

## COMMITTEE REPORT

**Date:** 24 February 2021      **Ward:** Micklegate  
**Team:** West Area      **Parish:** Micklegate Planning Panel

**Reference:** 19/02672/FULM

**Application at:** Northern House Rougier Street York

**For:** Demolition of 1 - 9 Rougier Street and erection of 10 storey building, with roof terraces, consisting of mixed use development including 211 apartments (Use Class C3), offices (Use Class B1), visitor attraction (Use Class D1), with associated landscaping and public realm improvements

**By:** Rougier Street Developments Limited

**Application Type:** Major Full Application

**Target Date:** 30 October 2020

**Recommendation:** Approve subject to S.106 Agreement

### 1.0 PROPOSAL

#### SITE DESCRIPTION

1.1 The application site has an area of 0.65Ha and contains Northern House, Rougier House, Society Bar, the Arup offices, The Maltings pub and 15, 16 and 17 Rougier Street (Grade II listed). It sits within the Central Historic Core Conservation Area.

1.2 The site fronts on to Rougier Street and is bounded to the other sides by Tanners Moat, Tanner Row and the Aviva building. The existing buildings on site are a mixture of heights and styles. 15, 16 and 17 Rougier Street (unaltered by the application) are 3 storey terraced Victorian properties; the Arup offices form part of the entrance to the original horse repository which occupied the site and have recently been extended upwards; The Maltings is a period 2 storey building (unaltered by the application); Society Bar is a period 2 storey building; Rougier

House is a 3 storey modern infill; and Northern House rises from a mix of single and 3 storey adjacent to Rougier Street up to a maximum of 7 storeys.

1.3 Apart from the Grade II listed 15, 16 and 17 Rougier Street, there are additional Grade II and II\* listed buildings on Tanner Row and George Hudson Street. All Saints Church on North Street is Grade I listed and the site also sits close to the city walls (Scheduled Ancient Monument and Grade I listed). The site falls within Character Area 22: Railway Area and abuts Character Area 21: Micklegate of the Central Historic Core Conservation Area Appraisal (CHCCAA). Northern House is identified as a detractor in the CHCCAA, no other buildings within the site boundary are specifically identified within the document.

1.4 The site sits mostly within Flood Zone 3.

## PROPOSAL

1.5 The scheme involves the demolition of 3 buildings – Northern House, Rougier House and Society Bar; an archaeological dig beneath Society Bar; and construction of a building containing 30,000 sqft office space, 211 flats, a visitor attraction and public realm enhancements. No works are proposed to The Maltings and 15, 16 and 17 Rougier Street.

1.6 The new building has 2 basement floors which will house the visitor attraction and cycle/ bin storage; the ground floor contains further visitor attraction floorspace and office space. Above this is another floor of office space with upper floors containing a mix of studio, 1 and 2 bed flats. Access to the flats will be via the Arup building; access to the offices off Rougier Street; and access to the visitor attraction from the new street created to the rear of the building, Tanner Street. There are 10 fully above ground floors in total with the tallest element of the building closest to the city walls. The building steps down in height from this towards Tanner Row where it is 5 storeys on the Rougier Street side and 3 to the rear. At its maximum height the building is a similar height to the tallest point of the Aviva building and the Malmaison Hotel to either side.

1.7 The building appears to have 2 elements – the larger one covers most of the site whilst a smaller element with different materials and design details sits at the Tanner Row end. Materials for the main building are predominantly terracotta cladding with bronze coloured decorative features and, for the smaller building, red brick.

1.8 The current proposals follow significant discussions between officers and the developer. Discussions began with a pre-application enquiry in 2018 and have continued throughout the application process. The scheme currently under consideration is the third major revision since submission and seeks to resolve issues raised by officers and consultees.

## PLANNING HISTORY

1.9 19/02401/ORC (Rougier House) - Proposed change of use from offices to 10 no. flats (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended)– Permitted

1.10 19/02402/ORC (Northern House) - Proposed change of use from offices to 58 no. flats (use class C3) under Class O Part 3 Schedule 2 of Article 3 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) - Permitted

## ENVIRONMENTAL IMPACT ASSESSMENT

1.11 The proposal constitutes Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (“EIA Regulations”). In 2019 a screening opinion was sought from the local planning authority. The council confirmed that the development would be likely to have significant environmental effects and issued its formal opinion that the development constituted EIA development and an environmental statement was required.

1.12 The information in the submitted environmental statement is sufficient for the local planning authority to understand the likely environmental effects of the proposals and any required mitigation. A supplemental environmental statement has been submitted to update the findings of the 2019 environmental statement where there were proposed changes to the scheme. Where there is no potential for a topic to be affected by the proposed changes, the original conclusions in the 2019 environmental statement are unaffected. The EIA Regulations require this environmental information as well as representations received about the

environmental effects of the development to be taken into account in the determination of the planning application.

## PRE-APPLICATION ENGAGEMENT BY THE APPLICANT

1.13 Planning policy guidance encourages developers to engage with the local planning authority and third parties prior to submitting a planning application.

1.14 The Council and developer undertook formal pre-application discussions in 2018. Following on from these the developer undertook a consultation exercise comprising of public engagement in the form of an exhibition and flyer drop to 400 city centre addresses nearest the site and also stakeholder engagement with local members and interested parties. 400 people attended the public exhibition and 78 written responses were received. Ongoing feedback has been available via a dedicated website.

## 2.0 POLICY CONTEXT

### 2.1 Local Plan (Submission Draft 2018)

DP2 Sustainable development

DP3 Sustainable communities

DP4 Approach to development management

SS1 Delivering sustainable growth for York

SS3 York city centre

EC2 Loss of employment land

EC4 Tourism

HW7 Healthy places

H2 Density of housing development

H10 Affordable housing

D1 Placemaking

D2 Landscape and setting

D4 Conservation areas

D5 Listed buildings

D6 Archaeology

D7 The significance of non-designated heritage assets

D10 York city walls and St Mary's abbey walls

GI6 New open space provision

CC1 Renewable and low carbon energy generation and storage

CC2 Sustainable design and construction of new development

ENV1 Air quality  
ENV2 Managing environmental quality  
ENV3 Land contamination  
ENV4 Flood risk  
ENV5 Sustainable drainage  
T1 Sustainable access  
DM1 Infrastructure and developer contributions

## 2.2 Development Control Local Plan (incorporating 4<sup>th</sup> set of changes 2005)

SP3 Safeguarding the historic character and setting of York  
GP1 Design  
GP4a Sustainability  
GP4b Air quality  
GP6 Contaminated land  
GP7 Open space  
GP9 Landscaping  
GP13 Planning obligations  
GP15a Development and flood risk  
HE2 Development in historic locations  
HE3 Conservation areas  
HE4 Listed buildings  
HE5 Demolition of listed buildings and buildings in conservation areas  
HE9 Scheduled ancient monuments  
HE10 Archaeology  
T4 Cycle parking standards  
H2a Affordable housing  
H5a Residential density  
E3b Existing and proposed employment sites  
ED4 Developer contributions to educational facilities  
L1c Provision of new open space in development  
V1 Visitor related development

## 2.3 Evidence base

City of York Employment Land Review Update (2017)  
Strategic Housing Market Assessment (SHMA) (2016)  
Open Space and Green Infrastructure (2014) and Update (2017)  
City of York Heritage Topic Paper Update (September 2014)  
Education Supplementary Planning Guidance 2015 Update June 2019

## 3.0 CONSULTATIONS

### INTERNAL

#### Forward Planning (on the originally submitted scheme)

3.1 Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies DP2, DP3, SS3, EC2, EC4, R1, R3, H2, H3, H10, HW2, HW3, HW7, D1, D3, D4, D5, D6, D7, D10, GI6, CC1, CC2, CC3, ENV1, ENV2, ENV4, ENV5, T1 and DM1 should be applied with moderate weight.

3.2 The key policy test is the loss of employment land. Protecting and enhancing the city centre's office provision is important in supporting the city centre as the economic heart of the area. These proposals would see the loss of office stock that will not be replaced elsewhere in the city centre. We are in agreement with colleagues in the economic growth team, and raise an objection to the loss of employment space in this city centre location. Officer note – the current scheme has been amended to provide 30,000sqft office space.

#### Public Health

3.3 Cycle storage should not be in flats – it is not acceptable to include this in the smallest units while larger units have separate cycle storage in the basement. Cycle storage provision is at minimum levels and should be increased. Affordable housing provision is required.

#### Design, Conservation and Sustainable Development (Design)

3.4 The significant size of the building causes harm. Within the scope of this size, the design limits harm to a satisfactory degree (this does not mean it satisfactorily balances overall harm). The design has developed to a satisfactory overall standard, should it be approved as part of a balance of benefits assessment. Given the huge size of the building it has not been possible to satisfactorily resolve/develop numerous matters of detail and so conditions should be applied that allow for sufficient subsequent design control/detailed development. Also, it is recommended that conditions should also be applied to control matters contrary to policy, such as apartment mix.

## Design, Conservation and Sustainable Development (Conservation)

3.5 Strong objections are raised to the proposals as a result of their impacts on the character of York's historic core conservation area at local and city wide levels.

