

COMMITTEE REPORT

Date: 6 October 2016 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 16/01003/FUL
Application at: Stonebow House The Stonebow York YO1 7NY
For: Change of use of 5th floor from office (Use class B1) to residential (use class C3) and extension to the top floor and first floor to create 5no. residential units, extended floorspace and change of use of ground floor units to flexible uses within use classes A1/A3/A4 with associated external alterations to car parking and landscaping
By: Oakgate Central York Ltd
Application Type: Full Application
Target Date: 1 July 2016
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to Stonebow House, a prominent 1960's concrete framed building with podium and tower in the Brutalist Style. The podium is part single storey, rising to two storey as ground levels lower as Stonebow travels towards Peasholme Green. The podium accommodates commercial units, which previously included a night-club/live music venues and has car parking on its deck, accessed from a ramp off St Saviourgate. The tower previously accommodated offices. The building has now been vacated in advance of refurbishment works.

1.2 The tower has been subject to a prior notification application, for a change to residential under permitted development rights (application 16/01018/ORC), to which the council had no objection.

1.3 The site is within the Central Historic Core Conservation Area. It is outside the central shopping area, but within the city centre area, as defined in the 2005 Draft Local Plan.

PROPOSALS

1.4 This application includes refurbishment of the commercial units, which would be given a new facade. The building would be cutback, so the raised walkway on the Stonebow side would be removed leaving a wider public footpath. Glazed shop-fronts would be set just in-front of the supporting columns and directly face onto the street.

Application Reference Number: 16/01003/FUL

The staircase on the eastern side of the building would be removed also. Permission is sought to allow the units at lower level to be used for either retail, cafe/restaurant or drinking establishments.

1.5 An apartment would infill the space underneath the tower and an extension is proposed at the top of the tower to provide duplex apartments on what would be the two upper floors. There is a plant room at roof level which it is proposed to replace. The concrete frame of the tower would be refurbished and fenestration replaced.

1.6 The scheme also proposes public realm works around the building. The pavement would be replaced (including tarmac along St Saviourgate), to match the surfacing materials being used at Hungate. It is also proposed to re-configure the amenity space outside the west end of the building. Cycle stands are proposed at both the east and west sides of the building.

1.7 The scheme was revised, with updated plans submitted in September, to retain more of the original fabric and address design concerns raised over the facades to the commercial units and the strategy for refurbishing the tower.

2.0 POLICY CONTEXT

2005 Draft Local Plan

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 Draft Local Plan 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. The relevant draft policies applicable to this application include

CYGP1	Design
CYGP15	Development & Flood Risk
CYHE2	Development in Historic Locations
CYHE3	Conservation Areas
CYGP16	Shop-fronts
CYH12	Conversion of redundant offices

Emerging Local Plan

2.2 The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan is currently subject of an eight week public consultation which started 18 July 2016. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the

proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant plan policies include;

DP2 Sustainable Development
SS4 City Centre
EC3 Loss of employment land
R3 City Centre Retail
D2 Place-making
D3 Extensions and Alterations to Existing Buildings
D4 Conservation Areas
D11 Shop-fronts

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management Conservation Architect

3.1 Stonebow House was commissioned by the then York City Council following a design competition. It was built around 1965, following the dramatic traffic management construction of “relief road” Stonebow in around 1955 that partially cut through the existing city grain opening up new development plot opportunities.

3.2 The building is predominantly textured concrete. Concrete is sculpturally modelled in a geometric way; construction components are visually emphasised by articulating how they come together in oversized joints (which are in most places true joints but in some places symbolic ones). A combination of Insitu and precast concrete techniques are evident. This portrays a quality of visual weight and this in turn gives it presence and power. Other materials are visually subservient. The term Brutalism was coined for the type of architecture of this period.

3.3 The proportions of the tower and refinement of the architecture are a good example of its type and evidentially valued as representing our culture at a rapidly changing period of time: York is known for its layers of history and so, Stonebow House has a contribution to make. The tower itself (squat for its type- presumably tempered for a York context) is positioned with a degree of acknowledgement to its setting towards the lower end of the site. It does leave partial views of the church of St Saviour and the Central Methodist Church from Pavement above the podium. These views would not have been possible in the 19th century and earlier.

3.4 The podium has left little space for pedestrians walking down the Stonebow and is especially congested around a number of Stonebow bus stops. A high level raised

walkway running parallel is little used and terminates in an external staircase that creates awkward public spaces around it and is prone to anti social activity.

