



## Notice of a public meeting of Planning Committee

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams
- Date:** Thursday, 19 September 2013
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

### AGENDA

Would Members please note that Site Visits for this meeting will take place at 12:45 on Tuesday 17<sup>th</sup> September. There is no mini-bus for the Site Visits.

#### 1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

#### 2. **Minutes** (Pages 5 - 12)

To approve and sign the minutes of the meeting of the Planning Committee held on 22<sup>nd</sup> August 2013.

### 3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is **5pm On Wednesday 18<sup>th</sup> September 2013** . Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

### 4. Plans List

This item invites Members to determine the following planning applications:

**a) 34 Piccadilly, York, YO1 9NX (13/02064/FULM) (Pages 13 - 24)**

A major full application for Conversion of ground and first floors to create 10 flats with associated parking at basement level and external alterations. [Guildhall Ward] *[Site Visit]*.

**b) 36-44 Piccadilly, York, YO1 9NX (13/02397/FULM). (Pages 25 - 52)**

A major full application for the demolition and partial demolition of existing buildings and the erection of a mixed use development comprising 2 ground floor retail units (use class A1/A2/A3/A4) and 37 residential units with associated parking, access and landscaping. [Guildhall Ward] *[Site Visit]*.

**c) Conservation Area Consent for Proposed Development Site 36-44 Piccadilly, York. (Pages 53 - 58)**

Conservation Area Consent is sought to demolish 36 Piccadilly (apart from the art-deco facade), nos.38-42 which front onto Piccadilly and the building at the rear. [Guildhall Ward].*[Site Visit]*

### 5. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

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**PLANNING COMMITTEE**

**SITE VISITS**

**Tuesday 17<sup>th</sup> September 2013.**

<b>TIME</b>	<b>SITE</b>	<b>ITEM</b>
	<b>Members please note that there will be no mini-bus for this site visit.</b>	
<b>12:45</b>	<b>34 Piccadilly (meet on site).</b>	<b>4a</b>
<b>13:15</b>	<b>36-44 Piccadilly</b>	<b>4b</b>





City of York Council

Committee Minutes

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MEETING	PLANNING COMMITTEE
Date	22 AUGUST 2013
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, Cunningham-Cross (Substitute), D'Agorne, Doughty, King, McIlveen, Orrell (Substitute), Reid, Riches, Simpson-Laing and Watt
Apologies	Councillors Firth and Williams
In Attendance	Councillors Fitzpatrick, Looker and Watson.

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**Site Visit.**

Site	Reason for Visit	Members Attended
York Press Site, Walmgate.	To enable members to familiarise themselves with the site	Boyce, Galvin, Horton, McIlveen, Reid, Watt (and Fitzpatrick as Ward Councillor)

**12. Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda. None were declared.

**13. Minutes**

Resolved: That the minutes of the last meeting of Planning Committee held on 25<sup>th</sup> July 2013 be approved and signed by the Chair as a correct record.

**14. Public Participation**

It was reported that there had been no registrations to speak under the Councils Public Participation Scheme.

**15. Plans List**

This item invites Members to determine the following planning applications:

**15a Monks Cross Shopping Park, Monks Cross Drive, Huntington, York YO32 9GX (13/01559/FUL).**

Consideration was given to a major full application for external alterations to amalgamate five existing units (numbers 3, 4, 5/6, 11 and 12) and create additional mezzanine floorspace to create two non food retail units; external alterations and variation of condition 3 of permission ref 3/66/650AK/OA-3/61/207G/OA to subdivide Unit 16 (resubmission).

Officers circulated an update to the committee report, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- A variation to the recommendation to state that if approved, the application will need to be referred to the Secretary of State due to the amount of additional floor space.
- A variation to condition 7 to refer to the reconfiguration of Unit 16 to allow the current retailer to continue to operate.
- Clarification of the obligation being recommended on page 34 of the report to clarify that the obligation can not require a specific operator to occupy a site.

Peter Brown, representing York Civic Trust spoke in objection to the scheme. He advised that collectively all shopping parks in York will have an impact on the City Centre and that in his opinion, application failed on a number of aspects of planning policy.

Eric Hall had registered to speak on behalf of the applicant. He advised that the proposals would safeguard jobs at the shopping park and that the application was to enable current traders to remain at the site with units that were more suited to their business needs rather than to add additional traders.

Councillor Watson had registered to speak as Ward Member. He queried page 29 of the agenda which referred to the acceptance that the Castle/Piccadilly site would not be brought

forward in the foreseeable future. He queried if such a statement was protecting the interests of the City Centre.

Members questioned if the travel plan for the site would include a car park management plan. The applicant's agent advised that as the application was not expected to impact on traffic levels the measures detailed on pages 30 to 31 of the agenda were considered sufficient.

Following further discussions it was:

Resolved: That the application be approved subject to the conditions listed in the officer's report and the varied conditions as detailed in the officer update (attached to online agenda).

Reason: The development proposals for the creation of larger units at Monks Cross would subject to the conditions detailed in the report, amended conditions above and the obligation as described in the report, a have an acceptable level of impact upon the existing planned and future investment in the city centre and upon the vitality and viability of the city centre. As such the development which would involve two operators having stores in the city centre as well as at MCSP, would be acceptable.

**15b Yorkshire Evening Press, 76-86 Walmgate, York (13/01916/FULM).**

Consideration was given to a major full application for the erection of a 3 storey and a 4 to 7 storey block and the conversion of Wards Warehouse to provide student accommodation (648 student rooms and management facilities); erection of a 3 storey office (class B1), extension to the 'Poads' Building and the provision of associated cycle and car parking facilities and landscaping.

Officers circulated an update, full details of which are attached to the online agenda for this meeting. The main points were as follows:

- Clarification that the overall amount of car parking spaces on site is 19, 10 of which are disabled.
- Missing text at paragraph 4.41
- Additional conditions on site drainage and archaeology.

Barry Crux had registered to speak as a resident of Rowntree Wharf. He advised that he was not against the redevelopment of the site but had concerns about this scheme due to the scale and height. He also had concerns about the potential for noise nuisance due to the proposed communal kitchen and living rooms. He urged members to refuse and asked for a better scheme to be brought forward.

Joan Graveson had registered to speak as a resident of John Walker House. She raised 3 concerns; the impact on the easterly aspect of John Walker House; soundproofing of the proposed buildings and management of the site.

Stuart Roberts had registered to speak on behalf of Rowntree Wharf Residents Association. He raised concerns about Rowntree Wharf, which is a grade 2 listed building, being hidden from view. He also raised concerns about the potential for noise nuisance and asked the developer to recognise the concerns.

Mr. Pitchford had registered to speak in order to put forward an alternative suggestion for the site. He suggested that the existing buildings on the site were of interest as examples of late 20<sup>th</sup> century industrial buildings and could be incorporated into the scheme instead of being demolished.

Nigel Ingram had registered to speak on behalf of the Joseph Rowntree Foundation. He advised that the trust supported the scheme in principle but had some concerns about the future tenure of such buildings.

Chris Hale spoke as the applicant's agent. He advised that technically qualified specialists had been consulted to address concerns such as over shadowing and that local residents had been listened to. The scheme would provide much needed student bedrooms for the city and potentially free up family homes. The buildings would be managed round the clock to minimise noise. In response to comments about the scale,

Officers had advised the scheme was considered to be acceptable.

David Coates spoke on behalf of the site owner. He advised that changes in the press industry meant that alternative accommodation was now required. The sale of the site will facilitate a move within York to the Poads Building and there would be no loss of staff.

Councillor Looker spoke as Ward Councillor. She advised that she had concerns about the scheme making Rowntree Wharf invisible. She stated that she had no issue with a development on the site or the proposal for student accommodation but the massing of buildings along the Foss is a concern.

Councillor Watson spoke as Ward Councillor, he advised that he also had concerns about the impact upon Rowntree Wharf. He also had concerns about the accommodation not being managed by one of the Universities.

Members questioned a number of points, including:

- Whether the materials from the existing buildings will be re-used once demolished. The agent confirmed where possible materials will be re-used in particular pantiles.
- The use of non-opening windows as members considered these to be inappropriate for living accommodation.
- The use of obscure glazing as local residents had a preference for this to be used.
- Requested the amendment of condition 4 to state that contact details for the management company be supplied to local residents in case of noise nuisance.

Following further discussions it was:

Resolved: That the application be approved subject to the conditions listed in the officer's report and the following amended conditions:

Condition 4 - An occupational management plan for the student accommodation shall be approved in writing by the Local Planning Authority prior to occupation (of the student accommodation). The development shall be

occupied in accordance with the approved document at all times.

The occupational management plan shall include details of site operation/management and shall detail how the operators of the student accommodation would be contactable should the need arise.

Reason: In the interests of the amenity of surrounding occupants.