3.6 Northern House is an accepted detractor within the Conservation Area, mainly in relation to its height, scale and form which are not characteristic of York. Redevelopment of this site offers an ideal opportunity to reduce this harm. However, the sheer scale of the current proposals can only exacerbate the current level of harm by making the worst aspects of the existing situation substantially worse.

3.7 Though sandwiched between taller buildings (Aviva and Malmaison), to the North and South Northern House is sandwiched between much smaller listed buildings – the 3 storey, grade II listed, 15, 16 and 17 Rougier Street (Krunchy's sandwich bar) and the 2 storey, grade II listed building at 17 Tanner Row (Corner Pin). The new building is over 18 times longer, and 3.5 times taller than 15 Rougier Street. A 10 storey building, 100m long is completely at odds with the historic character of the locality, and the wider character of York. The harm to the setting of the listed buildings is clearly evident, with the huge monolithic building at stark contrast to the finer urban grain the city is characterised by, at both local and city wide levels.

3.8 The proposed site lies wholly within Character Area 22 (Railway Area) of the Central Historic Core Conservation Area, the southeast boundary of the site abuts Character Area 21 (Micklegate). The cluster of medieval buildings around All Saints Church (all listed at grades I, II\* or II) mark a distinct change in scale and character within York's historic core, with the low rise compact buildings hugging the narrow street leading to the river. Though the proposed building has been reduced in scale where it meets Tanner Row, its huge scale will still harm the medieval character and domestic scale which is so clearly evident in this part of the city, and the setting of the listed buildings within it.

3.9 The formation of another tall, long building so close to the other neighbouring tall buildings will create very narrow and potentially oppressive pedestrian experiences either side of the new building, with an enclosed canyon effect that is not characteristic of York.

3.10 The overall monolithic scale of the building results in a very solid and bulky form which doesn't positively reflect York's fine-grain character. Though the building steps down towards the Tanner Row end, the flat, horizontal roofline is at complete odds with the liveliness of York's characteristic skyline.

3.11 Glass will make up the majority of the principal elevations of this building, it is likely to glint in the sunlight at certain times of the day, and at night time when internally illuminated, it will increase the prominence of the building in views, especially in sensitive views from the city walls, due to its close proximity. York's buildings are generally more solid, with smaller punched openings, rather than floor to ceiling glazing.

3.12 A building of this scale will harm localised views of the proposals from all the adjacent streets (Tanner Row, George Hudson Street, Rougier Street, Station Road and Tanners Moat), through a loss of understanding of the historic scale and character of this part of the conservation area.

3.13 At a wider city level, York is characterised by a general absence of tall building which provides opportunities for significant views throughout the city. The proposed new building will be visible in some of the most sensitive / important views of the city, notably from the Minster, the city walls, Clifford's Tower, and from Lendal Bridge when looking towards the war memorial. In all of these views, the change is harmful.

3.14 The new building will be exceptionally prominent in wider views from the city walls at Station Road due to its proximity to the walls, and also on the pedestrian route from Station to Minster where it will loom tall over the listed buildings around Krunchy's, introducing very modern and very large building which will fill the gap in the sky between Aviva and Malmaison, and increase a sense of York as a high rise, high density city, which is at odds with its unique historic character.

3.15 This intensification of tall, bulky buildings, with harmful flat, monotonous rooflines will be evident in other views, including one of the most important views of the city – the exceptional 360 degree panoramic view from Clifford's Tower. All Saints church is notable for its tall spire, which rises above the neighbouring buildings to reinforce the importance of religion on the medieval city of York. In certain views from the South (including the view from Clifford's tower), the spire of the grade I listed church will no longer be visible with a back drop of sky, it will be



largely lost in the silhouette of the much larger proposed building behind it which will harm the significance of the church, but also the wider conservation area.

3.16 15, 16 and 17 Rougier Street is a terrace of Grade II listed mid C19th buildings made up of two houses and a shop on the corner plot. They are modest buildings whose setting has already been harmed by the presence of Northern House and Malmaison. However, the tallest elements of Northern House are set back away from the principal elevation of this terrace behind a three storey element attached to the building that runs along Rougier Street and retains, in part, the historic sense of scale of the street. The new proposals for 10 storey development attached to, and projecting out (nearly to ridge of the terrace) and the extension up a further 7 storeys above will completely destroy any sense of a domestic scale and the setting of the listed buildings. The listed buildings will be completely overshadowed by a monolith many times larger than it that bares no relationship with it. This lack of regard is further evidenced in the elevational treatment of the proposed raised ground / first floors which do not respond to the character of the adjacent listed buildings, despite being attached to it.

3.17 The setting of the cluster of medieval buildings around the grade I church of All Saint and surrounding grade II or grade II\* listed buildings will all be harmed though the introduction of an alien scale of development as discussed previously.

3.18 The level of harm is categorised as less than substantial however for the impact on the Central Historic Core Conservation Area and 15, 16 and 17 Rougier Street, this harm is at the very upper limit of this categorisation. Legislation requires great weight be applied to conservation of heritage assets, and therefore the public benefits would need to be very convincing to outweigh the high level of irrevocable harm that would be caused to the heritage of York.

#### Design, Conservation and Sustainable Development (Archaeology)

3.19 The site occupies part of the former Roman Colonia at the junction of a Roman road which led to a river crossing and street running towards Tanners Moat. Roman stone warehouses/granaries are anticipated to survive fronting onto the former roadsides with potentially earlier timber structures beneath. Excavations on neighbouring sites combined with more recent investigation ahead of this application have demonstrated the potential for well-preserved, stratified archaeological

deposits dating from the Roman to the Post-Medieval periods. Many of the earlier deposits in this vicinity are waterlogged.

3.20 The below-ground impacts of the proposed development on the archaeological deposits on this site are:

- Double storey basement beneath Rougier House and Society Bar
- Single storey basement beneath Northern House
- Foundations – piling, pile caps and ground beams
- Drainage
- Potential impact on groundwater movement/drying out of deposits through the excavation of basement and use of piles through anoxic deposits

3.21 A full archaeological excavation over 2 years is proposed (28% of red line boundary) for part of the site while the remaining areas will be subject to 95% preservation in-situ of the most significant archaeological deposits. Despite the 2 year deadline to carry out the main excavation high standards will be expected throughout. Methodologies, and timetable will need to be further discussed should this proposal be approved. Further evaluation will also be required following demolition works to assist in refining the timetable and methodology. A sampling strategy and hydrological monitoring/re-watering strategy will need to be agreed with HE Science Advisor to cover the excavation period with further long-term hydrological monitoring thereafter across the whole plot. This monitoring will form a solid case study to inform future CYC strategy regarding hydrological monitoring.

3.22 Some degree of harm to archaeological deposits through redevelopment of this site is unavoidable although this would be minimised by the removal of the proposed basements. However, this is a once in a generation opportunity to carry out a large scale, set-piece investigation within this area of York which will bring many benefits to the archaeological community, academics and general public. Detailed measures have been outlined in the initial proposals that demonstrate the intention for thorough excavation, analysis, community engagement, with a long-term legacy through dissemination of information, training and provision of a visitor centre. The visitor centre will focus on the Roman period. Archaeological information from other periods will be examined and recorded in great detail during the course of the excavation but will not be able to be preserved in-situ within the agreed excavation area.

3.23 It is acknowledged that the loss of significant Roman and later waterlogged archaeological deposits amounts to substantial harm in strict policy terms. However, in this instance, it can be argued that the harm will be outweighed by the many benefits to the local community, economy, archaeological, academic and heritage management communities that a substantial excavation this side of the Ouse will generate. This is an area that the majority of the general public know very little about archaeologically –the public excavation and subsequent visitor attraction will bring this to life. The excavation will also increase archaeological understanding of the nature of the preservation in this area where a large excavation has not taken place in 30 years.

3.24 The excavation of this site fits with the research framework outlined in the Arup Study (1991, reviewed 2013) that any 30 x 30m site available in this part of the city should be archaeological excavated.

3.25 Further archaeological discussions need to take place regarding additional post-determination evaluation, flexibility to the proposed scheme to include the possibility to preserve structures or part structures in-situ (or to reconstruct in-situ once excavated), hydrological monitoring across the whole site, timescales, public participation and publication. Contingencies are also required to deal with any nationally significant post-Roman archaeology which may be revealed on the site. Conditions would be required to control archaeological works.

#### Design, Conservation and Sustainable Development (Ecology)

3.26 Condition suggested regarding provision of integrated features to provide bat roosting opportunities.

#### Public Protection

3.27 A number of past industrial/commercial uses have been located on-site or nearby and land contamination could therefore be present on site. Conditions are recommended to ensure this is appropriately addressed.

3.28 The proposed development falls within City of York Council's Air Quality Management Area (AQMA), based on breaches of the health based annual mean nitrogen dioxide objective. Concentrations of this pollutant are currently well in excess of health based standards at existing monitoring locations. An updated air quality assessment has been provided which indicates that concentrations of nitrogen dioxide are within (or borderline) with respect to health based limits as

compared with CYC monitoring that clearly demonstrates concentrations of nitrogen dioxide in excess of standards. Discrepancies of this nature are not uncommon with this type of study, particularly within canyonised city centre environments with high proportions of HDV/bus movements.