3.5 Some of the concrete is spalling; some has had ad hoc repairs. Some is painted. The infill is in varying states - quite a lot replaced over time and bits of duct grills and other excretions pepper the St Saviourgate aspect and ramped side. It is looking in need of an overhaul to bring back some sense of cohesive design and refreshed quality. However the latent qualities of the concrete remain and with a degree of care and restoration this could be a more appreciated aspect again.

3.6 Refurbishment of the tower has necessitated a more flexible treatment to glazing to move from office to residential accommodation because of the differences in space planning. Initial proposals (pre-application) to completely over-clad the tower were rejected by officers on the grounds that it would be detrimental to the character of the original. A design rationale was subsequently developed and agreed whereby each ribbon band could be vertically divided by eleven in various combinations as long as it maintained a glazed element at every column. It was also accepted that a reorientation to a more vertical emphasis was likely acceptable. The extension to the tower was accepted as an option due to its low height and as it would be setback from the buildings edge and partially screened by the existing parapet.

3.7 The latest scheme revisions have improved the design by: removing sensitive balconies facing St Saviourgate; increasing the ratio of solid to glazing on the tower (rebalancing the composition); retaining the parapet to the podium and tower; removing bulky visible landscaping-associated structures on the podium deck; revising entrances off the street to impinge less on the pavement; adding more solidity to the podium fenestration to break up the uniformity of the glazing and distinguish the residential entrance as a different type.

Planning and Environmental Management Landscape Architect

3.8 Acknowledge that the existing landscaping on the west side of the building could read better with the architecture of Stonebow House and link with the street. In terms of parameters to follow in revising the officers advice was as follows -

- The existing tree is a good specimen and should be retained
- Edible York planting is not in an ideal location due to the pollution from air quality and contamination by human activity
- A loose and colourful mix of planting is recommended; to complement the building
- Timber shuttered concrete and the York stone paving suit the host building and should be retained / reused; the low stone wall (adjacent Stonebow) however is out of character
- Cycle stands currently dominate the space and these could be in a more discreet position

Application Reference Number: 16/01003/FUL

- Public seating should be provided; those which exist are well used
- Consideration should be given to the York Streetscape strategy which advocates the removal of clutter

3.9 In response the applicants have produced a revised set of parameter plans for the landscaped areas. Officers are content with the principles for re-configuring the space and the detailed scheme would be secured through condition.

Education

3.10 Officers confirm they do not require contribution towards education facilities in the locality.

Highway Network Management

3.11 Officers have no objection in principle to the scheme. Conditions are recommended to agree the re-design of affected bus stops and for construction management details, to manage disruption during construction. Comments are as follows –

- There should be a travel plan
- To promote sustainable travel future (first) occupants should be offered membership to the city car club and a contribution of £200 towards either a bus pass or cycle
- Preference is for the land to the west of the site (the public space area) to become adopted highway and for the applicants confirmation of such
- The proposed widening of Stonebow by approx 2m is a significant benefit and will provide greater room for passengers waiting at the adjacent bus stops whilst enabling pedestrians to pass more freely. The increased width of new public realm will be offered for adoption as publicly maintainable highway.
- The areas of new/existing highway around the building footprint will be resurfaced in the same material as has been used to the Hiscox frontage and as will be delivered through the Hungate scheme. The site therefore provides consistency with the surrounding area in terms of public realm uplift on this strategic approach to the city centre.
- The site is surrounded by bus stops and main public transport/pedestrian/cycle routes, construction and demolition will therefore cause some limited disruption. A Construction Management Plan condition is proposed and early discussions have taken place with contractors, with a view to minimising the impact of development activities.
- It has been agreed it would be desirable to remove the pole and to re-position the CCTV camera, either on another lamp column/pole or on the building. This reduces clutter and should be secured through the application.

Public Protection

Noise

3.13 Noise monitoring was undertaken over a weekend and assessment prepared to inform how the proposed building could be suitable for future residents. Within the submitted acoustic report details are provided on the necessary sound reduction to be provided by the windows, walls and roof so that the internal noise levels specified in BS8233:2014 would be achieved (with alternative ventilation as windows would need to remain closed to ensure a suitable internal noise environment). A condition is recommended to ensure the sound reduction is implemented.

3.14 As a result of the extra residents in the area officers consider it would be reasonable to limit delivery times to avoid disturbance. The following hours are recommended - Monday to Friday 07:00 to 23:00 - Saturday 09:00 to 18:00 - Sundays and Bank Holidays 09:00 to 16:00.

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

Monday to Friday 07:00 to 18:00

Saturday 09:00 to 13.00

Not at all on Sundays and Bank Holidays.

