy GP1 (Design) and, therefore, this policy accords with the NPPF. Policy GP1 which requires new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials.

4.64 The Central Historic Core Conservation Area Appraisal (2013) sets out that from Piccadilly Bridge to St Denys Road there is a fairly consistent building and roofline line and long stretches of adjoined facades. From St Denys Road southwards, large stand alone buildings of 1-8 storeys are set back from the pavement or angled to the street resulting in a significant amount of left over space between the blocks. As a result the street lacks formality and has a poor sense of enclosure. Piccadilly is rather a barren street, lacking trees or visible greenery and dominated by large buildings. The River Foss is hidden behind buildings which back directly onto it. There is no public access to the river; the exception is the Travelodge by Castle Mills Bridge. The large buildings and their positioning also block views to the Castle.

4.65 The main facade of the proposed hotel would go up 4 storeys from the back of the pavement; the fifth and sixth storey would be set back from this frontage. The design is relatively simple in appearance and the elevation facing towards Piccadilly

has the potential to appear rather monolithic, creating a large visual mass exacerbated by the proposed predominant material of dark grey brick. The set back of the upper two levels creates some interest. The windows will be recessed which will add an element of depth and visual interest to the elevations. The proposed windows would be deeply inset by 215mm. The appearance of the proposed hotel would not be out of character with the residential/office development in Piccadilly to the south. 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.

4.66 The plans show that that the predominately external finish would be a dark grey finish. The use of a dark grey brick to 6 storeys in height is not considered to be appropriate in this location and would potentially emphasise the mass and nondescript appearance of the hotel creating a flat/dead appearance. The Design and Sustainability Manager considers that whilst dark grey may not be acceptable there are a number of other colour alternatives that may be suitable. It is considered that the details of the materials can be sought via condition.

4.67 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.

4.68 The apertures to the compensatory flood storage area do not appear well integrated into the design to minimise their visual impact. It is considered that their number of openings could be reduced particularly on the front elevation. The Flood Risk Engineer confirmed this would not impact on the viability/usability of the flood storage. Further details can be sought via condition.

4.69 The proposed hotel building would result in an increase in the element of enclosure to Piccadilly however this is not considered to result in harm in this location.

4.70 The proposed hotel when viewed from across the river would be set back in to the site behind the proposed apartment block. The plans indicate trees and these can be sought via a condition. The Design and Sustainability Manager is satisfied with the appearance of the hotel from this Key View 16 and this is considered acceptable.

4.71 The main frontage of the apartments would face onto the river. Each flat would have an inset balcony and the elevation would be predominately full storey height glazing within storey height louvered screens, this elevation is considered to be visually interesting. To the north and south elevations would be winged windows facing the river. The two upper apartments would have a roof terrace that would be enclosed by an inset glazed balustrade and louver screens. Dark Grey brick is proposed to the side and rear elevations, and for the aforementioned reasons with the hotel it is also not considered to be appropriate for this building.

4.72 The proposed hotel has a large blank elevation to the rear facing the river frontage. It is considered if the apartment block was not constructed by virtue of its mass and lack of visual break it would result in harm to the visual amenity and character of the river setting and the wider York Eye area. In addition the construction of only apartment block would also result in harm. As such it is considered necessary to condition that both buildings are constructed at the same time so they can each provide screening of the blank elevations to the rear of the hotel and apartment block but also appears as a cohesive development.

IMPACT ON NEIGHBOURING USES

4.73 At the neighbouring Ryedale House, to the south, Prior approval consent has recently been granted for the use of the buildings as residential (16/02022/ORC). Works have not yet started and it is understood the site is currently for sale. To the north the buildings are currently being used on commercial basis.

4.74 The proposed apartment block would be a minimum of 9.5 metres from Ryedale house, however by virtue of the design of the windows in the proposed apartment elevation it is not considered to result in a loss of privacy to the occupants of either building. The windows in the side elevation of the proposed hotel rooms facing Ryedale House would be a minimum of 14 metres. However this is a city centre location and there are similar existing relationships between residential buildings in Piccadilly and its surroundings.

4.75 The proposed hotel and apartment building are not considered to result in harm to the amenity of the occupants of the site to the north. There are no windows in this elevation and it should not prevent the potential regeneration of the neighbouring site.