3.29 Public protection have reviewed the updated study but have reservations about the conclusions drawn which are made on the assumption that future concentrations of pollution fall off considerably in the scheme completion year (based on improvements in vehicle emissions generally). A ventilation statement submitted in support of the application states that each dwelling shall be provided with a whole house mechanical ventilation system with heat recovery. This is welcomed from an air quality perspective and will ensure that residents of the residential units do not have to rely on opening windows to ventilate their properties in an area of known poor air quality. However, Public Protection would still recommend windows to habitable rooms of residential units at lower floor levels up to and including 2nd floor level should be non-opening and a condition is recommended to secure this.

3.30 Revisions are required to the submitted draft CEMP to include appropriate dust mitigation measures. This can be achieved via condition as can anti-idling signage. Conditions are also recommended regarding noise, lighting and deliveries.

#### Design, Conservation and Sustainable Development (Landscape)

3.31 Supportive of landscape proposals, improved public realm on Tanners Moat and the opening up of Tanner Street. The setting back of the building on Rougier Street creates a better space and a better relationship between the built form and Rougier Street. The addition of three trees amongst the bicycle stands on Rougier Street are welcome in principle. These will incur extra maintenance costs due to watering so this needs be considered. The landscape plans are fairly detailed and the only changes which would be recommended are some additional planting in place of some of the grass on Tanners Moat and to alter some of the roof garden tree species. Conditions are recommended.

#### Neighbourhood Enforcement

3.32 The proposed waste storage strategy is supported.

#### Affordable Housing

3.33 In accordance with policy H10, 42 units of affordable housing are required. The Studio apartment type may not be suitable for affordable housing, taking into

account experience of these types of properties as affordable homes in York and elsewhere in which case an equivalent exchange would be expected. In addition to the 42 affordable properties, a commuted sum in lieu of 0.2% equivalent would also be expected.

### Education

3.34 Whilst there is currently some capacity forecast in PPA6 (Knavesmire & Scarcroft Primary academies), analysis of other developments shows this may not be the case by the time the development matures from 8 years after completion. Millthorpe Secondary is expanding to cater for nearby developments and local growth and additional EY places are required for the foreseeable future, (a) within 1.5km or failing that (b) within 2km of the development. A contribution equal to 3 primary places, 1 secondary and 4 early years' places (totalling £158,958) is required.

### Flood Risk Management Team

3.35 The evidence submitted in relation to the Sequential and Exception Tests should be assessed. Details in the revised Flood Risk Assessment are agreed. It is accepted that soakaways will not work in this location but foul and surface water drainage should be agreed in principle prior to determination with detailed design sought by way of conditions.

### Sports and amenity open space

3.36 £35,938 required as an off-site contribution to amenity open space, £14,202 as an off-site contribution to play areas and £50,694 as an off-site contribution to sports pitches.

### Economic Development

3.37 The revised scheme, which includes 30,000sqft of Grade A office space represents a significant improvement on the previous scheme from an Economic Development perspective. The provision of new high quality office space in this location fits well with our economic strategy, supporting the further development of high value employment in the city, particularly in the rail industry. The proposals for a new high quality visitor attraction are also a positive contribution to the local economy.

### Emergency Planning Team

3.38 Providing all procedures are implemented according to the draft flood evacuation plan, then no objections in principal.

## EXTERNAL

### Micklegate Planning Panel (on the originally submitted scheme)

3.39 The building is too high in this location, there are too many small studio apartments and the cycle storage is inaccessible.

### Ancient Monuments Society (on the originally submitted scheme)

3.40 The proposal would cause harm to the Conservation area, and listed buildings and ancient monuments within it, as a result of its height, mass and overbearing nature. It would also cause harm to the wider townscape of York. The developer's justification for the height and scale of the building being the costs of archaeological excavation runs counter to national heritage policy and Historic England advice, which seek to minimise disturbance to below ground archaeological deposits. The AMS disputes the developer's assertion that a possible public benefit provided through a new tourist venue would outweigh the acknowledged harm to the heritage assets. The development is considered to fail to satisfy the provisions of the Planning (Listed Buildings and Conservation areas) Act 1990, national policy, including Paragraphs 192 to 196 of the National Planning Policy Framework (NPPF), and the approved local heritage policies of York City Council.

### York Civic Trust (on the originally submitted scheme)

3.41 The proposal is inappropriate in its height and massing causing an adverse effect on the city's skyline and heritage. It would also exacerbate the already poor air quality in Rougier Street by the creation of a canyon effect. Concern is raised about the impact on key views as highlighted in the Conservation Area Appraisal and the continued supremacy of the Minster in such views.

3.42 The sheer volume of the proposed building would cause substantial harm by totally overshadowing and dwarfing listed structures on the corner of Rougier St and Tanner's Moat, as well as the attractive remnants of the former Horse Repository building and other listed buildings on Tanner Row and North Street.

3.43 A sufficient case for substantial public benefit has therefore not been made to offset the harm done to the immediate built heritage, and therefore contradicts paras.195 and 196 of the NPPF.

### Council for British Archaeology

3.44 Strong objections to the proposals as the sub-surface archaeology within the area is nationally important and the proposals will result in substantial harm to it. The scale and massing of the proposed replacement of Northern House will be detrimental to the character and appearance of the York Central Historic Core Conservation Area (YCHCCA) and to the setting of several designated heritage assets including, the Scheduled York City Walls (Station Road section) and the Listed Grade II 15, 16, and 17 Rougier Street, 19 and 21 Tanner Row, the Corner Pin, 7 Tanner Row; the Listed Grade II\* The Old Rectory, 39 North Street; and the Listed Grade I Church of All Saints. The clear and convincing justification (paragraph 194) required by the NPPF and the substantial public benefits (paragraph 195) also required, are not, in our view evidenced sufficiently to override the NPPF requirement to conserve the heritage assets, "...in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations" (paragraph 184 NPPF).

### Yorkshire Water

3.45 Details of flooding and drainage can be dealt with via condition

### Environment Agency

3.46 No objection – The site sits within Flood Zones 2 and 3, the development therefore needs to pass the Sequential and Exception tests and the Local Planning Authority should satisfy itself that this has been done. A condition is recommended to ensure the development is carried out in accordance with the submitted Flood Risk Assessment.

### North Yorkshire Police

3.47 From a crime and order perspective the overall design and layout are considered acceptable. Minor improvements including CCTV and details of cycle stores are recommended.

### Planning Casework Unit

3.48 No comments on Environmental Statement.

### Historic England

3.49 The proposed development would cause harm to the historic significance of the city of York. The proposed excavation of a third of the site would cause a high

degree of harm to the site's archaeology - harm that would be "substantial" in the language of the draft local plan. The proposed new building would cause marked harm to the character of the conservation area and to the setting of listed buildings, including the Grade I listed All Saints' Church.

3.50 The NPPF requires clear and convincing justification for such harm. The application contains no such justification. Whatever the merits of the proposed excavation and the attraction thereby created, what is proposed runs counter to well-established archaeological practice and policy. The rationale for the excavation of part of the site's archaeology and the preservation in situ of the remainder is confused and contradictory. Nor is it considered that justification has been provided for the harm consequent on the scale and design of the proposed new building.

3.51 The NPPF requires the decision-maker to balance harm to designated heritage assets against such benefits as a development would procure. While it is not for Historic England to attempt the full balancing exercise, it is noted that given the significance of the site and its environs very great weight must be given to conservation. Logically, therefore, very considerable public benefits would be needed to outweigh the harm which would be caused.

3.52 In conclusion, Historic England object to the application on heritage grounds and recommend that the Council should refuse planning permission, unless it concludes that this harm would be outweighed by public benefits procured by the proposed development.

#### Conservation Area Advisory Panel

3.53 Generally supportive of the revised scheme and, whilst still some concern regarding the height and massing, consider the scheme could be supported.

## **4.0 REPRESENTATIONS**

### 4.1 31 letters of objection

Issues raised:

- The building is too tall in comparison to others
- Excessive size and bulk
- Existing building should be reused
- Poor design – ugly building



- Glass and metallic materials are inappropriate
- Harm to city's skyline
- More affordable housing should be required
- Overdominant on neighbouring historic buildings
- Will encourage tourists and make city more overcrowded
- Increased tourism only brings low wage local jobs
- Wind tunnel effect
- Concern about scale of building near to walls and historic buildings on Rougier Street
- Overshadowing
- Will create oppressive environment at street level - main frontage of building is closer to Rougier Street and taller
- Archaeological impact should have been assessed by independent body not YAT as developer
- Removal of archaeological deposits is contrary to policy and inadequately justified here
- Insufficient detail of 'world class' quality of Roman exhibition
- New building would form precedent for larger buildings in the future
- Flats will sell to people outside the city for letting to visitors and will push up house prices for residents
- Impacts on views to and from the Minster
- Office use should not be lost
- Light pollution increasing
- Will archaeological finds be removed from other museums to be exhibited here
- Visible in key views from around the city
- Out of keeping with York's traditional roof scape
- Harm to archaeology and the Conservation area is not outweighed by public benefits
- Flats are too small
- No need for further museums in the city
- Impact of large scale of building on Tanner Row and All Saints Church
- Question appropriateness of music venue on site
- Revised scheme does not sufficiently address concerns of national and local heritage bodies
- Finds from an archaeological dig do not need to be housed on site
- Costs of the archaeology and subsequent museum do not justify excessive scale of building