Public Protection

Air quality

3.16 Stonebow House lies adjacent to the Council's Air Quality Management Area (AQMA). The AQMA was declared on the basis of breaches of the health based annual mean objective for nitrogen dioxide. Current air quality monitoring indicates that the annual average nitrogen dioxide objective is currently being exceeded at the roadside directly outside Stonebow House. This has been the case for over 5 years at this site.

3.17 In order to determine the air quality in the locality, monitoring, carried out over six months, has been agreed with the applicants. Until the results of this monitoring are known officers recommend a ventilation strategy is provided for any habitable room facing onto Stonebow, to minimise ingress of pollutants into the building and potential exposure of residents of the accommodation to poor air quality. Such rooms should be mechanically ventilated, with clean air being drawn from a location to be agreed (away from the road).

EXTERNAL

Conservation Areas Advisory Panel

3.18 The panel commented on the original scheme. They considered there would be a loss to the building's integrity as a consequence of the addition of balconies and the loss of the horizontal rail at the top of the tower.

Environment Agency

3.19 No objection provided the development be carried out in accordance with the provided Flood Risk Assessment.

Historic England

3.20 HE provided updated comments following re-consultation on 12.9.2016. HE advise that consent may be granted subject to a recommendation that to enliven the St Saviourgate elevation, mural artwork is designed/commissioned and installed..

3.21 Historic England broadly welcomes the re-generation of Stonebow House and recognise that the alterations to the glazing and the removal of the first floor walkway and staircase help this building to sit more comfortably within the conservation area.

3.22 Visualisations have now been produced from significant viewpoints including the tower of York Minster, the City Walls and Clifford's Tower. HE consider the impact of the modified building (and in particular the glazed roof extension, replacing the present concrete service compound) upon these views to be acceptable.

3.23 HE has concerns that the scheme misses an important opportunity to improve the setting of the adjacent Central Methodist Chapel and the former St Saviour's Church, both Grade II* listed and to make St Saviourgate a more inviting and attractive street. HE are disappointed that there has been a failure to create any 'active' frontage onto St Saviourgate. HE suggested retail units designed to have a frontage onto St Saviourgate. Any remaining blank areas of wall could be enlivened with specially commissioned mural art work to create a more attractive and inviting setting for the two Grade II* churches.

3.24 The applicants have explained to HE that this is impractical within the scope of their plans (to introduce more retail facades to St Saviourgate). If this is indeed the case then HE recommend that any remaining blank areas of wall along this street are enlivened with specially designed/commissioned mural art work to create a more attractive and inviting setting for the two Grade II* churches (details to be agreed by the council). This is in order to assist the present proposal in meeting the requirements of paragraph 131 of the NPPF, in particular the desirability of new development making a positive contribution to local character and distinctiveness

3.25 HE in their first response questioned whether it is necessary to remove and

replace the 'chunky' concrete balustrade of the car park ramp, which has architectural integrity in its own terms. This element is retained in the revised scheme.

C20 Society

3.26 The society object and recommended a more genuinely conservation led scheme which attempts to retain the Brutalist fabric. Phase 2 of the Park Hill regeneration at Sheffield was cited as an example of good practice in this respect.

Neighbour Notification and Publicity

3.27 Comments have been made from three interested parties.

3.28 Objection on behalf of Edible York who have a planting area within the application site -

- The planting proposed will be bland in comparison to the variety of food currently grown in the area.
- Those who garden the site also inform the public of the benefits of the food and this facility would be lost.
- Loss of public amenities - cycle parking and seating

3.29 Residents have commented who seek to improve their current levels of amenity, through the control of emptying litter into bins, limiting times of delivery and the size of vehicles using St Saviourgate.

3.30 Support for proposals to introduce active frontages, for extra surveillance in the area and improved public realm

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues is assessment of this application are as follows -

- Principle of the proposed use
- Impact on heritage assets / visual amenity
- Flood risk
- Residential amenity

ASSESSMENT

Principle of the proposed uses

4.2 Previously there were a mix of uses at lower level including retail, job centre, a betting shop, a cafe, music venue and night-club; over 2,913 sq m floorspace. The

Application Reference Number: 16/01003/FUL

Page 8 of 23

upper floors were last used as offices, and are to change to residential under permitted development rights. The building is now vacant.

4.3 This application asks for a flexible use for the commercial units at lower level, to be used for either retail, cafe/restaurant or drinking establishment. There would be a small reduction in floor-space, down to 2,841 sq m. The proposed plans show residential on the upper floors. Under consideration as part of this application is the 1-bed dwelling at podium level (part infilling a void under the tower) and the duplex apartments on the top floor of the tower and within the proposed new rooftop addition.