4.76 Within the application it is unclear as to the exact location of any service entrance for the proposed hotel. Given the proximity of the hotel building to the proposed new residential dwellings it is considered necessary that hours of delivery to the hotel area restricted to ensure that there would be no loss of amenity to the future occupants of the proposed apartment block due to noise associated with any deliveries.

NOISE

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

- whether or not a significant adverse effect is occurring or likely to occur;

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

4.78 The proposed residential properties are to be located to the rear of the development away from the Piccadilly façade and towards the River Foss, with all windows to habitable rooms facing the River Foss rather than the rear of the hotel and towards Piccadilly. As a result noise levels detailed within the submitted noise assessment show that internal noise levels in the proposed apartments would comply with British Standard 8233:2014.

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

4.80 Therefore ensuring (via condition) that building envelope is constructed to achieve a maximum internal noise level would reduce this potential. In the Noise Assessment the internal noise levels in the proposed hotel rooms are stated as being able to comply with internal levels in British Standard 8233:2014, if suitable glazing is provided.

4.81 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. The submitted noise assessment considers the existing background noise levels at the site in order to determine the representative daytime and night time background L90 levels. Analysis of the monitoring results established that the day time representative L90 (1 hour) level is 46dB(A) and that during the night time the representative L90 (15 minute) level is 38dB(A). It is considered that details of any machinery audible outside of the premises can be sought by condition together with mitigation measures

HIGHWAY IMPLICATIONS

4.82 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.

4.83 No parking provision is proposed for the hotel. This is in line with other hotels that have been granted planning permission in the city centre. The proposed redevelopment of this site and adjacent sites will increase the footfall along Piccadilly and as such officers have negotiated and secured a proportionate improvement to adjacent public realm related to the development scheme being proposed. The works would be carried out to the cost of the applicant through

Agreement under S278 of the Highways Act 1980. Such improvements to the highway along the site frontage would 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. Policies SS3, SS5 of the Pre-Publication draft Local Plan (2017) require the upgrading of Piccadilly transport route. As other development sites along this section of Piccadilly come forward the public realm improvements will be extended.

4.84 Public Protection has requested facilities for the re-charging of electric vehicles. It is considered that this is in line with the NPPF and the Council's low emission strategy. It is considered that this can be sought via condition.

DRAINAGE

4.85 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.86 Information has been submitted regarding the proposed surface water drainage method and the Flood Risk Management Team are satisfied that an acceptable means of surface water drainage can be achieved; further details can be sought via condition. The foul water shall discharge to the Yorkshire Water Infrastructure (with the appropriate consents).

SAFE ENVIRONMENTS

4.87 There is a requirement on the LPA to consider crime and disorder implications, under S17 of the Crime and Disorder Act 1998. The NPPF states that decisions should aim to ensure development creates safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesions. Given the surrounding uses and the late night economy of the area there may be issues. The PALO submitted a report showing that between that indicated there was a particularly high incidence of reported crime reported incidences of Anti Social behaviour in this locality.

4.88 Para 58 and 69 of the NPPF, states that development should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion,

4.89 The Police have expressed concern that the hotel would be attractive to hen and stag parties and exacerbate an existing problem of anti-social behaviour within York. The layout of the hotel, and the limited indicated facilities, would seem to

indicate that it would be towards the lower price range, although the lack of detail could be due to the lack of a hotel operator. However the layout and facilities could alter in the future. As previously mentioned it is considered unreasonable to condition the star rating of the hotel if the principle of a hotel is acceptable. Neither is considered reasonable to restrict who can use the hotel. Officers are not aware of any local study or evidence that indicates that the number and type of hotels are influencing anti-social behaviour. As such it is considered that refusing the planning application on the fear of crime from the customers of the hotel could not be reasonably defended at appeal.

4.90 The plans do not indicate if a bar is proposed. The application site is situated just outside the City of York Council's Cumulative Impact Zone. If a bar is proposed as the PALO states, outside the Planning regime any premises license granted may be subject requiring the installation of CCTV which may assist in addressing any issues immediately outside the building.