- Covid-19 pandemic may harm tourism and mean museum is no longer viable

#### 4.2 69 letters of support:

- Tourism benefits – improved cultural offer
- Contribution towards learning about York's Roman history
- Benefits to existing businesses from increased visitor numbers to City of York Council
- Building is not much taller than neighbouring buildings
- Office workers are to be re-housed
- New music venue would be of benefit to the city
- The new building will give a better impression to visitors approaching the city from the station
- Valuable link between daytime and night-time economy
- Economic benefits both to the city and regionally
- Provision of new housing in a sustainable location
- The BID support the scheme as it brings fresh development in to an area of the city which feels on the periphery and because it's a mix of uses
- The design will improve the street's appearance
- Rejuvenates a tired part of York
- Improved public realm
- Proposal will replace ugly building with improved landmark building
- Will encourage families in to the city to visit the museum
- Economic benefits during construction phase
- Archaeological dig is a 'once in a lifetime' opportunity
- Educational and community engagement benefits from dig and museum
- Potential for breadth of social and economic benefits from archaeological dig
- Parallels drawn with Jorvik Viking Centre
- Siting of Roman museum near city walls helps to relate what visitors learn to city around them
- YAT should be supported for the work they do in inspiring people through study of local history
- Potential for deterioration of water logged deposits
- Site has good access to city centre
- No impact on views of Minster
- Revised plans are an improvement

- It is important that archaeological digs continue so that techniques improve rather than just leave everything in the ground untouched
- Economic stimulus for city which is critical in recovery from Covid-19
- Provision of world class visitor attraction
- Supports Council's aims to 'Build Back Better'
- Transformational investment
- The proposals will complement the National Railway Museum's Vision 2025 development plans in providing a cultural hub in the important redevelopment of York Central

#### 4.3 2 general comments:

- Support use and design but building too high
- Concern about preservation of waterlogged deposits in situ
- Unfortunate if opportunity to dig site was lost

## 5.0 APPRAISAL

### 5.1 KEY CONSIDERATIONS INCLUDE

- Principle of the development: loss of employment land and demolition of buildings within the conservation area;
- Design and townscape;
- Public realm enhancements;
- Impact on heritage assets (conservation area, listed buildings, archaeology);
- Conclusion of harm to heritage assets (public benefits);
- Housing need – mix and type of dwellings proposed
- Affordable housing
- Amenity issues;
- Transport and access;
- Flood risk and drainage;
- Sustainable design and construction;
- Open space;
- Sports provision;
- Education.

### POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

#### National Planning Policy Framework (February 2019)

5.3 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", 2019). It is a material consideration in the determination of this application. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

#### Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.5 Relevant draft policies are set out in section 2 of this report.

#### 2005 Draft Development Control Local Plan

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 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 albeit with very limited weight.

## PRINCIPLE OF THE DEVELOPMENT

### Loss of employment land

5.7 Paragraph 11 of the NPPF requires decision makers to approve development proposals that accord with an up-to-date development plan without delay.

5.8 Policy EC2 of the 2018 Draft Plan requires that, where proposals involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, the developer demonstrates that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/ or compatibility with adjacent uses; and that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period. Para. 80 of the NPPF notes that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

5.9 The applicant has provided information on the current office use in Northern House, Rougier House and the Arup offices (which are to be used as the reception to the residential units). Northern House is currently occupied by 4 companies related to the rail industry. Network Rail is the largest of these and occupies approximately 45% of the floor space of Northern House. Current occupiers' leases have break clauses or expire between September 2020 and September 2022. Generally, Network Rail is seen as an anchor tenant with the other companies having a preference for being located in the same building and the benefits such close proximity can bring as well as the proximity to the station. Rougier House is currently not in office use but is being used as a site office for the Malmaison development. There are currently approximately 500 people working within the buildings on site.

5.10 A report provided by the developer has indicated that the current office space in Northern House would be assessed as well-presented Grade B offices. There are issues with the circulation core being at one end of the building meaning that floor plates cannot easily be divided and are large; low floor to ceiling heights on the upper floors; and energy efficiency requirements cannot be met as a result of the age of the building. The report notes the changing character of Rougier Street to a more hotel and leisure based use with the large Malmaison and Grand Hotels likely to provide anchors for spin off uses such as restaurants. They go on to comment that York traditionally has a small office market for its size. Most of the larger offices are outside the city wall and most office accommodation is in out of town positions. There has been little large-scale speculative office development in recent years and most new development is pre-let or owner occupied. The Hudson Quarter development (35,000sqft Grade A offices) is the first speculative office development in the city centre for 10 years and further office development is also proposed at York Central in the future. The developer has current applications for Grade A office development at The Crescent and Toft Green. There is a risk that Northern House will become empty as companies relocate to new Grade A offices leaving the city with an oversupply of Grade B office space.

5.11 Rougier House comprises approximately 7,500 sq ft NIA currently occupied by temporary occupiers. The offices are partitioned internally to create a series of smaller offices, meeting rooms and kitchens; the specification is dated and limited and would be categorised as lower Grade B. The Arup offices comprise approximately 2,500 sq ft NIA within the category of Grade B space. Although floorplates in the buildings are a reasonable size for letting activity in York City Centre, the internal configuration lends itself more to single occupancy tenants as is the current situation. Demand for Grade B office space in York City Centre is generally for smaller sized suites, i.e. less than 5,000 sq ft. with levels of demand for larger units being limited.

5.12 As with Northern House, both Rougier House and Lendal Arches are dated and of substandard specification, falling some way below the expectations of the majority of modern office occupiers actively searching for new office premises.

5.13 While this information has been provided to satisfy the requirements of policy EC2 of the emerging Local Plan, it is also acknowledged that the latest revision of the scheme includes 30,000sqft (2787sqm) of Grade A office space at ground and first floor. The existing buildings include 82,882 sqft (7700sqm), therefore the

proposal results in a loss of 52,882sqft (4913sqm) of office space, equivalent to approximately 2/3rds of the existing office accommodation. Despite this, it is accepted that the proposal results in high quality modern office accommodation which would be more flexible to meet modern requirements than the existing situation. On balance, it is considered that the information provided by the applicant regarding the market attractiveness of the existing offices, their condition and the potential for provision of additional office space at The Crescent and Toft Green, combined with the provision of new office accommodation within the site support compliance with policy EC2.

### Demolition of buildings within the Conservation Area

5.14 Northern House is identified as a detractor in the CHCCAA. Its height, scale, form and massing make it harmful to the character of the conservation area. Northern House is also harmful to the setting of 15, 16 and 17 Rougier Street, again due to its height, scale and form. The demolition of Northern House is therefore supported as a replacement building offers the opportunity to enhance the conservation area and the setting of the nearby listed buildings. Rougier House makes a neutral contribution to the conservation area. It is not of particular architectural merit although its scale reflects the historic character of the area. Finally, Society Bar is not a building of merit and is much altered, but its scale and vernacular style respond positively to the character of a low scale medieval street evident in the neighbouring listed buildings at the Northern end of Tanner Row. As a result, the demolition of these buildings is also considered acceptable subject to an appropriate replacement development.

### DESIGN AND TOWNSCAPE

5.15 Policy D1: Placemaking of the 2018 Draft Plan indicates that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. This echoes the requirements of para. 127 of the NPPF which seeks to ensure that development is sympathetic to local character, establishes a strong sense of place, is visually attractive as a result of good architecture and optimises the potential of the site to accommodate and sustain an appropriate amount and mix of development. At

paragraph 130, the NPPF advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.16 The proposed building uses a podium feature at ground level with a recessed floor above to separate the base of the building from the tower, towards Tanner Row is a separately design smaller element. This architectural approach of a podium with tower block above is taken from the existing buildings where Northern House has a set-back tower over a wider podium and Society Bar and Rougier House are smaller and architecturally differentiated. In this instance, the tower is a larger and wider element visually separated into three sections by the use of different materials and design details. A recess in the floorplate adds to the clear articulation of these sections. To the Tanner Row end of the building a smaller and architecturally differentiated element seeks to bridge the gap between the larger structures on the site and the smaller buildings on Tanner Row. The height of the building is approximately 1.0m taller than the nearest part of the Aviva building and 3m lower than Malmaison. The main tower of the building is approximately 50% longer and 50% wider than Northern House although the proposed building tapers to both ends.

5.17 At the Tanner Row end a distinctively different building design is used where the height drops abruptly from nine floors to five. This integrates well with the townscape experience of Tanner Row. It is still an increase on current massing, but the five storey part will face and be comparable to the scale of the Grade II listed 19 & 21 Tanner Row, whilst to the back (towards the river) the building steps down to three floors, to have a relationship with smaller buildings like The Corner Pin (Grade II listed).

5.18 The building would be possibly the longest single phase tall building built during York's modern era (post 1900) in the city centre. This means that it is inescapable not to consider it different and, in city conservation areas where new buildings should feel contextual, a huge challenge to make it acceptable. The applicant has provided a number of indicative views of the scheme to assist in assessment of its impact on the streetscene. From these it can be noted that the building, when viewed end-on or partly masked by its neighbours, the Aviva building and Malmaison, does not appear out of scale. However glimpses of the long elevation of the building expose its dramatic bulk and length which is less in keeping with the local character.