4.4 The site is within the city centre. According to the NPPF planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

4.5 Relevant Draft 2005 Local Plan policies are H12 which relates to proposals where offices are to be converted in to residential and S5, which relates to applications for commercial uses in the city centre.

4.6 Policy H12 states office to residential conversions will be supported where there is demonstrably an adequate supply of offices in the city; the proposed use would be in the interest of the vitality and viability of city centre and when residential amenity would be adequate. Policy S5 allows class A uses (including restaurants and drinking establishments) where there would be not undue effect on the vitality and viability of individual streets and city centre as a whole.

4.7 Of the emerging plan policy SS4 states that the uses proposed within the building are acceptable in principle within the city centre. Policy EC3 states that existing employment (office space) may change use where the existing land / buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses.

4.8 The majority of office space within the building will change to residential use under permitted development rights. This application only relates to one floor in the tower which was last used as office space. The office space within the building has been mostly vacant for a considerable amount of time. This strongly indicates a lack of need for such space. The proposed residential use of the building will improve the viability of the area and bring increased surveillance during the evenings. The proposed residential use is consistent with the NPPF on the following grounds –

- There is a demonstrable lack of need for the previous office use and therefore alternative uses should be considered, in particular those for which there is need. There is housing need in the city and to provide it in this vacant building would be consistent with advice in the NPPF; paragraphs 22 and 51.

- The site is in a sustainable location in a mixed use area; the proposed mixed use of the building accords with NPPF paragraph 38 which relates to reducing the need to travel.
- Through a combination of the mix of uses in the area, late night activity, and by design there are problems with anti-social behaviour and crime. The proposed residential use and changes to the design of the scheme will help in tackling these issues, as recommended by the NPPF in paragraph 58.

4.9 The flexible uses proposed the ground floor area would improve the vitality of the area, in accordance with the thrust of section 2 of the NPPF, Draft Local Plan policy S5 and policy R3 of the emerging plan. The building lacks active frontages due to its design and given the nature of previous uses; primarily music venues/night-club which only operate at night and lack windows, to prevent noise pollution. The proposals will bring more active frontages to the building, in particular along Stonebow and improve the setting by increasing the width of the public footpath by some 1.8m. The proposed uses overall would attract more custom and increased activity during the daytime.

4.10 The proposals would include the loss of a night-club and a live music venue. There are other clubs and music venues of similar scale in the city centre, Fibbers has re-located to Toft Green. As such there would be no conflict with section 8 of the NPPF which relates to the provision of, and to guard against the loss of, valued social and recreational facilities.

Impact on heritage assets / visual amenity

4.11 The site is within the Central Historic Core Conservation Area. The Council has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to consider the desirability of preserving or enhancing the character and appearance of designated conservation areas. The NPPF in paragraphs 131-134 establish the approach for dealing with applications and when it is possible to allow development which would have a harmful impact.

4.12 In consideration of design National Planning Policy Guidance (NPPG) states layout, form, scale and detailing are all relevant considerations. With regards scale the size of individual buildings and their elements should be carefully considered, as their design will affect the: overshadowing and overlooking of others; local character; skylines; and vistas and views. The guidance recommends that developments either creating distinctive skylines or respecting the existing.

4.13 Local Plan policy in the 2005 draft plan and emerging plan is consistent with national advice with regards heritage assets.

4.14 Of the emerging plan, Policy D2: Place-making states that proposals will be supported where they:

- Respect York's skyline by ensuring that development does not challenge the visual dominance of the Minster or the City Centre roofscape.
- Respect and enhance views of landmark buildings and important vistas.

4.15 Policy HE2 of the draft 2005 Local Plan relates to development in historic locations. HE2 advises proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.16 The Central Historic Core Conservation Area Appraisal is used for development control purposes. It contains an assessment of the area and includes a management strategy to inform development proposals.

4.17 Stonebow House is identified as a landmark building in the appraisal, which detracts from the character and appearance of the conservation area because:- *“although the building is a confident and in many ways refined representative of its era and its architectural style, it is fundamentally flawed in the way that it relates to its setting. One of the tallest buildings in the city centre and occupying a corner position, it is out of scale with the historic townscape and competes with the height of neighbouring churches and blocks views to them”*.

4.18 The appraisal identifies Whip-Ma-Whop-Ma-Gate as a space which is poorly designed, cluttered and where the public realm could be improved.