#### Condition 10 – Site Drainage

Prior to construction commencing, details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with the approved details. Details to include:

- a) Peak surface water run-off from the proposed development, which shall be restricted to a maximum 61.1 lit/sec.
- b) Site specific details of the flow control device manhole limiting the surface water to the 61.1 lit/sec.
- c) Storage volume calculations, using computer modelling, which accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modeling should be provided.
- d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

- e) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development shall not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- f) Copy of the technical approval notice from Yorkshire Water with regards to the diversion and easement to their existing sewers.
- g) Copy of the formal consent notice from the EA with regards to for any works in, over, under, or within 8m of the Main River Foss (which Wormald's Cut is a part of).
- h) Details of the future management / maintenance of the proposed drainage scheme.

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

21 – Archaeology Prior to construction commencing the applicant shall submit a foundation design and statement of working methods, which demonstrate at least 95% of the archaeological deposits on the site will be preserved. The document shall be approved by the Local Planning Authority and the development shall commence in accordance with the approved details.

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).

22 – Archaeology - No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall

be approved in writing by the Local Planning Authority before development commences.

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

Reason: The proposed development will regenerate the area and add to the vitality and viability of this part of the city centre. The loss of employment land will not conflict with national planning policy and there is no evidence that the proposed use will have an undue impact considering crime and disorder. The development will be sustainable and will have no undue impact on the amenity of neighbours or the historic setting

CLLR D Horton, Chair  
[The meeting started at 4.30 pm and finished at 7.00 pm].



**DELEGATED REPORT**

**Date:** 19 September 2013      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
Commercial Team

**Reference:** 13/02064/FULM  
**Application at:** 34 Piccadilly York YO1 9NX  
**For:** Conversion of ground and first floors to create 10no. flats with associated parking at basement level and external alterations  
**By:** Mr Martin Burgess  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 10 October 2013  
**Recommendation:** Approve subject to Section 106 Agreement

**1.0 PROPOSAL****Application site**

1.1 The application relates to 34 Piccadilly. The property has a Tesco store at ground floor level and a basement parking area. The upper floor level is vacant.

1.2 The building faces the junction between Piccadilly and Merchantgate and is bound by the River Foss to the west. There is a used furniture store at 36 next door, within a warehouse type building, which runs from Piccadilly down to the river. There is an application currently under consideration for a residential-lead scheme at 36-44 - reference 13/02397/FULM.

1.3 The site is in the Central Historic Core Conservation Area and within the Castle Piccadilly action area, which is designated for regeneration in the 2005 Local Plan (policy SP9).

**Proposals**

1.4 Planning permission is sought for 10 flats, one of which would be at ground floor level, the others at first floor level. A mezzanine would be inserted at upper floor level. Storage and parking would be provided within the basement.

**Planning History**

1.5 Permission was given for 9 flats within the building in 2012 - planning application 11/01437/FUL. The permission was subject to a legal agreement which required the units to remain in single ownership and only rented out on short-term lets. This was agreed as at the time it was expected a comprehensive Castle Piccadilly

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regeneration scheme, which would incorporate this site, would in the future come forward. Such a scheme would likely require purchase of 34 Piccadilly, which could potentially be delayed/complicated if the property were in multiple ownership.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006  
Conservation Area Central Historic Core CONF  
DC Area Teams Central Area 0002

### 2.2 Policies:

CYSP9 - Action Areas

CYH3 - Sequential test for new housing

CYH4A - Housing Windfalls

CYH11 - Conversion of upper floors to housing

CYGP15 - Protection from flooding

CYED4 - Developer contributions towards Educational facilities

CYL1C - Provision of New Open Space in Development

## **3.0 CONSULTATIONS**

### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 In relation to the scheme originally proposed, officers made the following comment -

- Asked for the removal of the 9 proposed roof-lights on the front elevation. The front roof slope is prominent in the street scene. The unbroken roof line and traditional slate covering contributes to the historic appearance of the street scene and in some views forms part of a restrained frame for views of heritage assets of the highest significance. The 9 roof lights will be intrusive additions, alien to the street scene.
- The other roof attachments: panels and vents should not detract from the appearance of the building, considering their location and design.

- The proposed glazed barriers at roof level, at the rear, would be prominent and harmful to the appearance of the building.
- High level signage proposed is unjustified and should be removed.

#### ENVIRONMENTAL PROTECTION UNIT

3.2 Officers are concerned that residents may be adversely affected due to noise disturbance and report there are air quality issues on Piccadilly. With regards noise, concern is that disturbance would occur due to traffic noise, deliveries to the ground floor retail premises and internal plant. Piccadilly is within the Air Quality Management Area. As such officers have asked that alternative means of ventilation, rather than the windows, be provided for the rooms with windows onto Piccadilly.

#### ENVIRONMENT AGENCY

3.3 No objection. Ask that the applicants are advised they would require consent from the Environment Agency for any works within 8m of the River Foss.

#### PUBLIC REALM OFFICERS

3.4 Advise that a contribution towards open space should be provided. This would contribute towards -

- Amenity open space - used to improve a local site such as Tower Gardens
- Play space (2 bed flats only) - used to improve a local site such as St Nicholas Fields or Navigation Road
- Sports pitches - used to improve a facility within the East Zone of the Sport and Active Leisure Strategy.

#### GUILDHALL PLANNING PANEL

3.5 Support the proposals. Preference is that all habitable rooms and bedrooms have windows.

#### PUBLICITY

3.6 One comment received from the neighbours at no.36, who note that the down-pipe at no.34, by no.36 is in need of repair. (officers note – replacement rainwater pipes are shown in this area on the proposed plans).

## 4.0 APPRAISAL

### 4.1 Key Issues

- Principle of the proposed development
- Flood risk
- Character and appearance of the conservation area
- Amenity for future occupants
- Open space and education contributions
- Highway safety
- Sustainability

4.2 The key issues are summarised, and advise on pertinent updated material planning considerations since the 2012 permission.

### PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.3 The 2012 permission established that in principle housing was appropriate above the commercial premises at this site. This was restricted to short-term lets in single ownership as at the time there were plans for a comprehensive re-development of Castle Piccadilly, which were expected to include the application site. The new Local Plan for York, currently out for consultation, again identifies Piccadilly as the site for retail provision over the plan period (2015-2030).

4.4 There is a current application for residential development at 36-44 Piccadilly, which has officer support. There would be no justification to restrict occupancy at the application site if that scheme were approved. Approval at 36-44 would mean recognition that future (retail-lead) regeneration of Piccadilly would not involve the application site.

4.5 The land on the western side of Piccadilly which has been identified for redevelopment is owned by Centros, the Council and Northminster (owners of this site). Centros, who own 36-44 and Ryedale House, are now proposing a less regeneration of Piccadilly. The comprehensive Castle-Piccadilly redevelopment scheme is not being proposed in the short to medium and is unlikely to be realised to the extent originally envisaged.

4.6 Because there is no adopted local plan, national policy requires that decisions are made based on the policies within the NPPF. As such it has to be considered whether essentially removing this particular site from the Castle Piccadilly allocation in the Local Plan for a comprehensive re-development will have an acceptable impact on the vitality of the city centre. It must also be noted that the NPPF (paragraph 173) requires that for the purposes of plan-making, plans must be deliverable, i.e. there must be a willing landowner.

4.7 The host building has a commercial occupier at ground floor level. Along with the introduction of ten residential units, the site overall would have a positive impact on the vitality of the street. To allow this situation in the long-term would not compromise the potential to re-develop the remainder of Piccadilly. Overall to allow this proposal would not have an undue impact on the vitality of the city centre.

## FLOOD RISK

4.8 In respect of flood risk, there are no changes to approved application 11/01437/FUL. The development would be safe from flooding (due to ground levels) and condition 6 requires arrangements to be in place to avoid valuables stored in the basement being damaged in times of flood.

## CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.9 The variations from the approved scheme (11/01437/FUL) are at roof level - roof-lights and solar panels.

4.10 The continuous slate roof at the front of the building is a positive aspect of the building. The scheme has been revised and it is now only proposed to add two roof-lights on the front elevation. These are functionally desirable as they allow for windows to bathrooms. To avoid the windows appearing too prominent they will be small in scale and fitted so they do not stand proud of the roofslope; this will be secured through condition.

4.11 The panels on the roof will not be prominent in views from Clifford's Tower. The panels and other attachments will be set back from the riverside and would not be on the most prominent part of the roof, which slopes towards the river. The vent cowls will be small in scale (15cm high) and would not have a material visual impact.

4.12 The signage has been toned down. Now only a subtle reference, in a residential style is proposed, which is considered acceptable.

4.13 It is no longer proposed to use the roof terrace as outside amenity space. This is to avoid installations that would clutter the appearance of the host building.