5.19 Further to consideration of the visual impact of the building within the townscape, an assessment of its impact from street level is also necessary. Rougier Street is currently considered as a poor street experience and, while the proposal does bring some benefits, other issues like the current busy traffic experienced will remain. The podium element of the building has been designed to provide a more human scale for pedestrian experience and the proposal will result in greater footfall particularly to the visitor attraction and along the newly opened up Tanner Street. However the pedestrian experience along Rougier Street may not be greatly improved - as a result of flooding the ground floor is raised so that at the end nearest the Walls, ground floor level in the building is approximately 1.8m above the level of the pavement. While amendments have been made to provide a hit and miss brick detail along here, which would allow glimpses in to the visitor attraction, and basement areas, below this does not provide a significantly more active frontage than is currently experienced. It is also noted that currently there are a number of access points along the existing frontage at pavement level whereas there is only one access off Rougier Street to the proposed scheme and this is not at street level.

5.20 Additionally, the proposed floorplates are unusually wide (about 21m in places) and, in this context, have a negative impact on streets due to much reduced building separation compared to the existing situation. Typically, in York, streets are wider than buildings are tall. Here the situation is reversed. Building separation on Rougier Street would go down to about 17m experienced over a height of about 28m in places. Tanner Street building separation goes down even more to about 13m over most of its long elevation experienced over a similar height of 28m. Apart from issues with amenity (discussed below at para. 5.102 onwards), this will result in streets which are more canyon-like and potentially less appealing to pedestrians than the current situation.

5.21 In summary, the size of the building is considered to cause harm to the townscape and to be out of keeping with local character. This can be seen in the indicative views provided with the application and is as a result of the combination of the height, length and width of the building. This harm is identified in the poor building separation across Tanner Street and Rougier Street and locally uncharacteristic length of the Tanner Street and Rougier Street elevations. The level of harm is however limited by the design of the building which incorporates features which seek to break up the scale of the building and assimilate it in to the local context.

## PUBLIC REALM ENHANCEMENTS

5.22 Public realm enhancements are proposed as part of the scheme. These include changes to Tanner's Moat to provide a public space with a distinctive and improved character. The area will be pedestrianised with limited access for service vehicles (via Wellington Row) and a retained cycle path. The area will contain simple planted areas as well as seating with its main aim to provide a focal point and gateway to the new visitor attraction access off Tanner Street. Parking currently on Tanner's Moat will be removed and replaced with 4 residents' parking bays on Wellington Row.

5.23 The scheme also includes enhancements to Rougier Street along the front of the building. These include a new taxi/ drop off lay by and reconfigured bus stop arrangements. The small triangle of land outside Society Bar will be de-cluttered and enhanced while retaining cycle parking. The footpath and cycleway to Tanner Row are retained and enhanced.

5.24 Finally, the scheme opens up the historic street to the rear of Northern House, Tanner Street and uses it as the access point for the new visitor attraction. This area will include space for performances and outdoor exhibits as well as planted areas and seating. To ensure out of hours security there are gates at either end as well as flood gates to be closed in the event of a flood.

5.25 An integrated palette of materials is proposed across the public realm. This will include natural stone and granite paving, a new surface treatment on Tanner Row. Street furniture and signage will be bespoke and integrated in to the public realm to contribute to a distinctive sense of place. Where appropriate this will include reference to the site's Roman history and the proposed visitor attraction.

## IMPACT ON HERITAGE ASSETS

5.26 The site is within the York Central Historic Core Conservation Area and sits on the edge of Character Area 22: Railway Area, abutting Character Area 21: Micklegate. It is also within an Area of Archaeological Importance. The site sits adjacent to the Grade II listed buildings 15, 16 and 17 Rougier Street, 19 and 21 Tanner Row, The Corner Pin public house and the Grade II\* 7a Tanner Row. It also sits in close proximity to other Grade II and II\* properties on Tanner Row, North

Street and George Hudson Street, Grade II Lendal Bridge, Grade I All Saints Church and the City Walls (scheduled and Grade I listed).

5.27 The Conservation Area Appraisal assesses the important features of each character area indicating issues and opportunities which might be addressed. Character Area 22 is predominantly associated with the railway with many of the large buildings seen today developed since the arrival of the railway. Northern House is identified as a detractor although other buildings within the application site are not specifically mentioned. It is also mentioned that Northern House is rather bleak and its design is not orientated to take into account the visitor approach from the station. Strengths of the area include views of the river and walls from Lendal Bridge. The Appraisal notes that 'large buildings can be accommodated in this area as it is at a lower level than the commercial centre. They are already part of the existing character and relatively rare in the city. The main issues are the height, design and relationship to the street of buildings in sensitive locations (eg. next to the walls or river) and the impact on views'.

5.28 Neighbouring Character Area 21: Micklegate has a more varied character with the cluster of medieval buildings around All Saints Church and Tanner Row being of particular note in relation to the application site. The change in scale of buildings from the Railway Area is clearly evident.

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

5.30 The legislative requirements of Sections 66 and 72 are in addition to government policy contained in Section 12 of the NPPF. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be. Where a development

proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.

5.31 The NPPF continues by advising that Local Planning Authorities should look for opportunities within conservation areas and within the setting of heritage assets to sustain and enhance their significance. Development Control Local Plan (2005) Policy HE2 and 2018 Draft Plan Policy D4, reflect legislation and national planning guidance. In particular, Draft Policy D4 advises that harm to buildings, open spaces, trees, views or other elements which make a positive contribution to a conservation area will be permitted only where this is outweighed by the public benefits of the proposal.

### Conservation Area impacts

5.32 The site is highly sensitive and significant given its gateway location between the station and city centre, siting within the conservation area and proximity to listed buildings. The significance of this part of the conservation area (character area 22) lies within its historical development alongside the railway. Buildings have a variety of ages and styles although they are linked by their generally large scale of four storeys or more. The CHCCAA identifies the potential for new large buildings in this location, while recognising the local context; it also recognises that the existing building on site is bleak in appearance and is not orientated to take into account the visitor approach from the station. The site abuts character area 21 which is significant local to the site for the cluster of small scale medieval buildings around All Saints Church and the Victorian commercial terraces along George Hudson Street.

5.33 Key views identified in the CHCCAA as being of particularly importance for allowing an appreciation of the townscape and roof scape of the city are also impacted by the proposal. These views include views from the Minster and the view from Clifford's Tower which allows a panoramic view of the city and gives the viewer opportunity to appreciate the low skyline of the city broken only by the Minster, other church steeples and a small number of industrial and more modern buildings. In the CHCCAA it is noted that no development should be permitted which would break the skyline of the historic core when viewed from this point. Finally, the view of the Minster from the city walls along Station Approach would also be impacted by the proposal. This dynamic view gives one of the best views of the Minster with the viewer's gaze being drawn along the walls and Lendal Bridge toward the Minster.

5.34 The proposed scheme is clearly a large building and as such this site would be perhaps the only one within the central historic core which could take a building of this size. The height is such that it does not sit proud of its neighbours but matches them in scale, particularly when viewed from the city walls to the North of the site. The CHCCAA also accepts that the existing building is unattractive and that this area could accommodate a large building. Despite this, it is recognised that the proposal will cause harm to the significance of the conservation area as a result of its scale and massing. As a building its massing is far greater than its neighbours as a result of its monolithic design. While architectural features have been used to break up the elevations of the building, it remains a large flat roofed block. In context with its neighbours, it is approximately double the length of Malmaison and a similar height to the Aviva building but lacking the broken up roof scape of that building which helps to reduce the visual impact of its scale and is more in keeping with the historic roof scape of the city.

5.35 The building has been designed to address the street more effectively than the current buildings. The podium element follows through at the ridge height of the adjoining listed buildings 15, 16 and 17 Rougier Street. This is lower than the existing building at this point and attempts to give a more human scale to the frontage along Rougier Street than is currently experienced. This impact is diluted by the scale of the building behind it however, combined with the public realm enhancements proposed, it is anticipated that the pedestrian experience along Rougier Street would improve.

5.36 The use of materials is considered appropriate in the conservation area. The use of red brick with a pale coloured terracotta overlay is in keeping with the number of red brick buildings in the surrounding area. Windows are large in scale however this is quite typical of the other large buildings on Rougier Street. Malmaison and Roman House both have large windows and lower solid to void ratios as do the Victorian properties along George Hudson Street.

5.37 The proposal will be visible in views from Clifford's Tower. In these views it will be seen as a flat roofed structure in the distance. Scale-wise it will sit with buildings of a similar height. The increased bulk and height of the proposal over the existing situation does however mean that the view of All Saints church spire, which currently is viewed clearly above the roof scape with a relatively development-free backdrop, would be obstructed. In heritage terms this view provides an understanding of York's historic relationship with state and church. The importance

of religion is emphasised by the clear view of the spire above neighbouring buildings. The loss of this clear silhouette results in harm to the significance of both the conservation area and listed church.

5.38 Other views from the Minster and along Lendal Bridge are less significantly impacted. From the Minster the building will be seen sandwiched between the Aviva Building and Malmaison which give some context to its scale. Similarly, within the view from the city walls towards the Minster the building will appear in context with its neighbours. This is a dynamic view experienced walking along the walls towards the city; at the points where the flanks of the building are visible along Rougier Street and Tanner Street then the scale of the building is more apparent. However it is still viewed in context and is not a major impactor on the view of the Minster given its siting off to the side.