4.19 The aspirations as part of any re-development of Stonebow House (most of which relate to demolition rather than refurbishment) in the conservation area appraisal include -

- Active frontages should face St Saviourgate and Hungate;
- Any new development should be no higher than five storeys to fit with the historic townscape;
- Settings for the Central Methodist Chapel and St Saviour's Church should be improved through creation of public spaces;
- New glimpsed views to the Chapel and Church should be revealed from Whip-Ma-Whop-Ma Gate and The Stonebow;
- The use and function of pocket spaces (Whip-Ma-Whop-Ma Gate and small green space next to the Telephone Exchange) should be comprehensively re-designed and landscaped.

4.20 The Management strategy in the conservation area appraisal seeks to enhance or replace buildings identified as detractors (5.4.3). Section 5.8 explains that new development should:-

- respect the characteristics which define York's distinctive urban form
- place importance on the design of roofs and the roofscape: and contribute positively to the character of York's distinctive skyline in this respect

Alterations at ground floor level

4.21 The setting currently suffers because the building lacks an animated frontage at street level, predominantly due to the lack of fenestration and direct access at ground level. In addition there is a lack of natural surveillance in certain areas and associated issues with anti-social behaviour and crime.

4.22 The scheme would improve the setting and character and appearance of the conservation area by addressing these issues.

- The proposals would widen the footpath along Stonebow by 1.8 m. The ground floor commercial units would be entered directly from the street and there would be more active shop-fronts/glazed facades along Stonebow, on the east and west facing elevations and along St Saviourgate, by the taxi waiting area. Areas which are currently not overlooked – the passageway between Stonebow and St Saviourgate and the staircase at the east end of the building would be re-designed.
- Historic England had asked for more active frontages to be incorporated along St Saviourgate. This has been facilitated where possible in amended plans, in particular towards the Whip-Ma-Whop-Ma-Gate side of the street. The facade will receive an uplift and use detailing and materials more appropriate to the host building than the existing timber shop fronts; this design approach is advocated in policy D2: Placemaking of the emerging Local Plan. However the commercial units need a back of house area and because they could become bars/drinking establishments under this application on the grounds of residential amenity it is preferable to keep footfall away from the northern end of St Saviourgate, where there are houses. Instead it will be directed to areas which have a higher level of activity and commercial nature; along Stonebow and the west side of the building which overlooks Whip-Ma-Whop-Ma-Gate. The St Saviourgate facade will be improved and the footpath re-surfaced (replacing the tarmac). Overall the scheme constitutes an enhancement of the street.

Podium

4.23 The car parking will remain at podium level. It will be for residents only rather than commercial and the amount will be reduced to 24 spaces. There will be soft landscaping introduced which will improve the appearance of the building. A residential unit is proposed, which would infill part of the void underneath the tower. The walls of the dwelling would be inset from the footprint of the tower, as such and because of the concrete balustrading that runs around the podium deck; this would be

a discreet addition that would not harm the appearance of the building or the conservation area.

Alterations to the tower

4.24 The design intent has been to make the tower suitable for residential accommodation without compromising the integrity of the building. The expression of the concrete frame is a key component of the original design and is retained. The proposals subtly give the building a stronger vertical emphasis by removing the concrete up-stands and windows within the rectangular reveals and installing a vertical rhythm of windows and anodised aluminium cladding panels. External drainage will be moved inside the building. Balconies are proposed on two of the elevations. Balconies have been restricted to elevations where they will only be viewed against the tower.

4.25 The proposed changes will update the building. To move the drainage inside and repair/refurbish the concrete would enhance the appearance of the tower. The main frame and consequently the structural integrity would be preserved whilst the proposals for infilling each reveal would use high quality materials and detailing. The cladding panels would be agreed through a planning condition; the samples viewed to date have been of textured and variable appearance depending on weather conditions.

4.26 There is currently an enclosure at roof level which extends above the central circulation/service core which is evident in particular in views from the City Walls (some 300m away), High Ousegate (240m away) and in more distant views from the Minster and Clifford's Tower. In the applicants views analysis these are views 1, 2, 3 (although the tower is more prominent in other views from High Ousegate than shown in the analysis) and 9.

4.27 It is proposed to replace the structure with an extension which would provide the upper floor of duplex apartments. The new structure would be marginally lower in height. It would be greater in footprint (existing structure is approx 6mx11m, proposed 13mx15m) but still setback at least 3m from the edge of the tower. The walls would be fully glazed.

4.28 In the elevated view from the Minster, the building sits alongside those at Hungate, in particular the phone exchange and recent St Johns student accommodation. The buildings are of large scale with flat roofs; Stonebow House, with a roof extension would sit comfortably in this context.