## AMENITY FOR FUTURE OCCUPANTS

4.14 No changes have been made since the 2012 approval with regard to noise and air quality. Noise: a condition is proposed to ensure that internal noise levels for residents meet World Health Organisation standards. Tesco who operate the ground floor retail unit have standard protocol that this is achieved at their sites which involve residential. The proposal differs from the previous scheme in that side windows are proposed which would face 36 Piccadilly. This could benefit residents.

However the applicants have been advised that there is a scheme under consideration at 36 which, if implemented, would significantly limit any benefits these windows would bring.

## OPEN SPACE AND EDUCATION CONTRIBUTIONS

4.15 The amount and size of the residential units has varied since the 2011 permission and the contributions have been re-calculated accordingly. These will be secured through a unilateral undertaking.

- £36,116 towards secondary school provision (2 places) at Fulford School.
- £10,888 towards open space.

## HIGHWAY SAFETY

4.16 No changes since the 2012 approval.

## SUSTAINABILITY

4.17 As 10 units are proposed in line with current guidance it would be expected the conversion achieves a BREEAM rating of very good and that at least 10% of energy demand for the units is from on-site renewable sources. This is unless there is justification not to achieve such, considering that the development is re-using an existing building in the conservation area.

4.18 The applicants have confirmed the targets can be met. Solar panels are proposed on the roof, to provide renewable energy. A condition will secure the BREEAM Very-Good requirement.

## 5.0 CONCLUSION

5.1 Since the 2011 application for residential development of the site there are no longer plans from key landowners (Centros and Northminster) to re-develop Piccadilly with large scale retail development, due to a lack of demand and subsequently viability. Retention of the host building and having a mixed use of ground floor commercial and residential on the upper floors fits with national planning policy, which advises that sustainable development should be approved unless it conflicts with the policies in the NPPF. The development would be sustainable as it would provide needed housing in a suitable location, the development would be energy efficient and there would be no undue harm considering the vitality of the city centre, flood risk and impact on heritage assets.

5.2 Approval is recommended, subject to receipt of a unilateral undertaking which will secure contributions towards open space (£10,888) and education (36,116).

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

- 1 TIME2 Development start within three years
- 2 Approved plans

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

Proposed floor plans - 046-PL- 101, 102, 103b, 104a  
Proposed elevations – 105a and 106b  
Details of roof vents/cowls 107

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

- 3 Residential amenity

Prior to occupation of the dwellings hereby approved secondary glazing shall be added to all windows serving residential rooms on the elevation facing Piccadilly. Details of the design (showing relationship to existing window frames) and performance (in terms of noise attenuation) shall be approved by the Local Planning Authority and the development implemented accordingly.

Reason: In the interests of the amenity of future occupants, and the appearance of the host building.

INFORMATIVE: To achieve compliance with this condition details should be submitted to demonstrate that the internal noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS5228 as follows:-

Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)

Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)

Night time internal maximum noise level in bedrooms of 45 dB(A) Lmax

- 4 Air Quality

All windows at first floor level to habitable rooms on the Piccadilly facade shall be made non-opening, with ventilation provided through continuous mechanical supply

and extract (with heat recovery) away from Piccadilly. The windows shall remain non-opening unless it is demonstrated that air quality would be acceptable for residents.

Reason: To restrict the exposure of future occupants of the development to an unacceptable standard of air quality, and to ensure adequate levels of ventilation, given that air quality outside the site has in previous years failed to meet national standards.

INFORMATIVE: Should it be demonstrated that for a period of at least 6 months that air quality at the development, when complete, is acceptable then windows could be openable.

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

- a) roof lights (which shall be conservation type and those on the front roof-slope shall not to stand proud of said roof-slope)
- b) any other additions to the roof (which are not either the roof-lights or the ducts/vents shown on approved drawing 107)

Reason: In the interests of the appearance of the host building and the conservation area.

## 6 Flood risk management

Prior to occupation of the residential units, an evacuation plan which establishes a strategy for removing valuable items from the basement in times of flood risk, including details of how the occupants of the building shall be kept aware of the status of the Environment Agency Flood Warning Scheme shall be submitted to and approved by the Local Planning Authority.

Reason: To protect future occupants and their property from flooding in accordance with paragraph 103 of the National Planning Policy Framework.

## 7 Code for sustainable homes

The residential units hereby approved shall be constructed to at least Level 3\* of Code for Sustainable Homes (CSH) standard or equivalent. A formal Post Construction stage assessment, by a licensed CSH assessor, shall be carried out and a formal Post Construction stage certificate shall be submitted to the Local Planning Authority (LPA) prior to occupation of the units. Should the development fail to achieve level 3\* of the Code a report shall be submitted for the written



approval of the LPA demonstrating what remedial measures shall be undertaken to achieve Level 3 of the code. 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'

## 8 Renewable energy generation

No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority, to demonstrate how the development will provide at least 10% of the predicted energy requirements (of the apartments) from on-site renewable resources. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

## 9 Storage

The storage space in the basement shall be provided in accordance with the approved plans and made available for use prior to occupation of the residential units and retained for such use thereafter.

Reason: To ensure adequate storage space, including secure cycle space, in accordance with policies GP1 and T4 of the Local Plan.

## 10 Bat mitigation

Prior to development commencing details of design measures to be incorporated into the development to provide habitats for bats shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of promoting new habitats, in accordance with policy NE7 of the City of York Draft Local Plan.

11 New Windows

New windows (proposed to the second floor flat) shall match existing windows in type and finish.

Reason: In the interests of the appearance of the host building.

**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: requested additional detail/revised plans and the use of planning conditions.

2. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

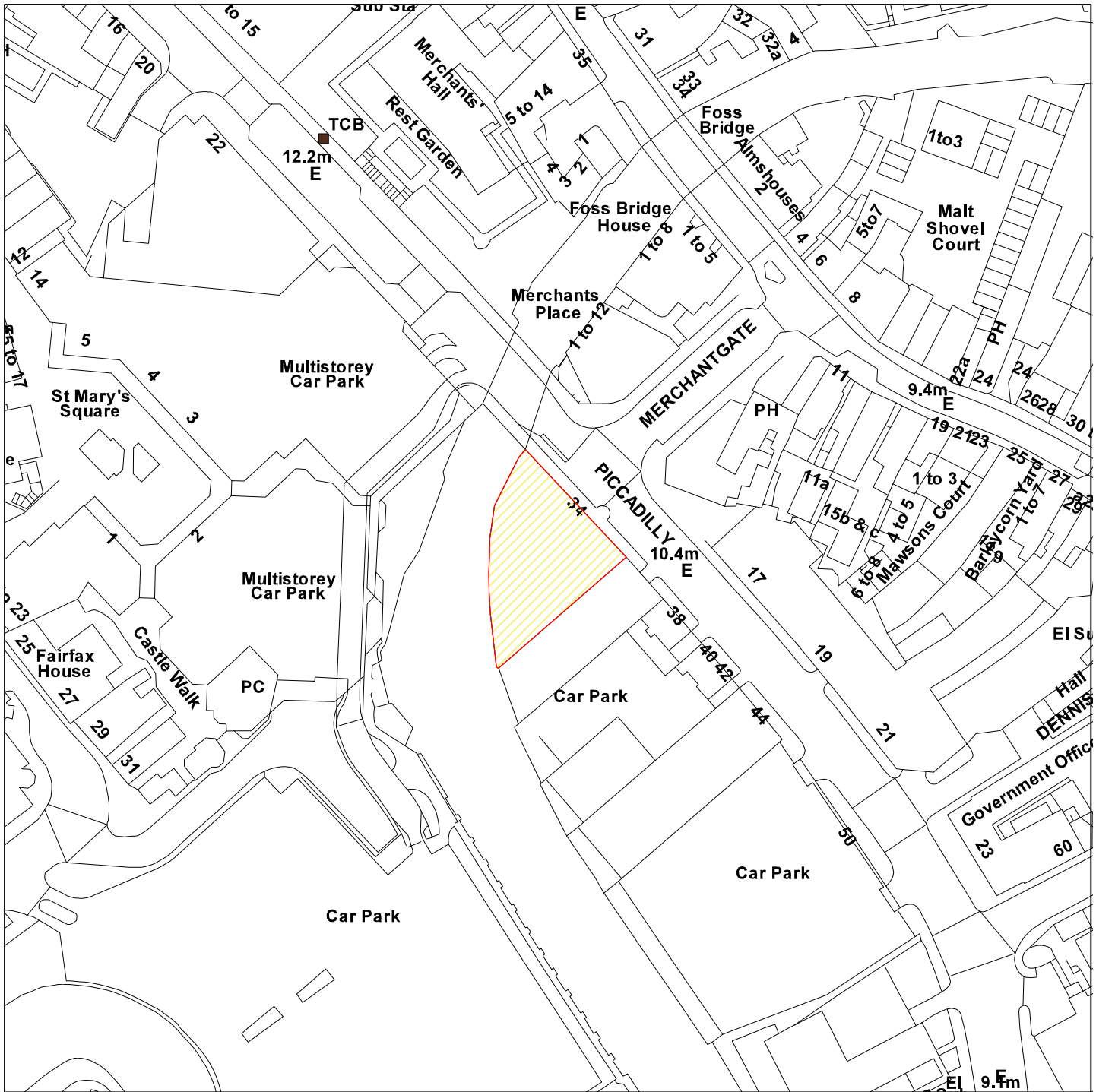
**Tel No:** 01904 551323

# 13/02064/FULM

## British Heart Foundation, 34 Piccadilly



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	Not Set
<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	09 September 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19 September 2013    **Ward:** Guildhall  
**Team:** Major & Commercial    **Parish:** Guildhall Planning Panel