5.39 In terms of the impacts on the Conservation Area it is considered that these represent 'less than substantial' harm, but at the upper level, in accordance with para.196 of the NPPF.

#### Setting of listed buildings

5.40 No's 15, 16 and 17 Rougier Street is a terrace of modest Grade II listed mid nineteenth century buildings made up of two houses and a shop on a corner plot. Their significance lies in their historic and architectural interest as large, early Victorian properties that retain their original character.

5.41 Their setting is currently compromised by the adjoining Northern House structures, both the lower element attached to 17 Rougier Street and the tower of the building behind. However the existing tower is lower, more slender and set back than the proposed building which rises up from the rear elevation of the listed properties to a total height of 10 storeys. The proposal will result in harm to the setting of these listed buildings by removing any sense of domestic scale in the adjoining new building.

5.42 Additionally, the Grade II buildings (The Corner Pin and 19 and 21 Tanner Row) on Tanner Row will also be affected by the scheme. Their significance lies in their different architectural characters reflecting their original uses.

5.43 The proposal relates well to the scale of these properties and is similar in height to the existing building at this point. The existing Society Bar building is however more sensitive in its relationship with the neighbouring buildings than the highly modern character of the proposal. For this reason, the proposal will result in some slight harm to the setting of these listed buildings.

5.44 Listed buildings grouped around All Saints Church (Grade I, other buildings Grade II and II\*). The church gains its significance from its architectural interest and survival as one of a number of medieval churches in the Micklegate area. The tower is prominent in a number of views. The grouped medieval buildings give an impression of the scale of medieval development around the church and gain their significance from this relationship and their architectural interest.

5.45 There will be some change to the character of this area from the introduction of a large scale building however it is slightly more distant from these properties and clearly sited in the context of other large buildings and is therefore considered to have only a minor impact on the setting of the listed buildings directly. More harmful is the impact on wider views of the Church. The impact on views from Clifford's Tower has been detailed above at para. 5.37. Also impacted is the view of the church spire from the city walls. Currently this is visible between Northern House and the Aviva Building. The proposal will significantly reduce the gap by which the spire is visible thereby harming the setting and experience of the listed building in wider views.

5.46 The harm to the significance of the individual listed buildings has been identified above. This harm is considered less than substantial although in relation to the impacts on 15, 16 and 17 Rougier Street it is at the higher end of less than substantial harm.

### Archaeology

5.47 Footnote 63 of para.194 of the NPPF states that 'Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets'. It has been identified above that the archaeological deposits are of national significance deriving from their group value and position in the Colonia and therefore, in accordance with footnote 63, they should be treated as designated heritage assets.

5.48 The archaeological features and deposits on the application site are undesignated heritage assets of potentially national significance that lie within the designated Area of Archaeological Importance (AAI). The site occupies part of the former Roman Colonia, the civilian settlement of Roman York. It lies at the junction of a Roman road leading to the river crossing and a Roman street running towards Tanners Moat. The Roman archaeology is significant given its age, rarity, waterlogged nature, the fact that it contains a collection of related features and structures and that it forms part of a wider 'asset' the Colonia. Anglian, medieval and later medieval heritage assets are likely to be of regional and local significance. The Anglian-Medieval assets and deposits are also expected to be waterlogged.

5.49 Pre-determination archaeological investigation has taken place in the form of a desk-based assessment, ground penetrating radar, a borehole survey and hydrological monitoring. The ability to undertake intrusive investigation has been limited as a result of the extant buildings on site. Modern data has also been cross-referenced with historic data from the 1980's and 1990's from previous investigations. Initial analysis has indicated that organic preservation on site is not as good as anticipated and may have deteriorated since 1981 when a trench was excavated ahead of construction of Rougier House.

5.50 Policy D6 of the Local Plan supports development proposals that affect archaeological features and deposits where:

- i. They are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present:
- ii. They will not result in harm to the significances of the site or its setting;
- iii. They are designed to enhance or better reveal the significance of an archaeological site or will help secure a sustainable future for an archaeological site at risk; and
- iv. Harm to archaeological deposits is unavoidable, detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.



5.51 The text associated with the policy notes that within the historic core, substantial harm is defined as greater than 5% disturbance to buried archaeological deposits. This enables development to take place on a site where sensitive deposits were present while limiting destruction to up to 5% of the deposits on the site. The policy has been developed using the evidence base document York Development and Archaeology Study 1991. The proposal for this application is to remove archaeological deposits over 28% of the red line boundary (or an area of 30m x 30m). The proposal therefore, in relation to its impacts archaeological deposits and in accordance with policy D6, results in substantial harm to a designated heritage asset.

5.52 The below ground impacts on the archaeological deposits include a double storey basement at the Tanner Row end of the site and a single storey basement at the Tanner Moat end; foundations including piling, pile caps and ground beams; drainage; and potential impact on groundwater movement/ drying out of deposits through the excavation of the basement and use of piles through the anoxic deposits.

5.53 The excavation of the basement at the Tanner Moat end is likely to impact largely on modern and disturbed layers of ground linked to the construction of the existing building and previous 19th century buildings which occupied the site. This area will required piled foundations and has not been archaeologically evaluated. It has however seen several phases of building works and disturbance to at least depths of 2m is expected. Pile caps may impact on post-medieval/ medieval archaeological layers while the piles themselves will penetrate below to any surviving Roman archaeology.

5.54 The impact of the piling and the harm to the longer term preservation conditions on the site is unknown. This is the case across all developments within the city. Monitoring programs have begun in other areas of the city to build a data bank of hydrological information to help inform future developments on the impact of piling/modern construction on organic archaeological deposits.

5.55 The proposed double basement will require a full archaeological excavation over 2 years. Modern deposits will be removed by machine followed by excavation by hand. Hydrological conditions will be monitored through the excavation to inform re-watering strategies if required. The detail and timescales for the archaeological

dig will be subject to further discussion between YAT, CYC and the Historic England Science Advisor.

5.56 The details of the foundation design for the single basement is currently not known and will be determined following further ground investigation and evaluation. Planning conditions will ensure that at least 95% of the most significant archaeological deposits are preserved in situ and hydrological monitoring will be required before, during and after construction.

5.57 Para.194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.

Substantial harm to assets of the highest significance, including scheduled monuments, should be wholly exceptional. Para.195 goes on to state:

‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.’

5.58 The archaeological deposits have been identified as being of potentially national significance and should therefore be considered subject to the policies for designated heritage assets. Harm to the significance of those designated heritage assets has been identified in the form of an archaeological dig over approximately 28% of the site. In accordance with policy D6 of the emerging Local Plan, this harm to the designated heritage asset is substantial and the proposal falls to be considered in relation to para.195 of the NPPF which states that such proposals should be refused unless substantial public benefits can be identified.

## CONCLUSION OF HARM TO HERITAGE ASSETS (PUBLIC BENEFITS)

5.59 Para.193 of the NPPF requires that great weight be given to the conservation of heritage assets. The more important the asset, the greater the weight which should be given to its conservation.

5.60 As detailed above there are numerous heritage assets, of differing significance (Scheduled Monuments, Listed Buildings, Conservation area, archaeological features and deposits, and non-designated heritage assets) that would be affected by the scheme. The significance of heritage assets may be affected by direct physical change or by change in their setting.

5.61 In summary, the designated heritage assets whose significance is impacted by the proposal include:

- City Walls (Scheduled Monument and GI listed) (setting);
- York Central Historic Core Conservation Area;
- Archaeological features and deposits located within the Central Area of Archaeological Importance (AAI);
- Grade I listed All Saints church (setting);
- Grade II listed 15, 16 and 17 Rougier Street (setting);
- Grade II listed The Corner Pin (setting);
- Grade II listed buildings on George Hudson Street (setting);
- Cluster of Medieval Grade II and II\* buildings around All Saints Church (setting).

5.62 The assessment concludes that the proposals will result in substantial harm to the significance of archaeological deposits and less than substantial harm to the Central Historic Core Conservation Area, Grade II listed 15, 16 and 17 Rougier Street and other identified listed buildings. In the case of the conservation area and 15, 16 and 17 Rougier Street this harm is assessed as at the upper end of less than substantial.

5.63 Para.194 of the NPPF identifies that substantial harm to assets of the highest significance, including footnote 63 non-designated assets of archaeological interest, should be wholly exceptional.

5.64 Given the differing levels of harm identified it is considered most appropriate to assess the scheme against the higher bar of substantial harm, while recognising that this is not the case for all elements of the scheme, as has been detailed above. Officers consider that as the scheme has been brought forward as a single proposal, and the elements of above and below ground works are intrinsically linked this is the

most appropriate form off assessment. Therefore the proposal is subject to the requirements of para.195 of the NPPF and the substantial harm to designated heritage assets arising from the scheme must be outweighed by substantial public benefits. If this cannot be shown then the scheme should be refused.

### Public Benefits

5.65 National Planning Practice Guidance sets out what is meant by the term public benefits and states that:

“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation”

5.66 In this instance the public benefits include social, economic and environmental considerations.

### Economic objective

5.67 The economic benefits of the scheme are substantial and significant and relate to the provision of a new visitor attraction and the creation of new jobs in the proposed offices.