4.29 The increased scale of the building would also be evident from the City Walls, Clifford's Tower, Ousegate and Garden Place. In closer views from Pavement the extension would be screened by the concrete balustrading at the top of the tower.

4.30 Apart from the view from Garden Place, other affected views would be from a considerable distance i.e. over 240m away and the structure would be partially hid by the balustrading around the roof. As such and given the extra volume of structure at roof level, the visual impact would be low. The proposed structure would be far less prominent than other roof-top extensions proposed to similar aged mid C20 buildings in the city centre which have been refused permission (specifically at 2 Low Ousegate and Hilary House). Due to the integrated nature of the design and the low visual impact in relation to the existing building, there would not be harm to the character and appearance of the conservation area.

Landscaping

4.31 Overall the landscaping scheme associated with the application will enhance the conservation area setting. Implementation would be secured by planning condition. The benefits to the setting would be as follows -

- New paving is proposed around the building, which would tie in with the public realm improvements proposed in the Hungate area. The footpath along the Stonebow, which is presently congested at times because of the bus stops, would be widened by 1.8m. Along St Saviourgate the footpath is part in tarmac, and the replacement would be an upgrade.
- The area at the east side of the building lacks natural surveillance. The staircase would be removed, there would be improved surfacing (stone paving) and the area would become overlooked by the end commercial unit and from the street. 6 cycle stands are proposed in this area.
- At the west side of the building the existing public space will be refurbished. The Edible York planting area would be lost. However given the proximity to traffic pollution, and late night uses this is not regarded as an optimal position for growing food. There would remain soft landscaping areas and retention of the tree is proposed.
- The scheme would use materials and details appropriate to the host building.
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- Public seating and cycle parking provision would be retained in the area. Although the number of cycle stands will decrease in this area (currently 6 stands, 4 proposed) provision overall on site would double.

Flood risk

4.32 The site is partially in flood zone 2. The application relates to changing the uses within an existing building. In such cases paragraph 104 of the NPPF states that sequential and exception tests are not required, but a site specific Flood Risk

Assessment is. The FRA is expected to demonstrate a development would be safe for its lifetime and would not increase flood risk elsewhere.

4.33 The scheme is policy compliant, in accordance with the flood risk advice in paragraphs 103 and 104 of the NPPF on the following grounds -

- The works would not increase the footprint of the building or have a material impact on surface water run off. As such there would be no material impact on flood risk elsewhere.
- The residential accommodation, the most vulnerable use proposed, would be in a safe location on the upper floors only and the entrance position means there would be safe access/egress in the 1 in 100 year flood.

Residential amenity

4.34 The NPPF requires that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The NPPG states planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

4.35 Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.36 The site is within a mixed use area. Along St Saviourgate there are houses at its north-east end, St Saviour's Church accommodates the Dig attraction and within the Methodist Church there are care facilities for the disadvantaged. There is late night activity in the area; there has been a night-club and music venue within the building and there is a taxi rank along St Saviourgate outside Stonebow House.

4.37 The night-club and music venue have vacated the building as part of the proposals.

4.38 The application seeks flexible uses including drinking establishments and restaurants within the ground floor commercial units. Entrance points to the units have been intentionally positioned to avoid directing footfall along St Saviourgate, and to keep activity along Stonebow and Whip-Ma-Whop-Ma-Gate. Given the existing character of the area, it is expected there will be a reduction in late night activity and disturbance as a consequence of the proposed uses for the building.

4.39 Servicing is proposed from the St Saviourgate side of the building. St Saviourgate at the east end is primarily a residential street and apart from the application site, there are no other drinking establishments or retail premises.

4.40 Deliveries to other areas of the city would not need to use St Saviourgate. As such, to limit noise disturbance, in the interests of existing and future residents, it would be reasonable to restrict delivery times and the putting out of waste (such as glass bottles) to the recognised daytime hours of 07.00 to 23.00.

4.41 The additional residential development would not extend beyond the footprint of the tower and there are no design changes that would materially impact on over-looking and levels of light to neighbours.

4.42 A noise assessment has been undertaken that informs the building insulation required to provide adequate living standards under existing conditions, based on the relevant British Standard (BS:8233 2014). The proposed commercial uses are expected to lead to a decline in noise levels during the night time. A condition is proposed to secure compliance with BS:8233.

4.43 The building is adjacent a locally designated air quality management area. As such in the interests of the health of future residents living accommodation facing Stonebow would be fitted with mechanical ventilation. Other facades would have access to reasonably clean air. An agreed period of monitoring is underway to establish air quality where residential windows are proposed. The outcome of the monitoring may allow this requirement to be relaxed and this is allowed for in the proposed relevant planning condition.

