

COMMITTEE REPORT

Date: 21.4.2016
Team: Major and Commercial Team
Ward: Micklegate
Parish: Micklegate Planning Panel

Reference: 15/01256/FULM
Application at: Hudson House Toft Green York YO1 6JT
For: Conversion of first, second and third floors of wings A and B and all floors of wing C from offices to 82no. flats (use class C3) and external alterations
By: Signal Property Investments LLP
Application Type: Major Full Application (13 weeks)
Target Date: 6 May 2016
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the office block known as Hudson House. The building was completed in 1968 and was intended to be the new headquarters for British Rail, Eastern Region. It was designed by Laings (chief architect Sydney Greenwood).

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

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

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

PROPOSALS

1.5 The building has not been fully occupied for sometime. At the time the application was submitted, it was 50% full and occupied by numerous companies, most on short-term leases.

1.6 Proposed is a change of use of part of the building to 82 residential units (29 1-bed, 53 2-bed). The remaining office space; 4,794 sq m gross/3,510 sq m net, would be refurbished to 'grade A' standard. The applicants are not proposing any affordable housing. The development has been subject to an independent viability assessment and this position has been accepted.

1.7 The building would be used as follows -

- Office - at ground floor in 3 of the 4 wings and on the upper floor of the wing facing Toft Green
- Residential - on the upper floors of the remaining 3 wings and the ground floor wing on the George Stephenson House side would be used as ancillary space for the residents (access/storage/gym)

1.8 External changes are also proposed and these would be as follows -

- Entrance canopies removed and associated works to improve the prominence and visual quality of the entrances
- Windows replaced, including use of spandrel panels to give privacy where required to residential areas. Spandrel panels would be in metalized colours (gold, silver, bronze and copper) with an additional texture/pattern; a subtle appearance which will allow the concrete structure to remain prominent.
- New lift for residential aspect of the scheme, located on the SW side of the building.
- Roof-lights to ground floor space, which is adjacent to, and set below, Toft Green.
- Replacement soffit (with a glazed metal finish).

1.9 Landscaping alterations are proposed also, including reconfiguration of the car parking area (with less spaces overall and tree planting) between the host building and West Offices.

Planning history

1.10 A prior notification application (15/02965/ORC) has been made to change the use of the building to residential. As such the change of use from offices to residential aspect of the scheme can occur as permitted development under Schedule 2 Part 3 Class O of the 2015 General Permitted Development Order.

2.0 POLICY CONTEXT

2.1 Legislation and National Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 66 Statutory duty to have special regard to the desirability of preserving the setting of listed buildings.
- Section 72 Statutory duty that within a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (NPPF)

The NPPF is the most up to date representation of key relevant policy issues and it is against this policy Framework that the proposal should principally be addressed:

- Chapter 1 Building a strong competitive economy
- Chapter 2 Ensuring the viability of town centres
- Chapter 4 Promoting sustainable transport
- Chapter 6 Delivering a wide choice of high quality homes
- Chapter 7 Requiring good design
- Chapter 12 Conserving and enhancing the historic environment

2.2 Draft 2005 Local Plan (4th set of changes) (DCLP)

This was approved for development management purposes in 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

Most relevant policies:

GP1	Design
GP4A	Sustainability
HE2	Development in historic locations
HE3	Conservation Areas
H4A	Housing Windfalls
E3B	Existing and Proposed Employment Sites
T4	Cycle parking standards

Emerging Local Plan

The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council in September 2014, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation, in accordance with paragraph 16 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

3.0 CONSULTATIONS

CITY DEVELOPMENT

Policy Background

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

Employment

3.2 Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the Draft Local Plan. When considering proposals uses which involve the loss of buildings which are currently used or were last used for office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the council demonstrating that the existing building is demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that that is necessary to meet employment needs during the plan period.

Housing

3.3 Policy H3 (Balancing the Housing Market) sets out that proposals for residential development are required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city as defined by the most up to date Strategic Housing Market Assessment (SHMA). This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people.

Affordable housing

3.4 For brownfield sites, where more than 15 dwellings are proposed, the affordable housing target is 20%. Given the conclusions reached in the Affordable Housing Viability Study, developments within York should be able to provide the target levels of affordable homes. The developer has the right to submit an open book appraisal to justify circumstances where the target is not considered to be viable.