**Reference:** 13/02397/FULM  
**Application at:** 36 To 44 Piccadilly York  
**For:** 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 with associated parking, access and landscaping  
**By:** Lasalle Uk Ventures Property  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 16 October 2013  
**Recommendation:** Approve

**1.0 PROPOSAL**

## APPLICATION SITE

1.1 The application site includes 36 Piccadilly which is currently occupied as retail premises (furniture sales) and 38-44; two-storey commercial buildings fronting Piccadilly, dating from the interwar period with car parking behind. The site extends down to the River Foss to the west.

1.2 No. 36 (Banana Warehouse) is identified as a building of merit (its facade only) in the conservation area appraisal, as it is one of the better examples of inter-war architecture in the street. Nos. 38-44 are identified as detractors.

1.3 The property next door at 34 is in commercial use at ground floor (Tesco) with planning permission in place for flats on the upper floor. The flats were granted permission at Committee in November 2011 with the caveat that they could only be let on short-term agreements, in order not to prejudice comprehensive regeneration of the area should proposals materialise.

1.4 Nos. 46-50 comprises of a two-storey commercial building facing Piccadilly, with the NCP car park behind.

## PROPOSALS

1.5 The application is for the development of 37 houses (8 of which would be affordable - 22%) and 167 sq m commercial floor space fronting Piccadilly (to be either retail or food/drink uses). There would be 21 car parking spaces for future residents.

1.6 Proposals retain the art-deco facade at 36 (Banana Warehouse) and would add a single storey slate clad mansard shaped roof above. Otherwise the buildings on site are to be demolished. The proposed development would be 4-storey clad in brick and slate. It would be C-shaped in plan, with a frontage onto Piccadilly and two wings running down toward the river. The houses would overlook a courtyard, with vehicular and pedestrian entrance from Piccadilly. A landscaped amenity space and flood wall are proposed by the river, which would help screen the car park from views on the castle side of the Foss.

## BACKGROUND

1.7 The site is within the Central Historic Core Conservation Area and in Flood Zone 3, where flood risk is 'high'.

1.8 The site is within the Castle Piccadilly re-development area. Castle Piccadilly has been designated for comprehensive retail-led development for the lifetime of the current Local Plan and the retail designation has been carried over to the preferred options version of the new Local Plan.

1.9 Proposals to re-develop the Castle Piccadilly area were refused by the Secretary of State in 2003; due to the impact on the setting of Clifford's Tower and the Female Prison; grade 1 listed buildings on the western side of the Foss.

1.10 Prior to submission of the application local Ward Councillors were notified and the scheme was presented to the Conservation Areas Advisory Panel. CAAP were in favour of the scheme in principle. CAAP were in favour of the retention of the art-deco facade and the massing proposed. It was noted that views from the opposite side of the river needed due thought; considering the appearance of the building and how it related to the riverside setting and the desire to avoid views of a car parking area from the castle side.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

DC Area Teams GMS Constraints: Central Area 0002

Flood-zones GMS Constraints: Flood zone 2 & Flood Zone 3

## 2.2 Policies:

CYSP9	Action Areas
CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE3	Conservation Areas
CYT4	Cycle parking standards
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities

## 3.0 CONSULTATIONS

### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Archaeology - officers have agreed a foundation strategy with the applicants. Archaeology is below 6.5mAOD and the proposed foundation design would mean that no more than 2% of archaeology is disturbed as a consequence of piling. Groundwater monitoring is also requested to understand the oxygen conditions at this level which can influence archaeology.

3.2 Design - officers support the scheme, which would enhance the character and appearance of the conservation area and the wider setting of the Castle Area.

- The site is part of the area covered by the Castle Piccadilly brief and although the brief might not be realised as originally intended i.e. as a comprehensive retail led mixed use development, the current proposals meet several objectives of the brief and they do not preclude more strategic objectives being achieved.
- The Central Historic Core Conservation Area Appraisal sets out important considerations for the area, and these are met by the current scheme:- massing, scale and height area characteristic of the conservation area; the development block has been broken up to appear as smaller elements; access to the river would be increased (though not public access); opportunities for landscape and wildlife adjacent to the Foss would be enhanced; the footprint would allow a glimpsed view of Clifford's Tower from Piccadilly and identified fixed views (local and strategic with focal points) would not be affected.
- The highest point would be 15.5 m above street level which is compatible with mid-late C19th domestic buildings within the city centre and with early C20th buildings close to Pavement.

- To some extent the success of the sparse architectural approach to detailing in the upper part of the facade will depend on being able to perceive the suggested subtle window pattern within the deep openings. Officers have requested further development of the submitted drawings to show how elements of the window could be modelled to make them more apparent, which would introduce another plane of interest on the front facade.

## ENVIRONMENTAL PROTECTION UNIT

3.3 Officers do not object. Conditions are recommended in the interests of the amenity of future residents as follows -

- Construction management - a plan to be approved by the Local Planning Authority in the interests of surrounding residents' amenity during construction.
- Noise - the proposed building should be designed so internal noise levels meet national (WHO) standards, considering noise from the surrounding environment and from the installation of plant etc in the proposed building. It is recommended that deliveries to the commercial premises are restricted to day-time hours.
- Air quality - the applicants have assessed air-quality and consider that non-opening windows (onto Piccadilly) are unnecessary. However due to the uncertainty of nitrogen oxide levels outside the premises, and as in the last 3 years levels have typically failed to meet national standards, officers recommend a precautionary approach; that windows which serve habitable rooms facing the road are sealed shut. This requirement could be relaxed if monitoring, over a reasonable period, were to determine that levels of air quality were acceptable.
- Electric vehicles - it is asked that an electric vehicle charging point be provided on-site, which would accord with the National Planning Policy Framework and York's Low Emission Strategy.
- Land contamination - conditions are recommended for site investigation and remediation if necessary. Due to historic site uses there is a possibility remediation would be required.

## HIGHWAY NETWORK MANAGEMENT

3.4 Officers do not object to the scheme. It is asked that the applicants provide a financial contribution (£3k) towards required alterations to Traffic Regulation Orders in the vicinity and that the developers contribute towards providing car club membership for first occupiers. Comments otherwise as follows -



- The site is currently used for car parking and can accommodate in the region of 36 vehicles. The proposals will lead to a reduction in traffic generated by the site.
- 21 car spaces are provided for the 37 apartments. The level of provision is in accordance with CYC maximum standards and reflects the highly sustainable location of the site adjacent to the city centre.
- High quality cycle parking has been provided and is either located within the building footprint (around the main block cores) or within the secure courtyard area within secure enclosures.
- Access to the site is to be via a modified access onto Piccadilly which is to take the form of a dropped vehicular crossing to ensure that pedestrians have priority.
- For crime and disorder reasons it is considered necessary to incorporate a gate over the site access. It should be conditioned that the gate will open into the site. The applicants have stated that vehicle activated fobs will be provided to residents which will minimise the length of time that vehicles have to wait on the highway. Notwithstanding this detail due to the width of Piccadilly, and negligible traffic flows associated with the development it is considered that vehicles having to wait for short periods of time on the highway would not be detrimental to highway safety nor the free flow of traffic.

## DRAINAGE ENGINEERS

3.5 Advise that peak surface water run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas), with an additional 20% allowance for climate change.

## EDUCATION OFFICERS

3.6 Advise that financial contributions would be required -

- £71,905 towards primary education - 6 additional places at Fishergate Primary
- £54,174 towards secondary education - 3 additional places at Fulford Secondary

## INTEGRATED STRATEGY

3.7 No objection.

3.8 The Castle Piccadilly site is identified in the Local Plan (2005) as a priority site to meet identified need for new retail development (Policy S1). The emerging Local Plan continues to recognise that the Castle Piccadilly area represents the primary opportunity to provide a City Centre retail development. It is anticipated that the site could accommodate up to 25,000 m<sup>2</sup> of net floor-space for main town centre uses.