5.68 The attraction itself is anticipated to bring around 500,000 visitors to the city once it is opened, creating 50 new jobs and bringing around £21million of additional spending in the City’s visitor economy. This in turn will complement existing city attractions. For reference, Jorvik attracts around 400,000 visitors to the city annually.

5.69 By 2029 it is anticipated that the development will support 497 net additional FTEs (617 gross) for York and generate a total of around £334million in cumulative GVA by 2050 (or £183m of GVA at net present values).

5.70 Of these new jobs, 155 gross FTE will be office jobs. It should be noted that the developer considers that the existing 500 FTE jobs within Northern House will be retained within the city and that the 497 FTE net jobs are therefore additional to these existing jobs. Officers would note that there is no mechanism for retaining these existing jobs within the city and other office space identified as potential sites for relocation of these jobs do not as yet have planning consent.

5.71 These figures also include an estimated 316 gross FTE jobs in the visitor economy by 2029 as a result of the development as well as jobs in construction and operation of the visitor attraction. There are likely to be some modest regeneration benefits to the area from the scheme arising from the visitor attraction although the area is already changing in character with the development at Malmaison.

5.72 Policy DP2: Sustainable Development of the emerging Local Plan identifies key principles with which development should comply. Of particular relevance, it notes that development should help create a prosperous city for all through the protection and enhancement of the visitor economy through supporting existing facilities and promoting new development. This is carried through in to policy EC4: Tourism which notes that tourism in the city contributes to a diverse economy and supports the provision of quality visitor attractions especially ones with a national/ international profile in locations which are easily accessible by a variety of transport modes and complement York's existing cultural heritage.

5.73 It is considered that the proposal fully meets the aspirations of policy EC4 in this regard. The co-applicants YAT (Yorkshire Archaeological Trust) have an international reputation as an archaeological organisation with significant experience at engaging with public, community and educational audiences. They intend that the proposed visitor attraction will reveal York's significant Roman history in a modern and immersive museum which will be of national, if not international, importance. As such the provision of the visitor attraction and the consequent benefits to the visitor economy as a result should be given great weight. Minor economic benefits will be seen during the earlier dig phase of development resulting from visitors to the site.

5.74 Policy DP2 also supports the provision of employment land for the development plan period. The proposal provides office space and intends that the jobs created as a result of this are in addition to existing jobs within Northern House. As indicated above, there are no mechanisms available to secure this and it is considered as a result that the provision of office jobs within the new development should only be given limited or neutral weight.

### Social objective

5.75 The scheme will provide 211 flats within a sustainable location in the city centre. There is a recognised lack of housing supply within the local authority area and this proposal will contribute to reducing that.

5.76 Section 5: Delivering a sufficient supply of homes of the NPPF identifies the Government's objective of boosting the supply of homes. A sufficient number and range of homes is required to meet the needs of present and future generations and support strong and vibrant communities. This proposal supports that objective and the corresponding policies DP2 and DP3 of the 2018 Draft Plan and the provision of housing should be given significant weight.

5.77 Additionally, significant public benefits are identified arising from the proposed archaeological dig which will help to support communities' cultural well-being in accordance with para.8 of the NPPF. The Council's document 'York Archaeology and Development Study' encourages highly selective set-piece excavations of international interest where appropriate. The proposal brings a unique opportunity to carry out meaningful, large scale investigation in the area of the Roman Colonia which will address several research themes (including Post- Roman and medieval themes) and inform heritage management strategies.

5.78 Para.199 of the NPPF requires that local planning authorities ensure that developer record and advance understanding of the significance of any heritage assets to be lost and to make this evidence publicly accessible. It goes on to note that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. In the case of this application, it is intended that the archaeological dig site and some above ground floor space is to be used as a museum/ visitor attraction to exhibit and explain the findings of the archaeological dig. This will result in a long term legacy from the dig although this is a minor benefit arising from the archaeological dig and not considered sufficient on its own to

outweigh the identified substantial harm without the other benefits outlined in this section.

5.79 Given the built up nature of the city centre, such opportunities for large scale archaeological digs with a willing developer are rare. Benefits arising from the proposed dig would include opportunities to develop archaeological science; increased partnership working both nationally and internationally; increased understanding of York's Roman colonia; public engagement and participation in the excavation; unique volunteering opportunities; and educational opportunities. It is considered that the archaeological dig is a 'once in a lifetime' opportunity to look at an archaeological site within the centre of the city and will have far reaching impacts that provide substantial public benefits.

### Environmental objective

5.80 The environmental objective is to protect and enhance our natural, built and historic environment.

5.81 The proposal replaces an old building with a modern energy efficient one. Conditions will ensure that the requirements of Local Plan policies CC1, CC2 and CC3 are fulfilled and the scheme will achieve improvements over Building Regulations Part L.

5.82 As identified above at para.5.22 onwards, significant public realm enhancements are proposed as part of the scheme. These include works on Tanners Moat, Rougier Street and Tanners Row. Improvements will be made to create a positive gateway to the city from the station and to enhance pedestrian links with the riverside. These will include soft and hard landscaping on Tanners Moat, improved surfacing along the frontage of the site on Rougier Street and improved street furniture. Rougier Street and Tanners Moat are areas where the poor public realm is acknowledged and which are generally unwelcoming to visitors; the proposal will enhance the area.

5.83 The need to improve this area is identified within the CHCCAA management strategy which identifies Station Approach/ Lendal Bridge and Wellington Row as priority areas for public realm enhancements. Additionally the CHCCCA: Railway Area identifies that the current parking at Tanners Moat spoils the setting of the riverside and Lendal Bridge. It also identifies that the route from the station to

Rougier Street should be improved to give pedestrians priority; the development contributes to this by opening up the junction around Rougier Street/ Tanners Moat to allow freer pedestrian and cycle movement.

5.84 The need for development which promotes social interaction, for instance mixed use developments and easy pedestrian and cycle connections, as well as the provision of shared spaces and open spaces is required in Section 8 of the NPPF. Section 12: Achieving well-designed places and Section 9: Promoting sustainable transport both encourage the need for well-designed places which are integrated for the benefit of all users.

### Conclusion

5.85 The level of harm to designated heritage assets has been identified as a range from substantial harm (to the archaeological deposits), less than substantial harm (higher end) (conservation area and listed buildings at 15, 16 and 17 Rougier Street) and less than substantial harm (other listed buildings and structures). This is clearly a significant weight of harm to the city's designated heritage assets.

5.86 Substantial public benefits have been identified in the economic benefits of the development, principally those associated with the visitor attraction and associated gains to the visitor economy; significant social benefits associated with the archaeological dig and provision of housing; and environmental benefits from the public realm enhancements. While finely balanced, it is considered that, even when giving great weight to the conservation of the designated heritage assets identified above, that these substantial public benefits are sufficient to outweigh the substantial harm to those designated heritage assets.

### HOUSING NEED

5.87 The mix of housing is as follows:

Studio flats	81	38%
1 bed flats	103	49%
2 bed flats	27	13%
Total	211	



5.88 NPPF paragraph 63 states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). The national design guidance states that “well-designed neighbourhoods provide a variety and choice of home to suit all needs and ages” and that good design promotes social inclusion by: contributing to creating balanced and mixed neighbourhoods that are suitable and accessible for all; maximising the potential for social integration in the layout, form and appearance of types of development.

5.89 Policy H3 states that proposals will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. 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. The policy is considered to carry moderate weight. The test therefore with regards the type and size of housing proposed is whether this scheme, considered in its wider context, would provide an adequate mix to facilitate a balanced and sustainable community. Policy SS3: York city centre supports the delivery of sustainable homes in the city centre that provide quality, affordability and choice for all ages, including a good mix of accommodation.

5.90 The proposal represents high density accommodation with policy H2 requiring that development in the city centre achieve a density of 100 units per hectare. Higher density development can be supported for sites within 400m of a high frequency public transport corridor where development complies with other plan objectives. This site falls within 400m of a number of high frequency public transport corridors. As the site area is 0.65Ha density on site is approximately 325 units per hectare.

5.91 The Strategic Housing Market Assessment identifies that the majority of need for housing in the city is for 2 and 3 bed family accommodation. The housing mix on site clearly does not reflect this need. As a site within a highly urban location in close proximity to the city centre it is appropriate for higher density living and it is also acknowledged that delivering higher density apartment living on this site can be balanced with the provision of a suitable proportion of larger homes on the strategic

housing sites identified in the plan, out of the city centre. The mix of housing on the site is therefore considered acceptable in this location.

## AFFORDABLE HOUSING

5.92 Local Plan policy H10 on affordable housing sets a target of 20% provision on urban sites where more than 15 dwellings are proposed split between 80% social rent and 20% discount sale. The policy states on sites of 15 homes and above on-site provision will be expected, unless offsite provision or a financial contribution of equivalent value can be robustly justified.

5.93 The applicants provided a viability assessment for the site setting out a position that 20% affordable housing cannot be provided. This has been reviewed independently by the District Valuer, who has confirmed that full policy compliance is not viably deliverable.