Assessment

3.5 The application site was submitted for housing through the Call for Sites in 2012 and subsequently assessed through the Site Selection Paper (2013) as Site 163. The site was not allocated for housing. The key issue related to the existing employment use. Consultants Deloitte undertook a separate assessment of employment sites. As set out in Appendix 17, this concluded that the application site provides office accommodation and re-development opportunities during the plan period to provide Grade-A office space in the city centre. The offices should be protected accordingly and the site was therefore not considered suitable for housing. However should the loss of the employment space be considered acceptable by colleagues in economic development then in principle, a residential use in this location would be considered acceptable.

3.6 The applicant has submitted an economic statement which includes office market analysis and viability appraisal. This concludes that Hudson House suffers from persistent under-occupancy, with the building operating below 50% occupancy for a number of years. The applicant considers that the majority of the office space is effectively redundant. A concerted marketing effort has been undertaken by the owners of the building since they took ownership, but this is said to have had little impact on occupancy levels. It is stated that the current poor condition of the building is leading to existing tenants not renewing their leases and that a viability appraisal has been undertaken which shows that the refurbishment of the entire building to Grade A standards is not a viable proposition.

3.7 As part of the application the office space in wing D and at the ground floors of wings A and B would be upgraded to Grade-A specification with a net internal area of approximately 3,510sqm (4,794sqm gross) of Grade-A office space. This is welcomed. Colleagues in Economic Development must be satisfied that the submitted economic statement satisfactory demonstrates that the provisions of emerging policy EC3 have been met and the loss of office space is acceptable.

ENVIRONMENTAL MANAGEMENT

Landscape

3.8 Officers supported the principles within the landscaping scheme. There would be an enhancement of the landscaping along the access road and the central courtyard. The latter space would appear as tranquil and landscaped, whilst currently, in views from the outside it appears dominated by parked cars and hard-standing.

3.9 It was recommended two of the proposed trees were moved more centrally, so further from windows and for retention of the cobbled access (on the City Walls side of the building). The trees have been moved accordingly. It is now proposed to re-

use the cobbles, where the drop off point is located. The cobbles will be relocated as they are not ideal surfacing for the main pedestrian access route.

EDUCATION SERVICES

3.10 There is limited pre-school provision in the locality and the primary school - Scarcroft is at capacity. The secondary school in the catchment - Millthorpe has capacity. A contribution is requested towards the project to increase school provision in the South Bank area. The contribution would be as follows -

Pre-school	£41,573
Primary	£129,855
Total	£171,448

HIGHWAY NETWORK MANAGEMENT

3.11 Recommend the travel plan should include proposals for providing extra cycle parking should demand require. The level of cycle parking for the office element of the scheme is considered to be slightly on the low side given the lack of parking and sustainable location of the site. There is no space identified for further expansion of the cycle parking should mode share increase.

3.12 The site is providing a reduced level of car parking, which is welcomed. The restrained levels of car parking are recognised as part of a package of measures to promote sustainable travel and reduce dependence on the private car. Officers also recommend a contribution of £13.2k towards the car club operating in the city. The contribution would be used towards initiatives to promote the use of the car club by residents and will include the provision of vehicles in the locality, marketing, free membership and free drive time to first occupiers.

PUBLIC PROTECTION

3.13 Officers are content that the noise assessment undertaken was adequate and that provided the recommended glazing is installed, noise levels with the building would be suitable for any future residents.

3.14 It is recommended that electric vehicle charging points are provided.

MICKLEGATE PLANNING PANEL

3.15 The panel raised concern over additional traffic accessing the site as a consequence of the proposed mixed use.

YORKSHIRE WATER

3.16 No objections.

PUBLICITY

3.17 The application was publicised by site notice, press notice and neighbour notification letters. Two objections have been received.

3.18 An objection has been received from the night-club and live music venue opposite. The noise from this late night premises (with a licence) requires attention.

3.19 The objection also raises the concern that there is a lack of car parking for the amount of housing proposed. And on architectural grounds. The approach lacks architectural integrity. The original building has futurist origins; man vs machine and the layering and separation of travel 'streets in the sky'. This is an opportunity to modernise, retain & re-energise a considered version of futurism - considering the envelope more and how it interacts with its surroundings in 2015. The concern is that the developer is seeking to maximise the residual value and profit in the site whilst failing to understand that actually people will pay more for architectural value & building quality.