3.9 The application site was put forward through the site submission process as a potential housing site in the emerging Local Plan. Following the site selection assessment it was concluded that the preference would be for all sites within the Castle Piccadilly strategic area to be brought forward as part of an overall masterplan.

3.10 However the NPPF emphasises the need for careful attention to viability to ensure development plans are deliverable. It is acknowledged that the properties along Piccadilly are in different ownerships and that the comprehensive redevelopment of the whole Castle Piccadilly area, which is Council's preferred option, may not be achievable in the short or medium term.

#### BRITISH WATERWAYS

3.11 No comment

#### CONSERVATION AREAS ADVISORY PANEL (CAAP)

3.12 CAAP felt that there was insufficient information to ascertain the level and quality of the detailing proposed. There was concern that the Piccadilly elevations would be too bland and simple with insufficient detailing. There is no variety in the roofscape and the windows in the new mansard above the top of the Banana Warehouse still need some work (so they related to the existing elevation).

#### ENVIRONMENT AGENCY

3.13 The EA have an outstanding objection to the proposal. They will only support the scheme if either there is no loss of flood storage area on site, or alternatively the applicants can adequately demonstrate the loss of storage space for flood water will not increase flood risk elsewhere.

3.14 The existing car parking area is at 9.98m AOD and is not protected from flooding. It is proposed to raise levels in this area, up to between 0.7m and 1.7m, resulting in a loss of storage area in times of flood.

#### ENGLISH HERITAGE

3.15 Officers welcome the retention of the Banana Warehouse façade, which has some modest aesthetic value and will maintain a link with the past trading activities along Piccadilly, and do not object to the architecture of the development proposed. However English Heritage are disappointed that this site is to be developed in isolation from a comprehensive scheme to secure wider heritage benefits for the Castle Piccadilly area and the city. It is also a shame that a car park will still be

viewed from the opposite side of the river, although it is noted that this will in part be screened by landscaping.

3.16 Archaeology - Along Piccadilly a deep, waterlogged, anoxically preserved archaeological sequence survives in this area, which dates from the Roman period through to the 16th Century. This sequence includes well-preserved organic deposits and timber structures. Appropriate mitigation measures should be built into any development in this area.

#### POLICE ARCHITECTURAL LIAISON OFFICER

3.17 Officers welcome the amount of natural surveillance that would be provided by the development. Officers requested that the residential entrance be gated to restrict access. There is concern that otherwise anti-social behaviour (drinking, leading to violence/vandalism) could result due to the communal garden within the site.

#### GUILDHALL PLANNING PANEL

3.18 Support the proposals

#### YORKSHIRE WATER

3.19 No objection. Note that there are water pipes on the footpath along Piccadilly and care should be taken during construction to avoid any damage. A map of these has been provided.

#### PUBLICITY

3.20 No representations have been made (consultation period ended 28/08/2013)

### **4.0 APPRAISAL**

#### 4.1 Key issues

- Principle of the proposed uses
- Implications for Castle Piccadilly regeneration
- Character and appearance of the conservation area
- Affordable housing
- Residential amenity
- Flood Risk
- Highway safety
- Sustainable design and construction
- Archaeology

- Open space and education contributions

## PRINCIPLE OF THE PROPOSED USE

### Housing need

4.2 Significant weight must be given to the need to supply housing in sustainable locations, considering policy established within the NPPF and as this is a national priority.

4.3 The NPPF advises that the Government requires LPAs to significantly boost housing supply. It states that applications for residential development of commercial sites should normally be approved, and only resisted when there are strong economic reasons for not doing so. National policy has already changed to allow offices to be converted to housing without permission, with a similar policy change for shops also proposed.

4.4 LPAs are required to have at least a deliverable 5-year housing land supply (with an extra 25% where supply has not been met in previous years). York has in recent years under-delivered on housing supply and does not currently have a 5-year housing supply.

4.5 There is a strong case for allowing housing development, which is demonstrably in need in the city and can play a significant role in enhancing vitality, at this site. This gain must be weighed against any possible economic harm and the vitality of the city centre.

### Vitality of the city centre

4.6 Ensuring the vitality of city centres is a national requirement, as established in the NPPF. The application site is within the Castle Piccadilly area which for the lifetime of the current Local Plan has been identified as an area for retail-lead regeneration. This aspiration remains in the preferred options document for the new Local Plan.

- The 2005 Local Plan advises that the priority site for meeting retail need in the period up to 2011 should have been Castle Piccadilly. The preference was that the site attracted a high quality department store. The development should be mixed use, with residential being appropriate.
- The new Local Plan allocates Castle Piccadilly as a strategic retail site, which could accommodate 25,000 sq m of commercial floor space. Castle Piccadilly is

the main retail allocation in the Local Plan, identified to accommodate retail growth over the 15 year plan period (2015-2030).

4.7 Consideration therefore needs to be given as to whether the development would compromise retail-led regeneration of the area and whether this is essential in terms of the vitality of the city centre.

4.8 Previous schemes to develop the Castle-Piccadilly have been unsuccessful, predominantly due to the amount of development proposed on the (Castle) west side of the Foss and the subsequent impact on heritage assets (notably the grade 1 listed Clifford's Tower and the Female Prison). In the meantime enabling retail development has been permitted out-of-town as part of the community stadium proposals. These schemes will accommodate the type of retail premises which the Draft Local Plan specifically sought to establish in Castle Piccadilly by 2011.

4.9 According to the applicants (Centros) a comprehensive re-development of the whole of the identified Castle Piccadilly area, which is retail lead, is no longer viable or deliverable. They state the demand for such floor space within the city has now been met, which means there is no interest from the larger retailers, who are necessary to anchor such a development.

4.10 As part of the new Local Plan public consultation process, the applicants have queried the proposals for Castle Piccadilly, and ask whether there is demonstrable need/demand for the amount/type of retail space identified in the Local Plan, over the plan period. This is important as the NPPF requires that plans are based on an up-to-date evidence base, justified and deliverable (paragraph 173) and in order for such the landowner must be in agreement. i.e. the Council's preference for Castle-Piccadilly should be re-considered if it cannot be delivered within the plan period.

4.11 There remains space for a significant amount of retail development along Piccadilly. The two remaining car park sites on the western side of the street and the bus depot side opposite the application site are some 5,400 sq m in area. There also remains the option to develop on the Castle side of the river.

4.12 The development will benefit the area as -

- Commercial premises will front onto Piccadilly, maintaining the retail presence on Piccadilly desirable to give the impression that this is a shopping street.
- The small scale units proposed have the potential to attract more diverse retailers, in accordance with the NPPF, in that it requires planning to 'provide customer choice and a diverse retail offer and which reflect the individuality of town centres'

- The proposed buildings will enhance the conservation area setting. Buildings which are identified as detractors will be replaced by buildings of appropriate scale and materials and the art-deco facade, recognised as being of merit will be refurbished. The riverside setting, views into the site and the sites' ecological value will be enhanced.
- The development accords with the aspirations for the area established within the Central Historic Core Conservation Area Appraisal.

4.13 Overall there is a reasonable case that the proposed development would not have an undue impact on the vitality of the city centre and therefore complies with national policy in this respect; the development is deliverable in the short term - to this extent there will be a positive impact, rather than the potential that the site will continue to remain dilapidated, and there remains a reasonable amount of space to accommodate significant retail development in the Castle Piccadilly area.

#### CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.14 The National Planning Policy Framework advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The site is in the Central Historic Core Conservation Area, where the NPPF requires that new development must sustain or enhance the character and appearance of the area, unless there are public benefits which out-weigh any identified harm.

4.15 Local Plan policy guidance (in GP1 and HE2) advises proposals should be judged considering - layout, scale, mass and design which should be compatible with neighbouring buildings, spaces and the character of the area; appropriate materials; avoiding the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area.

4.16 Aspirations within the Central Historic Core Conservation Area Appraisal for Piccadilly are to increase access to the river front and provide individual areas of amenity open space. (Although it would be private) this proposal would provide exactly the type of amenity space and enhanced riverside setting identified in the area appraisal as being desirable. Preferred locations for bridging over the river are identified in the area appraisal and the proposed development would not compromise these.

4.17 The building, considering its massing, form and materials is compatible with, and will enhance this part of the Central Historic Core Conservation Area. In terms of design the proposals reasonably comply with policy.