ECOLOGY

4.91 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. Bats are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 as amended. As bats are not present a European Protected Species Licence, and so the derogation tests are not required. The site is dominated by a large building and hardstanding, to the rear of which there is a thin strip of land. This land between the building and the river is very overgrown and could provide habitat for nesting birds. 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. In the proposals the north-west corner of the site is opened up to form a new garden space adjacent to the River Foss. The proposed garden and buildings will result in additional shade, noise and artificial light in this area. There are no ecological grounds to refuse this application.

SUSTAINABILITY

4.92 Policy GP4a 'Sustainability' of the Development Control Local Plan (2005) requires issues of sustainability to be considered within planning applications. The site is in reasonable proximity to the train station, and regular bus routes. There are only 2 parking spaces of the hotel provided on site and six spaces are provided for the apartment building however there are a number of public car parks in close proximity. The site is in close proximity to shops and other amenities. The site is considered to be in a sustainable location with good pedestrian and cycle facilities in the local area. Local facilities and bus stops served by frequent public transport services are within recognised walking distances of the site. The apartment building and the hotel would benefit from covered and secure cycle parking and the hotel.

The hotel cycle provision is lacks detail and not clear if it is feasible as such further details can be sought via condition.

4.93 Due to the scale of the development, according to York's Supplementary Planning Document on Sustainable Design and Construction, the hotel would be required to meet a BREEAM rating of Very Good. The supporting information indicates that the proposed development can achieve BREEAM very good and it is considered necessary to condition this to ensure it is undertaken. The apartments are below the 10 dwelling threshold of the Supplementary Planning Document on Sustainable Design and Construction.

5.0 CONCLUSION

5.1 The presumption in paragraph 14 does not apply in this case as the more restrictive policies apply concerning flooding and heritage assets, (Sections 10 and 12). 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. 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 Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There would be no harm to heritage assets or their setting.

5.3 As set out in section 4, the proposed development is not considered to result in harm to residential amenity or highway safety, not would the proposal have an unacceptable impact on ecology at or adjacent to the site.

5.4 Approval is recommended subject to conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve subject to the following conditions.

1 TIME2 Development start within three years

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

received 24 November 2017;
Drawing Number 262(PL)007 Revision D 'Proposed Hotel Ground Floor Plan'
received 24 November 2017;
Drawing Number 262(PL)008 'Proposed Hotel First Floor Plan' received 23 February
2017;
Drawing Number 262(PL)009 'Proposed Hotel Second Floor Plan' received 23
February 2017;
Drawing Number 262(PL)010 'Proposed Hotel Third Floor Plan' received 23
February 2017;
Drawing Number 262(PL)011 Revision A 'Proposed Hotel Fourth Floor Plan'
received 24 August 2017;
Drawing Number 262(PL)012 Revision A 'Proposed Hotel Fifth Floor Plan' received
24 August 2017;
Drawing Number 262(PL)013 Revision A 'Proposed Hotel Roof Plan' received 24
August 2017;
Drawing Number 262(PL)014 Revision B 'Proposed Hotel North East Elevation'
received 03 November 2017;
Drawing Number 262(PL)015 Revision B 'Proposed Apartments & Hotel South East
Elevation' received 03 November 2017;
Drawing Number 262(PL)016 Revision B 'Proposed Hotel South West Elevation'
received 03 November 2017;
Drawing Number 262(PL)018 Revision B 'Proposed Apartments & Hotel North West
Elevation' received 03 November 2017;
Drawing Number 262(PL)019 Revision C 'Proposed Building Section' received 03
November 2017;
Drawing Number 262(PL)020 Revision B 'Proposed Site Sections' received 03
November 2017;
Drawing Number 262(PL)021 Revision A 'Elevation & Window Detail' received 24
August 2017;
Drawing Number 262(PL)026 'Proposed Apartments First Second and Third Floor
Plan' received 23 February 2017;
Drawing Number 262(PL)027 Revision A 'Proposed Apartments Top Floor Plan'
received 24 August 2017;
Drawing Number 262(PL)028 Revision A 'Proposed Apartments Roof Plan' received
24 August 2017;
Drawing Number 262(PL)029 Revision B 'Proposed Apartments SW Elevation'
received 24 August 2017;
Drawing Number 262(PL)030 Revision A 'Proposed Apartments NE Elevation'
received 24 August 2017;
Drawing Number 262(PL)031 Revision A 'Proposed Apartments NW Elevation'
received 24 August 2017;
Drawing Number 262(PL)032 Revision A 'Proposed Apartments SE Elevation'
received 24 August 2017;
Drawing Number 262(PL)034 'Proposed Hotel Front Elevation - Details' received 28
April 2017;
Drawing Number 262(PL)38 'Views from Clifford's Tower to St Deny's Church'

received 12 September 2017;

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all the external materials to be used (including details of the balustrades, 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 development. The development shall be carried out using the approved materials.