3.20 The second objection suggests re-cladding this building to fit in better with its older and newer neighbours, such as the award winning West Offices development. If this building were to be given a contemporary (but sympathetic) facade treatment in local materials, it would be far less obviously a tired 1960s-70s building and fit in better between the West Offices and George Stephenson House, as well as the older buildings on the opposite side of Toft Green.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed uses
- Impact on heritage assets
- Sustainable travel / impact on the highway network
- Amenity of future occupants
- Planning gain including affordable housing

PRINCIPLE OF THE PROPOSED USES

LOSS OF OFFICE SPACE

4.2 The proposal includes a reduction in the amount of office space within the building (2,426 sq m gross) and the loss of a certain type of office space (lower cost, non-grade A space). The application site was not allocated for housing use in the emerging Local Plan (despite a request from the site owners), because there was a preference for retention of office space in such proximity to the train station, and an aspiration that in future the building could be refurbished and provide grade A office space in a prime location. However the council's position in this respect is weakened by the Government's introduction of permitted development rights allowing offices to change into residential. A prior notification application has already been made for the site in this respect which was not objected to by the local authority.

4.3 Draft Local Plan 2005 policy E3b relates to employment sites. It states that the change of use of existing office accommodation is allowable when there is adequate alternative supply and when the alternative use(s) proposed will have economic benefits. The policy is consistent with national policy in the National Planning Policy Framework, (paragraph 22) of which states that planning should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

4.4 The host building has not been fully occupied for some years. Despite marketing, the current operators have only been able to secure approx 50% occupancy. The building is occupied by multiple companies; on low rent and short-term leases. There is not the demand in the city for a single company to occupy the entire building and there are offices with smaller floor plates available in the city centre.

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

4.6 Although in floor-space there will be an overall loss, the scheme proposes improved quality office space, of which the city has a lack of supply. There is an over-supply of the type of space currently provided in the building, to a degree evidenced by the inability to gain full occupancy of the building in recent years. Economic development colleagues have been consulted on the application and not raised any objections. Because of the type of office space currently available within the building the change of use would not conflict with the spirit of local policy E3b and the NPPF, in particular one of the core principles which requires planning to

proactively drive and support sustainable economic development to meet need. Significant weight must also be given to the government position on allowing changes of use from office to residential, in particular when York does not have a 5 year housing supply.

WHETHER RESIDENTIAL USE IS APPROPRIATE AT THE APPLICATION SITE

4.7 Section 6 of the National Planning Policy Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that local planning authorities should identify and bring back into residential use empty buildings in line with local housing and empty homes strategies. They should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

4.8 The Council does not currently have a demonstrable 5-year supply of housing land. Work on the five year land supply is ongoing and cannot be concluded until a series of decisions have been made on both factors effecting housing demand and on the future portfolio of sites. Because the city does not have an adopted Local Plan or approved housing land supply national policy takes precedence over any of the housing policies in the Draft Local Plan. This is explained in the National Planning Policy Framework which states that “relevant (local) policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”

4.9 There is demonstrable housing need in the city. This application proposes part re-use of a semi-vacant building. The site is within a sustainable location, being within walking distance of the city centre and transport links. Re-use of the building for housing accords with the policies within the National Planning Policy Framework.

HERITAGE ASSETS

4.10 The site is within the Central Historic Core Conservation Area and the building is prominent from the grade 1 City Walls. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining planning applications the Local Planning Authority should have special regard to the desirability of preserving any listed building or its setting, or any features of special architectural or historic interest. It must also pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area.

4.11 The NPPF classes listed buildings and conservation areas as “designated heritage assets” and particular policies about conserving and enhancing heritage assets are contained in section 12. National planning practice guidance advises that in assessment of design, consideration, where appropriate should be given to

layout, form, scale, detailing and materials.

4.12 The proposed changes will improve the functionality and environmental efficiency of the building. The external changes will be subtle and sympathetic to the building and preserve the character and appearance of the conservation area -

- The lift shaft addition would be within an existing circulation area between blocks of the building and would only be noticeable from a glimpsed view on the City Walls.
- The entrance canopies are heavy and tired and it is accepted their removal would re-emphasise the buildings architecture.
- The replacement fenestration would be subtle and respectful of the character of the building.