- The art-deco facade at no.36 and the independence of this building would remain. The remainder of the street scene would be in-filled with a series of four front gables, visually separated by the roof form and recessed shadow gaps in the elevation. The buildings would enhance the street scene. Their proportions, massing and materials are informed by the character and appearance of the conservation area, both in general and considering the history of Piccadilly itself, and are appropriate.
- CAAP commented that the front elevation may look bland. It had been suggested by officers at an early stage that the front could be given more animation by bringing the entrances to the street side, rather than from within the site. This was approach was not brought forward though as it was considered, and agreed, that it would be more desirable for all residents to be able to have a sense of ownership of the courtyard and amenity space behind. Large scale details will be agreed through conditions to ensure an adequate design quality.
- The design intent is that the front elevation is contemporary and restrained. Gutters will be internal and windows deeply recessed, allowing the brick form to dominate. The approach will place more focus on the restored art-deco facade at 36. There will be more activity/visual interest at ground floor level where the shop front and more detailing in the brickwork will be introduced.
- The solid areas at ground level are necessary as they conceal the sub-station, servicing/storage and the circulation cores to the upper floor flats. The feature brickwork is intended to add interest, whilst being robust and in-keeping with the remainder of the building.
- The rear of the site is seen in the key view from Clifford's Tower, as identified in the conservation area appraisal. The development would enhance the view. The existing buildings and car park, which are visually unattractive, would be replaced. The building's scale and vernacular would be appropriate to the River Foss setting and soft landscaping would be added (which will help screen the car park). There will be no interruption of key views of buildings of historic/architectural interest.

## AFFORDABLE HOUSING

4.18 The NPPF requires LPAs identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. York's current policy is that on brownfield sites such as this the affordable housing requirement is 20% - for discounted sale and social rent.

4.19 The applicants have proposed that 22% of the units are affordable (8 of the 37 units). These are 5 x 1-bed 3 x 2-bed. The units are provided within a single block, which is acceptable in this case (rather than pepper-potted over the site) due to ease of maintenance for management. The units would have secure cycle parking and parking provision which would be equal to the private units. The affordable housing will be secured through the legal agreement.

## RESIDENTIAL AMENITY

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

4.21 Noise - surveys have been undertaken during day and night-time which found the dominant noise source in the area to be traffic. There was some noise from delivery vehicles at Tesco at night. Noise levels were typically around 65-70dB outside. A condition will be added to ensure that the building envelope is insulated so internal noise levels meet WHO standards. A condition of the permission will also require that any plant/equipment installed at the commercial premises does not cause future occupants noise disturbance. Hours of operation/playing of amplified music in case the ground floor is occupied by a restaurant or bar can be secured by conditions. It is not proposed to control delivery times. This would be unreasonable due to the small size of the commercial units, as the street is already populated by commercial units without controlled delivery times, and as the residential units will be designed to protect against such noise.

4.22 Air quality - monitoring at the site determines that air quality levels are currently reasonable at the site. However, typically in the last 3 years air quality has not met national standards. It is therefore recommended that a precautionary approach is taken, and windows to habitable rooms facing Piccadilly are made non-opening. If, following monitoring, air quality were found to be acceptable, sealed windows would not be required.

4.23 There is planning permission for residential units on the upper floors at no.34 next door. For natural light and outlook the rooms are reliant upon the front and rear elevations and roof-lights. The proposed development would not appear unduly over-dominant or over-bearing.

## FLOOD RISK

4.24 The site is in Flood Zone 3. In accordance with the National Planning Policy Framework in order for the proposals to be acceptable it must be demonstrated the development will be safe for its lifetime, not increase flood risk elsewhere



(paragraphs 102 & 103) and that the scheme has wider sustainability benefits that out-weigh flood risk.

4.25 The site specific Flood Risk Assessment demonstrates the development would be safe as the ground floor level of the proposed houses would be at 11m AOD, which is 600mm above 1 in 100 flood levels. As such the development will be reasonably protected from flooding. In addition a safe means of escape is provided (onto Piccadilly) and it is intended a flood wall will protect the site from flooding.

4.26 It is proposed to avoid an increased flood risk elsewhere by installing on-site surface water attenuation, which would manage levels of surface water run-off from the site. The proposed flood wall will also protect neighbouring sites from flooding. However there is a concern that by installing a flood wall and increasing ground levels on-site this will displace flood water elsewhere and could subsequently increase flood risk. To avoid this, the applicants have been asked to provide a floodable void under the proposed car-park or the buildings. Otherwise to satisfy the EA, they will need to demonstrate that the development will not increase flood risk elsewhere. The applicant's response is awaited on this issue.

4.27 The scheme would have the following sustainability benefits -

- Contributing to identified housing need by providing 37 new homes including 8 affordable units in a sustainable location.
- Re-development of a brownfield site leading to enhancement of the character and appearance of the conservation area.
- Enhancing bio-diversity on-site.

4.28 Provided it can be demonstrated that flood risk off-site will not be increased the development would comply with the requirements of the NPPF in terms of flood risk. In this respect further information is required from the applicants, to address the EA's concerns. Members will be updated on this matter at committee.

## SUSTAINABILITY

4.29 Proposals can comply with current standards established in the Sustainable Design and Construction Interim Planning Statement. Conditions can require that these are secured.

- The applicants have assessed predicted energy demand from the proposed building based on its design. It is proposed that PV panels will be used which will be able to provide just over the 10% on site renewable/low carbon energy requirement.
- A pre-construction BREEAM assessment has been undertaken which demonstrates the building will be able to achieve at least CSH level 3.

## ARCHAEOLOGY

4.30 Local Plan policy HE10 requires archaeological deposits of national importance to be preserved in situ. To fulfil this requirement developers are required to undertake an archaeological survey to assess archaeological value. At least 95% of archaeological deposits should be preserved; otherwise an excavation of deposits will be required.

4.31 Under 5% of archaeological remains will be disturbed by the works. This would be secured through a condition. To enhance understanding of archaeology of national importance a condition is also recommended regarding site investigations (see comments from Archaeology officers and English Heritage in section 3). The requirement would be in accordance with the requirements of Local Plan policy HE10 and paragraph 128 of the NPPF.

## OPEN SPACE AND EDUCATION CONTRIBUTIONS

4.32 Policy ED4 advises that in considering proposals for residential development, any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions. The approved supplementary planning guidance note; 'Developer Contributions toward Education Facilities' establishes trigger points for contributions and the necessary contributions. Policy L1c requires a contribution toward open space for all residential development.

4.33 The required contributions are £35,876 (open space), £71,905 primary education (Fishergate) and £54,174 secondary education (Fulford). These have been agreed with the applicants and these will be secured through a legal agreement.

## 5.0 CONCLUSION

5.1 The scheme has officer support as it will provide much needed housing in an appropriate location and there would not be undue harm to the vitality of the city centre. As such in principle the proposals comply with the NPPF. The proposals also comply with policy with regards the impact on heritage assets, residential amenity, sustainable design and construction and highway safety.

5.2 At the time of writing a resolution on flood risk is awaited. Members will be updated on this matter at committee.

5.3 Assuming the flood risk issue as discussed above is resolved, approval is recommended subject to a legal agreement which would secure the following requirements -

Open space	£35,876
Education	£126,079
Affordable housing provision	
Highways	
Car club contribution	£160 per unit
Traffic Regulation Orders	£3k

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Site Plan 00 10  
Landscape plan 00 16

Floor Plans  
00 - 11, 12, 13, 14, 15, 16

Elevations  
01 11, 12, 13, 14, 15, 16

Details  
01 01

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

3 Landscaping

The development shall be carried out in accordance with the landscaping scheme shown on drawing AL0016 (including hard surfacing both within the site and along Piccadilly), which shall be installed prior to occupation of the development hereby approved.

Prior to occupation of the residential units a detailed landscaping scheme, following the principles established on drawing AL 0016, illustrating the number, species, height and position of trees and shrubs to be planted shall be submitted to and approved in writing by the Local Planning Authority.

This 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: In the interests of the character and appearance of the conservation area.

#### 4 Materials

The materials used shall be as annotated on the approved drawings. Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of construction (samples to be provided on site for inspection). The development shall be carried out using the approved materials.

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

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

#### 5 Large scale details

Large scale details and/or specifications as appropriate of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

- a) Shop front, in particular relationship between entrance door and its surrounds
- b) Metal/brick slip lattice screening
- c) Window frames and any changes to windows at no.36
- d) Eaves detail
- e) Mansard roof above no.36
- f) Balconies and railings

- g) Entrance gates (to include context)
- h) Abutment details with neighbouring buildings and with Banana Warehouse
- i) Grills, vents, protrusions and equipment on Piccadilly and river facing elevations

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

## 6 BREEAM

The residential units shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of at least 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of at least 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

## 7 Low/Zero carbon technology

No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that no less than 10% of the residential development's predicted energy requirements will be provided from low or zero carbon technology. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

INFORMATIVE: Evidence to demonstrate compliance should be submitted in the form of SAP (residential) or BRUKL (commercial) worksheets.