Other Issues

4.44 Contributions towards promotion of promoting sustainable travel are not being required in this instance. Only 5 dwellings are proposed in the application and to seek a contribution would be contrary to CIL Regulation 122 which states that planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. In this case the application site is in a highly sustainable city centre location it is considered that the contributions sought would not be necessary to promote sustainable travel choices.

5.0 CONCLUSION

5.1 The proposed refurbishment of the building looks to resolve a number of issues with the lower level of the building. The scheme would provide an active commercial frontage to Stonebow, improve the public realm and increase natural surveillance. The east side of the building is an area where crime and disorder is in particular a problem due to the lack of natural surveillance. The scheme will address this and provide a more welcome and overlooked public space.

5.2 The refurbishment is sympathetic and honest to the architecture of the host building in that the definitive concrete frame will be retained and refurbished. The concrete balustrading around the podium and at the top of the tower are now to be retained. The new elements and materials; where windows/spandrel panels and the top floor service room would be replaced use good quality materials and detailing, which would compliment and not detract from the building's appearance.

5.3 Overall the works will improve the character and appearance of the conservation area and the vitality of this part of the city centre. Reasonable levels of residential amenity can be secured by the use of planning conditions. There would be no undue effect on highway safety or in respect of flood risk.

5.4 The works reasonably comply with planning objectives in the NPPF and would not conflict with the council's statutory requirement in terms of dealing with change in conservation areas, as established in the Planning Act.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME1 Commencement of Development

2 PLANS1 Approved Drawings

Site Location Plan 2014-222/100 Rev H

Proposed Site Plan 2014-222/801 Rev C

Proposed floor plans

Proposed Basement Floor Plans 2014-222/201 Rev F

Proposed Ground Floor Plan 2014-222/202 Rev F

Proposed First Floor Plan 2014-222/203 Rev E

Proposed Second Floor Plan 2014-222/204 Rev E

Proposed Third Floor Plan 2014-222/205 Rev F

Proposed Fourth Floor Plan 2014-222/206 Rev E

Proposed Fifth Floor Plan 2014-222/207 Rev E

Proposed Sixth Floor Plan 2014-222/208 Rev E

Proposed Roof Plan 2014-222/209 Rev D

Proposed elevations

2014-222_210 Rev F

2014-222_211 Rev F

Application Reference Number: 16/01003/FUL

Page 17 of 23

Design Intent Commercial 2014-222/151 Rev E
Design Intent Residential 2014-222/152 Rev E
Design Intent Duplex 2014-222/153 Rev G
Design Intent Juliet Balcony 2014-222/154 Rev C
Design Intent Terrace Balcony 2014-222/155 Rev C

Sample Panel Detail - 2014-222/149 Rev A

Landscaping

Ground Level 2014-222/9101 Rev
1st Floor Deck 2014-222/9102 Rev E
Ground Level - Sections - 2014-222/9103 Rev

Note - Approved plans for ground level landscaping pending

3 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

4 Prior to commencement of development full detailed drawings showing the design and materials for roads, footways, other highway areas and amenity space around the building (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition) shall be submitted to and approved in writing by the Local Planning Authority. Such areas shall be constructed in accordance with the approved details prior to first occupation of the development hereby approved.

Reason: In the interests of visual amenity and road safety. These details need to be agreed prior to commencement to assist with the programme of construction, and avoid any abortive works.

5 A detailed methodology identifying the temporary removal and relocation of adjacent bus stops and their associated infrastructure on the Stonebow frontage and the cycle stands within the site during development activities, together with their reinstatement upon completion of the development, shall be submitted to and approved in writing by the Local Planning Authority prior to such works commencing. The aforementioned methodology shall be implemented as agreed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the existing public transport infrastructure is protected during development and to ensure that public transport in the vicinity of the site can continue to operate in a reliable manner.

6 Prior to the commencement of development, a detailed method of works statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following information;

- a phasing plan setting out the scheduled works and anticipated timescales
- a Traffic Management Plan identifying how pedestrian and cycle access along the Stonebow corridor will be maintained during development activities
- 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 and waste material 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.

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

- Typical sections showing shop-fronts along St Saviourgate and new doors and their surrounds
- Stonebow glazed elevation – Details supplemented with design code rationale for the proposed mullion spacing pattern, mullion/transom type, door treatment type and situation selection criteria (in order to ensure design integrity).
- Roof vent to duplex apartment
- Any gate / barrier on the vehicle access ramp

Reason: So that the Local Planning Authority may be satisfied with these details, in the interests of the character and appearance of the conservation area.