4.13 The landscaping scheme would add greenery and tree planting to the car park between the host building and West Offices and the bleak area between the host building and Toft Green. Views into the courtyard from the access road would be enhanced, the appearance would be more of a garden, through removing vehicle access, more planting and re-location of the cycle parking. There would be an overall improvement to the conservation area in this respect.

SUSTAINABLE TRAVEL / IMPACT ON THE HIGHWAY NETWORK

4.14 The National Planning Policy Framework advises that developments should:

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

4.15 The proposal accords with this section of the framework -

- The access and servicing arrangements for the building are unchanged and deemed to be reasonably safe. The residential entrance is from the western side of the building. The approaches from this side of the building are already heavily used by office staff on a daily basis without causing a safety issue.
- Average vehicle trip rates have been estimated using the TRICS database. The outcomes are that there would be significantly fewer vehicle movements at peak times as a consequence of the proposed mix of uses.
- A travel plan, which aims to promote and enhance sustainable travel, has been provided for both aspects of the scheme. The site is in a sustainable

location, and therefore future occupants need to travel by private car is minimised.

- Based on the 2005 Draft Local Plan standards there should be a minimum of 1 cycle space per dwelling and a minimum of 59 spaces for the offices. Spaces should be covered and secure. The proposals meet the minimum requirements in the Local Plan -
- 1 space per residential unit provided at ground floor level - all internal
- 75 spaces for the office which would be covered and secure and 10 by the Toft Green entrance (where bikes are sometimes chained to the railings currently), which would be uncovered and for visitor use.
- The spaces for cycles would all be monitored by CCTV. Improvements are proposed; changing facilities are proposed within the offices and the facilities would be more secure than the current provision (which are mostly under the building but exposed to the public). All facilities can be secured through a planning condition. A separate condition can require implementation of the submitted travel plan, within which is the commitment to monitor take up of cycle parking facilities and provide additional space if necessary.
- 106 car parking spaces total are proposed - 66 for residents, 25 for offices. This is a reduction (of 16) compared to the existing number of spaces proposed. The car parking has been re-configured and landscaping introduced. Two electric vehicle charging points would be provided.
- The applicants have agreed to finance incentives for future residents to use the city car club.

AMENITY OF FUTURE OCCUPANTS

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

4.17 A conversion of the existing building is proposed and the surrounding uses are commercial. There would be no material effect on amenity of surrounding developments in terms of over-looking or the building being over-bearing/over-dominant.

NOISE

4.18 A noise assessment has informed the scheme and this will ensure amenity for future occupants is adequate and surrounding uses would not be compromised.

4.19 The noise assessment was taken over a Friday night/Saturday morning on 15/16 May 2015. Noise levels were on average approx 50 dB and the building envelope can be constructed to ensure internal noise levels meet British Standards. The assessment took full consideration of noise from the club opposite.

PLANNING GAIN

4.20 The residential conversion triggers the need for affordable housing. Current targets for brownfield development of the scale proposed are 20%. The applicant's position is that 20% affordable housing provision makes the scheme unviable.

4.21 Contributions towards education facilities are required because local primary and pre-schools are at capacity. The council has a current project to expand Scarcroft school and provide extra places in the South Bank area. This would be the 5th contribution towards the project and the contribution would therefore not conflict with the Community Infrastructure Levy Regulations. The applicants have agreed to make the contribution.

4.22 National planning policy asks for a flexible approach in seeking planning gain. The NPPF states that *"Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled"*. National Planning Policy Guidance states *"Where the viability of a development is in question, local planning authorities should look to be flexible in applying policy requirements wherever possible, especially on brownfield sites"*. It acknowledges that the developer should be expected to generate a reasonable profit as a consequence of development in order to make schemes viable. The guidance advocates the use of local evidence to inform the process.

4.23 The district valuer (DV) was appointed, at the applicant's cost, to independently assess the viability of the scheme, and whether a level of affordable housing would be appropriate still allowing for a reasonable profit.

4.24 The DV's assessment, in summary, considers whether planning obligations are reasonable costs on a developer, considering -

- Land value (includes the incentive to the current landowner to release the land and should be informed by comparable market based evidence)
- Costs of construction

- Gross development value, using evidence from other developments, showing sales/rental income
- Developer profit, with what is reasonable varying depending on the scale and complexity of the scheme.