## 8 Drainage

Development shall not begin until the foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details. Details shall include -

- a) Calculations and invert levels to ordnance datum of the existing surface water system, together with details to include calculations and invert levels to ordnance datum of the proposals for the new development. (To enable the impact of the proposals on the downstream watercourse to be assessed).
- b) Peak run-off from the developments shall be attenuated to at least 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- c) Details of the surface water connection into the existing sewer.
- d) Details of the future management / maintenance of the proposed drainage scheme.

Reason: In accordance with paragraph 103 of the National Planning Policy Framework and so that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

## 9 Cycle parking

The cycle parking as shown on the approved plans shall be provided prior to occupation. All cycle parking facilities shall be covered and secure and retained for the lifetime of the development unless otherwise agreed by the Local Planning Authority.

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

## 10 Electric vehicle charging facilities

Before the occupation of the development hereby approved, at least one Electric Vehicle Recharging Point shall be provided in a position to be first agreed in writing by the Council. Within 3 months of the first occupation of the development, the Owner will submit to the Council for approval in writing an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and

networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years

(Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point).

REASON: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy and the National Planning Policy Framework.

11 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

12 Method of Works

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 LPA. 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.

13 Amenity of future occupants

Construction work shall not begin until a scheme for protecting the residential units from external noise has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

REASON: To protect the amenities of future occupants.

INFORMATIVE: To achieve compliance with this condition details should be submitted to demonstrate that the internal and external noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS5228 as follows:-

- Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)
- Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)
- Night time internal maximum noise level in bedrooms of 45 dB(A) Lmax

#### 14 Air quality

All windows to habitable rooms on the Piccadilly facade shall be made non-opening, with ventilation provided through continuous mechanical supply and extract (with heat recovery) away from Piccadilly. The windows shall remain non-opening unless it is demonstrated that air quality would be acceptable for residents.

Reason: To restrict the exposure of future occupants of the development to an unacceptable standard of air quality, and to ensure adequate levels of ventilation, given that air quality outside the site has in previous years failed to meet national standards.

INFORMATIVE: Should it be demonstrated that for a period of at least 6 months that air quality at the development, when complete, is acceptable then windows could be openable.

#### 15 Residential amenity

Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with any commercial use, such that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: In the interests of residential amenity.



16 Machinery, plant and equipment

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which would be audible outside of the site boundary when in use or within the residential units, shall be submitted to the local planning authority for approval prior to installation.

These details shall include maximum sound levels ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures.

All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational at the time of installation and appropriately maintained thereafter.

REASON: To protect the amenities of adjacent residents.

INFORMATIVE: "The rating level of building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997."

17 ARCH3 Foundation design required

18 Archaeology

No destruction or disturbance shall be made to archaeological deposits below the level of 6.5mAOD except for that caused by the boring or auguring of piles for the building foundation and except for that caused by any other operations which have been agreed in writing by the Local Planning Authority in advance of such other operations being carried out.

Reason: In accordance with section 12 of the National Planning Policy Framework as this development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum.

19 ARCH2 Watching brief

20 Archaeology - groundwater monitoring

No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological work (installation and operation of two piezometer groundwater monitoring points). This programme of work shall be

agreed in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

Reason: In accordance with section 12 of the National Planning Policy Framework as this development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be monitored.

## 21 Land contamination

Prior to development the following works shall be undertaken -

### a) Site investigation

An investigation and risk assessment (in addition to any assessment provided with the planning application) 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 must be produced. The written report is subject to the approval in writing of 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'.

### b) Submission of Remediation Scheme

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 is subject to the approval in writing of 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.

c) Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

22 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

23 Construction management

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting 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.

The CEMP shall agree that all demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, 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.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

#### 24 Hours of operation - commercial

Any restaurants, cafes or drinking establishments (A3 or A4 uses) within the building shall only be open to customers between the hours of 07:00 and midnight each day of the week.

Reason: In the interests of the amenity residents.

#### 25 Residential amenity

Amplified music from any of the commercial premises shall be inaudible in the residential premises.

Reason: In the interests of the amenity residents.

#### 26 Highways - making good of redundant crossings

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 footpath to match adjacent levels and materials.

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

#### 27 Protection of facade to 36 Piccadilly

Prior to works commencing a method statement for the protection and retention of Banana Warehouse facade during and after demolition and during construction works shall be approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the conservation area.

## 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: pre-application enquiry and continued meetings with the applicant, and requested amended plans which reasonably over-come objections to the proposals.

#### 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. 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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

#### Contact details:

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323

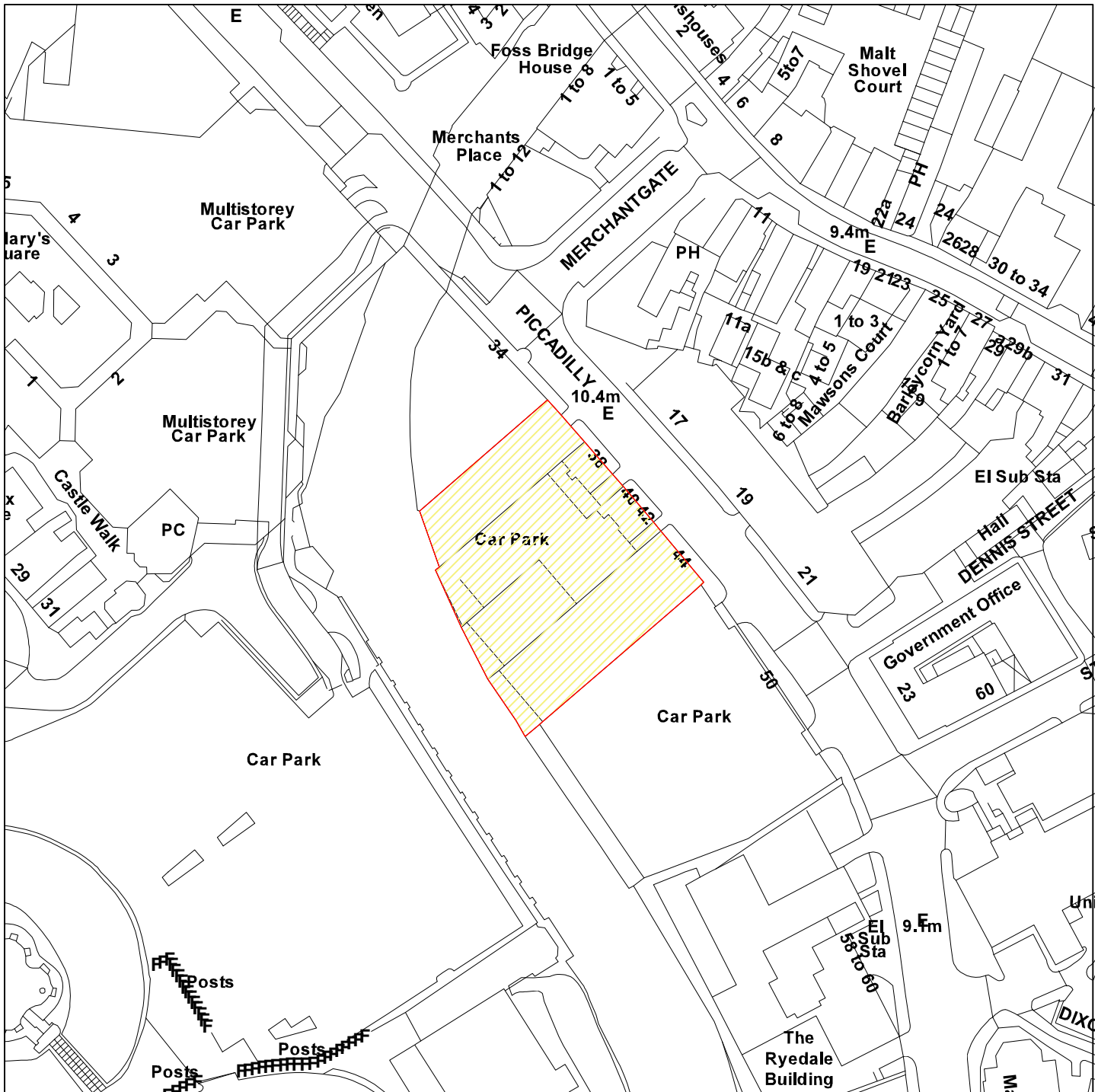
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# 13/02397/FULM

## Proposed Development Site 36 To 44 Piccadilly



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Scale : 1:1250

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<b>Department</b>	Not Set
<b>Comments</b>	Not Set
<b>Date</b>	09 September 2013
<b>SLA Number</b>	Not Set

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**COMMITTEE REPORT**

**Date:** 19.9.2013                      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 13/02398/CAC  
**Application at:** Proposed Development Site 36 To 44 Piccadilly York  
**For:** Demolition of buildings in the conservation area  
**By:** Lasalle Uk Ventures Property  
**Application Type:** Conservation Area Consent  
**Target Date:** 11 September 2013  
**Recommendation:** Approve

**1.0 PROPOSAL****APPLICATION SITE**

1.1 The application site includes 36 Piccadilly which is currently occupied as a retail premises (furniture sales) and 38-42; two-storey commercial buildings fronting Piccadilly, dating from the interwar period with car parking behind. The properties extend down to the River Foss to the west.