Informative: The dark grey brick set out in the plans and elevations will be unlikely to be acceptable.

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 ARCH2 Watching brief required

5 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). To ensure that the proposed development does not harm groundwater resources in line with paragraph 109 of the National Planning Policy Framework and the Environment Agency's Groundwater Protection: Principles and Practice.

6. 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. Details of when the monitoring device have been completed shall be submitted to and agreed in writing with the Local Planning Authority
- (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 at the intervals agreed in the WSI
- (iv) A copy of a report of the archaeological programme detailed in the WSI shall be submitted to the Local Planning Authority to be deposited with City of York Historic Environment Record. The report shall be submitted 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 12 of NPPF and the latest guidance from Historic England on in-situ preservation of organic deposits and subsequent monitoring.

7 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 Clifford's 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.

8 The development shall be carried out in accordance with the recommendations contained within the Flood Risk Assessment by AAH Planning Consultants (Job reference 68801 dated October 2017) received 03 November 2017.

Reason: To ensure the development is safe from flood risk, in accordance with paragraph 103 of the National Planning Policy Framework. To ensure the compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants. To reduce the impact of flooding to the proposed development and future occupants.

9 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 GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' and Part 10 of the NPPF.

10 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 prior to the commencement of the development and 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 and to show limit of projection for solar panels and pop up access hatches.

(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 & 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 to ensure that it is initiated at an appropriate point in the development procedure.

11 No development shall take place until a detailed scheme of noise insulation measures for protecting the approved residential and hotel rooms from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. Upon completion of the insulation scheme works no part of the development shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

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.

12 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.

13 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 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 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 and 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.

14 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

15 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/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

16 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.

17 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.

18 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.

19 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.

20 A three pin 13 amp external electrical socket shall be provided for each of the eight car parking bays for the approved eight 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 paragraph 35 of the National Planning Policy Framework

21 The development shall not be begun until details of the junction between the internal access road and the highway have been 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 to ensure that it is initiated at an appropriate point in the development procedure.

22 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.

23 Prior to the development commencing 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.

24 HWAY19 Car and cycle parking laid out

25 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 262(PL)006 Rev D.

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

26 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be submitted to and 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.

27 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

28 The hotel hereby approved shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines and the submitted Framework Travel Plan dated February 2017. The hotel shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the development hereby approved a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

29 Prior to the commencement of development 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 11 of the NPPF. The information is sought prior to commencement to ensure that it is initiated at an appropriate point in the development procedure.

30 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.

31 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.

32 The hotel and the apartment building hereby approved shall be constructed at the same time.

Reason: To 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. The proposed hotel has a large blank elevation to the rear facing the river frontage. It is considered if the apartment block was not constructed by virtue of its mass and lack of visual break it would result in harm to the visual amenity and character of the river setting and the wider York Eye area. In addition the construction of only the apartment block would also result in harm. As such it is considered necessary to condition that both buildings are constructed at the same time so they can each provide screening of the blank elevations to the rear of the hotel and apartment block but also appears as a cohesive development.

33 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.

34 Notwithstanding the submitted plans, prior to the commencement of development 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 to ensure that it is initiated at an appropriate point in the development procedure.

35 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

36 Development shall not begin until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site. 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. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

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

application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

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

2. INFORMATIVE:

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

3. DISPOSAL OF COMMERCIAL WASTE

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

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

Section 47 of the Environmental Protection Act 1990

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

4. ENVIRONMENT AGENCY INFORMATIVE

This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Foss, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

5. Informative - Nesting Birds

Application Reference Number: 17/00429/FULM

Item No: 4e

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

6. 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 - highwaydc@york.gov.uk

Contact details:

Author: Victoria Bell Development Management Officer

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