4.25 The applicant's offer of zero affordable housing was originally challenged as there was disagreement over the land value of the site. It was suggested that the developer's valuation of the site was too high, given the condition of office stock in the building. Historic vacancy rates had been over 50% for the last 2 years and those who did occupy the building were on short term contracts and attracted low rental levels (circa £10.00 per sq ft). There was also some disagreement as to what was reasonable in terms of professional fees and construction costs associated with the conversion works detailed in this application to convert the building to residential and make it attractive to the market. The applicants had appointed constructors who had evidenced what the construction costs would be in this respect.

4.26 The DV originally concluded that 11% affordable housing (9 dwellings) could be achieved or (if the council were agreeable) a contribution of £700,000 towards off site affordable housing.

4.27 During negotiations the decisive evidence brought forward by the developers confirmed that the land value of the site had been under estimated. The introduction of permitted development rights to convert offices into residential (along with other market changes) appeared to be driving up land values considerably. Sales of other properties in the city since 2015, in particular Yorkshire House on Rougier Street and United House Piccadilly, gave credible evidence that the estimated valuation of Hudson House previously used was too low. Land values at the aforementioned comparable sites were well in excess of 100 per sq ft. If the value of Hudson House were taken as over 100 per sq ft, then this would wipe out the £700,000 the DV had originally regarded could be contributed towards affordable housing, whilst leaving a reasonable developer profit.

4.28 The conclusion and independent advice from the DV is that based upon current market circumstances, requiring affordable housing in the scheme makes it unviable.

5.0 CONCLUSION

5.1 The proposed development has officer support. There are no adequate policy grounds to resist the change of use of the majority of the building to residential, giving significant weight to Government priorities in this respect, and overall the external works will improve the setting. There would be no harm to designated heritage assets.

5.2 Approval is recommended, subject to completion of a S106 agreement, which would deliver -

Car club

£13,200 towards car club membership and drive time which would be offered to residents of the host building.

Education

£171,448 toward education ; to be used towards the project to expand Scarcoft school.

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:-

Fuse Drawings - 13039

00 002 - Location plan

20 - 000A Ground floor plan.

20 - 001 - 006 - Upper floor plans and roof plan

20 - 201-204 and 251-254 - Proposed elevations

20 - 300-302 - Sections

20 - 100, 101, 102 - Unit types

SK13- Details of cycle storage

Reform Drawings

L RF14-218L01 A Landscape General Arrangement

L RF14-218L02 Site sections 1 of 2

L RF14-218L03 Site sections 2 of 2

L RF14-218L04 Trees removal & retention plan

L RF14-218L05 A Planting strategy

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

3 Materials

Samples of the external materials of the items listed below shall be approved in writing by the Local Planning Authority prior to pertinent works on the building. The

development shall be carried out using the approved materials.

- a) New windows and spandrel panels
- b) Lift
- c) Roof-lights to ground floor office (manufacturer's details)

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.

4 Large scale details

Large scale details of the new lift shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the pertinent part of the development. 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.

5 BREEAM

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

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

6 Plant and machinery

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of residential properties when in use, shall be submitted to the local planning authority for approval. 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 before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. It is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

Reason: To protect the amenities of residents in accordance with section 17 of the NPPF which states planning should secure a good standard of amenity for all existing and future occupants of land and buildings.

7 Travel Plan

The development shall occur in accordance with the Fore Framework Travel Plan (version 1.2 dated 5 August 2015).

As stated in the document, the plan will be updated annually and further cycle parking facilities shall be provided such there be demand.

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

8 Electric vehicle charging points

Before the occupation of the development at least 2 electric vehicle recharging points shall be provided on-site and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority. Unless otherwise agreed the points shall be provided in accordance with the approved ground floor plan drawing.

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

INFORMATIVE: Electric Vehicle Recharging Point means a recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

9 Glazing Specification

Glazing to bedroom and living room windows shall be installed which at least achieves the specifications recommended (in the design recommendations page 15 onward) in the Fisher Acoustics Environmental Noise Study PR0519-REP01-MPF dated June 2015 prior to first residential use of the building.

Reason: To ensure that noise does not harm residential amenity and that there is no

detrimental effect on surrounding businesses; in accordance with paragraphs 17 and 123 of the National Planning Policy Framework.

10 Cycle parking

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

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

7.0 INFORMATIVES:

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: gave pre-application advice, sought revisions to plans to make acceptable and through the use of planning conditions and a legal agreement.

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