**PROPOSALS**

1.2 Conservation Area Consent is sought to demolish 36 Piccadilly (apart from the art-deco facade), nos.38-42 which front onto Piccadilly and the building at the rear.

1.3 There is a companion planning application detailing the proposed re-development of the site - 13/02397/FULM. Proposals are for a predominantly residential development (37 units), which is 4-storey with commercial premises at ground floor facing Piccadilly.

**2.0 POLICY CONTEXT****2.1 Development Plan Allocation:**

- Areas of Archaeological Interest City Centre Area 0006
- Conservation Area Central Historic Core CONF

**2.2 Policies:**

- CYHE5 Demolition of Listed Buildings and Buildings in Conservation Areas

### **3.0 CONSULTATIONS**

#### DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 No objection. Ask that the buildings are recorded prior to demolition and that they are not demolished until it is certain a re-development scheme is to commence.

3.2 Nos. 38 & 44 Piccadilly retain some evidential value as examples of a new edge of city building type - the motor car garage. No 44 Piccadilly is an architectural hybrid having a typical 1920s/30s domestic first floor over a concrete frame (now filled in with shop-fronts). No 38 Piccadilly is possibly slightly later and is of also of some architectural value as the frontage aspires to express the modern idiom. The concrete frame (scored to look like stone) has decorative reeded capitals, and a similar reeded concrete frame encompassed the whole of the high ground floor frontage. This new building type exhibits a faint "modernism" in a period which was nervous of the style. The building frontage is of some architectural and evidential value but it is in an extremely poor condition. The buildings are of poor structural condition which goes beyond that of deliberate neglect.

3.3 Behind the frontages, all of the buildings are dilapidated and of poor architectural value. The block provides a poor aspect to the river and the prospect from Clifford's Tower and the castle in general is poor.

#### GUILDHALL PLANNING PANEL

3.4 Support the proposals. However consider that all units should have balconies.

#### PUBLICITY

3.5 One letter in favour of the scheme. Comments are that the retention of the Banana Warehouse facade is welcome, the buildings to be removed are of no architectural merit and that the proposed development is sympathetic to the setting.

### **4.0 APPRAISAL**

#### KEY ISSUES

4.1 The Planning (Listed Buildings and Conservation Areas) Act 1990) requires that the local planning authority pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

## PLANNING POLICY

4.2 The National Planning Policy Framework requires that proposals sustain or enhance conservation areas. It advises that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

4.3 Local Plan Policy HE5 advises on the demolition of buildings in Conservation Areas. It advises that permission will not be granted for the demolition of buildings which positively contribute to the character and appearance of conservation areas. Buildings which do not make a positive contribution to the character and appearance of an area can be permitted, provided the removal or replacement development would have a positive impact.

### WHETHER THE BUILDINGS IT IS PROPOSED TO DEMOLISH CONTRIBUTE POSITIVELY TO THE CONSERVATION AREA

4.4 The facade of No. 36 (Banana Warehouse) is identified as being of merit in the conservation area appraisal, as it is one of the better examples of interwar architecture in the street. Nos. 38-42 are identified as detractors. It is proposed to demolish the buildings which have been identified as detractors. The art-deco facade at 36 will be retained; demolition of the remainder of the building, which is not of merit, is acceptable.

### MERITS OF THE PROPOSED DEVELOPMENT

4.5 The proposed scheme is deemed to be appropriate and will enhance the conservation area. This issue is appraised in the companion planning application report.

## 5.0 CONCLUSION

5.1 No objections to the demolition, subject to a condition that only allows demolition of buildings when there will be appropriate replacements, to avoid leaving gaps in the streetscape which would have a harmful visual impact, and the loss of retail space. In accordance with the National Planning Policy Framework (paragraph 141), it will be required the buildings are recorded, to increase understanding of the historic environment.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC) -

2 Demolition of the buildings shall not take place until planning permission for restoration of the site has been granted and a contract for carrying out the approved redevelopment has been made and evidence of the contract has been produced to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To preserve the character and appearance of the conservation area and to avoid the loss of retail space in the city centre, as defined in the Local Plan.

3 A scheme of photographic recording of the buildings shall be agreed with the Local Planning Authority prior to demolition. This shall include photographs of the frontages and the rear, including the Banana Warehouse, in electronic form. The record should be linked to a plan. Following implementation by a suitable archaeological or architectural contractor the documents shall be deposited with the Local Authority for inclusion on the Historic Environment Record.

Reason: To record buildings that would be lost in accordance with paragraph 141 of the National Planning Policy Framework.

**Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

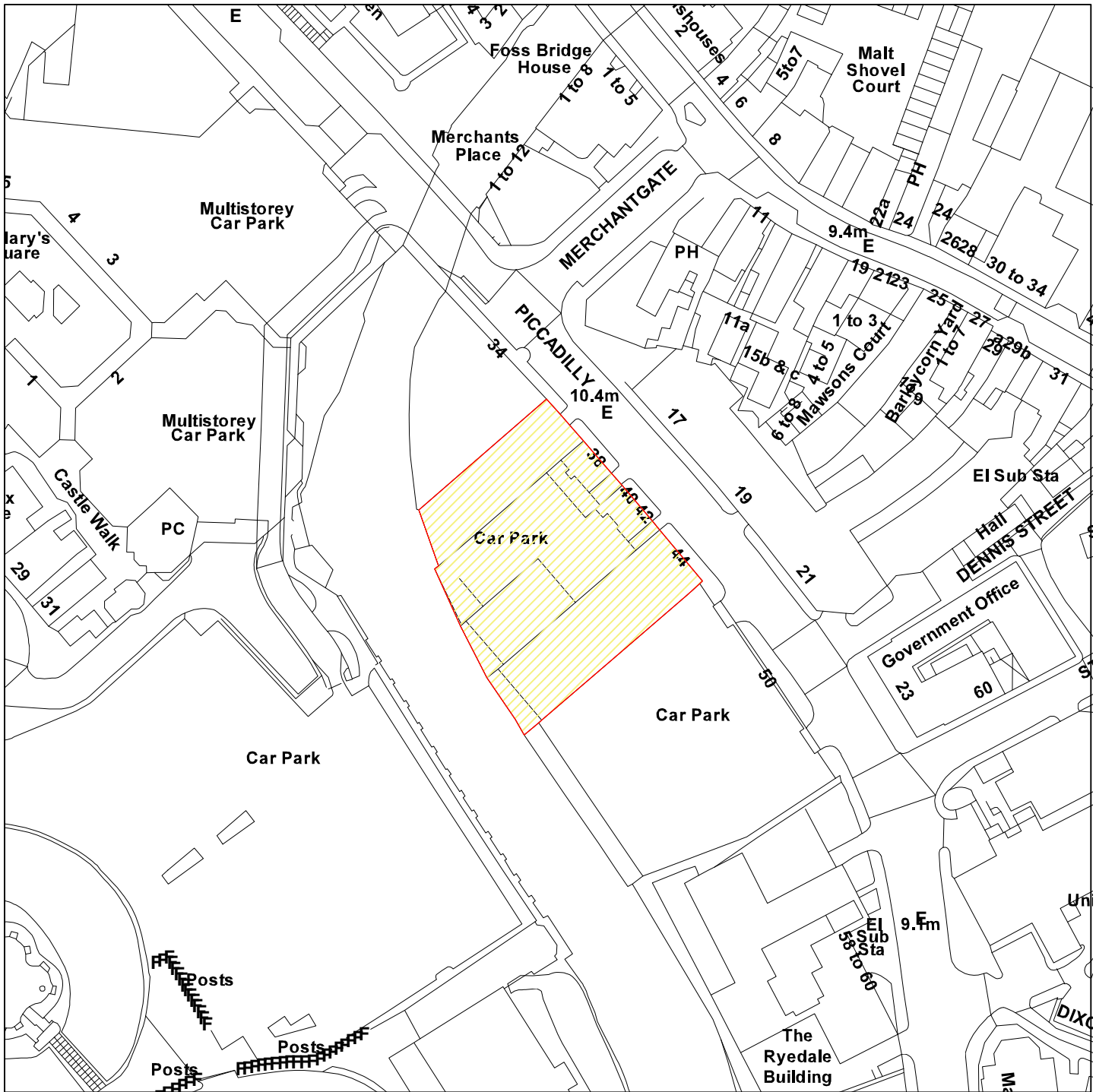
**Tel No:** 01904 551323

# 13/02398/CAC

## Proposed Development Site 36 To 44 Piccadilly



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