INFORMATIVE: In design of the St Saviourgate elevation the developers are requested to note comments by Historic England who recommended a design approach which would add interest and contribute positively to the character of the host building and appearance of the street.

Application Reference Number: 16/01003/FUL

Page 19 of 23

8 A sample panel of the materials to be used for the tower, in accordance with drawing 2014-222/149 A, shall be approved in writing by the Local Planning Authority prior to the commencement of the relevant works. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance, in particular in the interests of the character and appearance of the conservation area.

9 Unless otherwise agreed by the Local Planning Authority, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Saturday 07:00 to 18:00
Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of existing occupants from noise, in accordance with the National Planning Policy Framework, in particular paragraph 17.

10 The tree shown as being retained on the approved plans shall be protected in accordance with BS: 5837: Trees in relation to construction. Protective fencing shall be in situ at all times during development (apart from undertaking of any approved landscaping works within the tree protection area) to create an exclusion zone, which shall be avoided by construction traffic and associated storage.

Reason: To protect a tree which has been identified as being of high amenity value and makes a positive contribution to the setting.

11 The hard landscaping, including areas shown on the approved plans for parking and manoeuvring of vehicles and cycles, as shown on the approved drawings shall be implemented prior to first occupation of the development hereby approved and thereafter such areas shall be retained solely for such purposes.

There shall no additional structures, including lighting, added on the deck of the podium, to those as shown on the approved plans.

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

12 The soft landscaping scheme, as shown on the approved drawings shall be implemented within a period of six months of the completion of the development. A specification of the planting proposed at ground level shall be approved in writing by the Local Planning Authority prior to installation and installed in accordance with the approved details. 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 visual amenity and the character and appearance of the conservation area.

13 Unless otherwise agreed by the Local Planning Authority prior to occupation of dwellings with habitable rooms facing Stonebow, a ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority. The ventilation strategy shall be installed in accordance with the approved strategy.

Unless otherwise agreed by the Local Planning Authority the strategy shall include

- demonstration as to how habitable rooms would be mechanically ventilated, with clean air being drawn from a suitable location away from the road;
- details of heat recovery (MVHR);
- maintenance schedule;
- clarification of responsibility for running costs and maintenance works.

Reason: In the interests of residential amenity and public health and in accordance with Local Plan policy GP4b and paragraph 124 of the National Planning Policy Framework.

INFORMATIVE: It is noted that the requirements of this condition could vary following completion of the air quality monitoring, undertaken for a period of up to 6 months, detailed by WSP | Parsons Brinckerhoff and submitted in support of the application.

14 Prior to first occupation of the dwellings hereby permitted a scheme of noise insulation measures for protecting the dwellings from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until a noise report demonstrating compliance with the approved noise insulation scheme has been submitted to and approved in writing by the Local Planning Authority.

INFORMATIVE: The noise insulation measures shall accord with BS:8233; 2014 recommendations. The building envelope of dwellings shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) at night. These noise levels shall be observed with all windows shut in the habitable room and other means of ventilation provided.

Reason: To protect the amenity of future occupants from externally generated noise, in accordance with the National Planning Policy Framework, in particular paragraph 17.

15 At least two electric vehicle charging points shall be installed within the car parking area, as shown on the approved plans prior to occupation of the dwellings hereby approved.

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

INFORMATIVE: The points shall comprise of a three pin 13 amp electrical socket which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable. Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

16 The storage facilities for waste and cycles (both internal and external facilities) shall be provided in accordance with the approved plans prior to first use of the development hereby approved. The facilities shall be provided in accordance with the approved plans at all times.

Reason: In the interests of good design and visual amenity and to promote sustainable travel in accordance with policies GP1 and T4 of the City of York Draft Local Plan, design guidance in the National Planning Practice Guidance and section 4 of the National Planning Policy Framework.

17 Waste from the commercial units hereby approved shall be stored within the building and only placed outside for collection during the following hours: 07:00 to 23:00 each day of the week.

Reason: To protect the amenity of existing and future occupants from noise, in accordance with the National Planning Policy Framework, in particular paragraph 17.

18 Upon completion of the development, delivery vehicles to the commercial units hereby approved shall be confined to the following hours: 07:00 to 23:00 each day of the week.

Reason: To protect the amenity of existing and future occupants from noise, in accordance with the National Planning Policy Framework, in particular paragraph 17.

19 No doors shall open out onto the footpath, except if necessary to allow for means of escape.

Reason: In the interests of pedestrian movement and safety.

7.0 INFORMATIVES: Notes to Applicant

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

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

2 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

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

Contact details:

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