5.94 The viability assessments have been carried out using the standard inputs detailed in national guidance –

- Build costs
- Abnormal costs
- Site specific infrastructure / policy requirements (e.g. green infrastructure/ sustainable design and construction)
- Finance costs
- Professional fees
- Benchmark land value

5.95 The approx. key inputs into the appraisal and outcomes were as follows –

- Benchmark land value (takes into account the current use value of the site and its current condition) and for the purpose of the viability review was £18.28m
- Abnormal costs £22.87m
- Professional fees £3.506m
- Section S106 costs (omitting affordable housing) £0.601m
- Gross development value £68.459m
- Developer profit 16.33% GDV

5.96 It should be noted that these figures are in relation to the originally submitted scheme of a visitor attraction, restaurant/ bar and housing. Costs were not independently verified given the large development deficit identified by both the

applicant's assessment and the DVS. As a result of the scale of the deficit, it was also not considered necessary to revisit these figures for the revised scheme.

5.97 National policy states "the role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan".

5.98 National planning guidance explains the role of viability assessments; a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return. For land value, the benchmark land value is used, this is based upon the existing use value, allowance for a premium to the landowner (to incentive the sale and takes into account the implications of abnormal costs; site-specific infrastructure costs; and professional site fees). The guidance states that "where viability assessment is used to inform decision making under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan".

5.99 In terms of profit 15% to 20% GDV is deemed to be suitable return which can be reduced in consideration of risk and delivery of affordable housing. The viability review allows for a developer profit at the lower end of this threshold.

5.100 National guidance allows for a viability review mechanism. It states review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project".

5.101 It has been accepted that the developer has adequately shown that in present conditions no affordable housing can be provided. However, it is recommended that if the application is approved the section 106 agreement will secure an "overage" provision: that in the event of future market conditions supporting a viable development an appropriate affordable housing contribution would be required. To do this the following is required:

- An updated and fully complete District Valuer appraisal of the approved scheme mix including quantitative surveyor appraisals from suitably qualified consultants, all costs to be fully borne by the applicant
- An independent consultant is appointed by City of York Council to provide a due diligence check of the reasonableness of the cost plan
- This would form the baseline for an overage calculation to be undertaken at a suitable point subsequent to start on site but prior to completion
- The baseline would be adjusted applying specified market inputs taking into account the expected change in values of the completed scheme (across all use types) and changes to the costs of development
- Any surplus in this adjusted appraisal would be paid as a commuted sum in lieu of affordable housing.

## AMENITY ISSUES

5.102 Policy D1 of the 2018 Draft Plan requires that residential amenity is considered so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing. This is in conformity with para.127 of the NPPF which requires that development have a high standard of amenity for existing and future users.

5.103 The proposal is for a building with 10 floors above ground. It sits between two other large buildings (the Aviva building and Malmaison hotel) and is of a slightly lower height than the maximum height of either of these buildings. The building is however much larger in footprint and bulk than the existing, despite having been significantly reduced from the original submission. Having said this, the siting between two similarly sized buildings both in non-residential use helps to ensure that there is no significant impact on amenity to these sides. The properties along Tanner Row are however smaller in scale than their immediate neighbours to the North and there is potential for loss of amenity here. The reduction in scale at the Tanner Row end has improved this relationship and it is recognised that the rear corner of the proposed building nearest the Corner Pin public house is now of a comparable scale to the existing building. As such, and given the urban nature of the area, it is considered that the impacts of overshadowing on the existing properties on Tanner Row are acceptable.

5.104 Overlooking to the only impacted residential properties on Tanner Row will also be minimal given the use of the lower levels of the building as offices and a

visitor attraction. Higher levels containing residential units with associated balconies and terraces will sit above the eaves line of the existing properties and therefore result in little overlooking.

5.105 Amenity of future residents of the building is considered good and appropriate to this urban location. There is a mix of studio, 1 bed and 2 bed flats within the development, the majority of the smaller units having a single aspect. The footprint of the building is such that the access corridor runs along the centre with flats on either side, this results in the units having a narrow and long footprint. To ensure all living accommodation receives adequate daylight, where necessary, the flats are designed with living space adjacent to the window, bedrooms in the middle and bathrooms and storage to the rear and adjacent to the entrance to the unit.

5.106 To the rear of the building, the new flats will face on to the Aviva building at a distance of between 13m and 14m. In the case of the flats on the lower level the side of the Aviva building will rise between 15m and 20m above them.

5.107 Flat sizes are considered good with studio flats ranging from 30m<sup>2</sup> – 37m<sup>2</sup>; 1 bed flats from 41m<sup>2</sup> to 60m<sup>2</sup>; and 2 bed flats from 63m<sup>2</sup> to 77m<sup>2</sup>. All flats include cycle storage (with electric bike charging point) and some have private balconies.

5.108 The proposed development falls within City of York Council's Air Quality Management Area (AQMA), declared on the basis of breaches of the health based annual mean nitrogen dioxide objective. Public Protection undertake monitoring of nitrogen dioxide at a number of locations along Rougier Street and annual mean concentrations of this pollutant are currently well in excess of health based standards. The two monitoring locations closest to the proposed development facade (located adjacent to 16 Rougier Street) show no evidence of air quality improvement (in terms of annual average concentrations) over the last 5 years.

5.109 An updated air quality assessment has been provided by the applicant. This has presented some further sensitivity analysis with respect to the anticipated improvement in vehicle emissions over time. The assessment considers potential impacts of existing air quality (arising from traffic emissions and background concentrations of pollutants) on new sensitive receptors proposed by the development, which has been modelled and assessed. Public Protection officers have reservations about the conclusions drawn, which are made on the assumption that future concentrations of pollution fall off considerably in the scheme completion

year (based on improvements in vehicle emissions generally). The study suggests that concentrations of pollution are unlikely to breach health based standards at the new building façade in the scheme opening year of 2024 if vehicle emissions are to improve in line with current predictions. However, the sensitivity analysis undertaken suggests that this is very much dependent on vehicle emissions and resultant on-street pollution concentrations improving year on year. This is not reflected in CYC's local monitoring data in the vicinity of the proposed development, where concentrations of nitrogen dioxide have remained relatively static in recent years.

5.110 A ventilation statement submitted in support of the application states that each dwelling shall be provided with a whole house mechanical ventilation system with heat recovery. This is welcomed from an air quality perspective and will ensure that residents of the residential units do not have to rely on opening windows to ventilate their properties in an area of known poor air quality. As a precautionary approach it is still considered that it would be prudent to ensure that the windows to habitable rooms of residential units at lower floor levels up to and including 2nd floor level should be non-opening. This can be secured via planning condition.

5.111 A wind microclimate report was commissioned to assess the pedestrian and terrace level wind microclimate relating to the proposals. This related to the originally submitted (and larger) scheme and found that following completion of the development wind conditions are expected to rate as safe within and around the proposed development for all users. Additionally wind conditions throughout the ground level are expected to be suitable for pedestrian activities. Wind conditions at the rooftop amenity spaces are generally expected to be tolerable for occupant use but would benefit from raised balustrades to improve these conditions further and extend periods of time suitable for more sedentary activities.

## TRANSPORT AND ACCESS

5.112 Paragraph 109 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.113 The proposal is for a car-free development. Currently there are 28 parking spaces on site. Car ownership is low in the ward and, given the very central location and good level of access to sustainable transport modes, it is most likely that 20-

25% of households would have access to a car and require local parking. This level of parking could be accommodated in local car parks. The risk of cars being parked in local residential streets is limited as areas around the site are generally covered by parking restrictions and resident parking schemes. A condition would be required to ensure that the development remains car-free in perpetuity.

5.114 The proposal also includes the removal of ten Pay & Display and residents' parking spaces on Tanner's Moat. Four residents' parking spaces will be provided at the junction of Tanner's Moat and Wellington Row. The applicant will be required to fund the costs of modifying existing TROs to enable the development. An additional contribution of £20,000 is required through Section 106 to enable the local highway authority to implement further changes to restrictions should this be required once the development is in use. This is likely to include loading restrictions on Wellington Row and Tanner Row, management of access onto Wellington Row, management of resident and blue badge parking.

5.115 The taxi pick up/ drop off point on Rougier Street is to be slightly reduced and a double bus stop, instead of the 2 currently on site, is proposed. The existing 20 cycle parking spaces at the Tanner Row junction are to be replaced. A delivery bay is to be provided on Tanner Row close to the junction with Rougier Street.

5.116 Cycle parking proposed for the office space and attraction staff is broadly compliant with our guidance (Appendix E) and BREEAM. This is provided through a mix of Sheffield type stands (46 spaces) and two-tier (26 spaces) within the building, accessed by a ramp from the front

5.117 The majority of the cycle parking provision is within the units themselves but there is a cycle store provided in the basement, providing parking facilities for up to 72 bikes, including a mix of 40 spaces provided at Sheffield type stands and 32 spaces on two-tier racks and lockers for bike helmets etc. This provision has been discussed at length with the developer and although not in the best location as users have to come through the reception area and use lifts to get to the store, it provides a good quality facility for residents.

5.118 A Contribution is required for sustainable travel incentives for the residential development: £400/unit for bus or cycle vouchers and £200/unit for car club incentives. A contribution is also required to ensure the implementation of the residential travel plan for a 5 year period after residential occupation (£300/unit).

This is not being requested for the attraction and office space as a travel plan coordinator and travel planning budget should be managed by the occupiers for these uses (as per the Travel Plan).

## FLOOD RISK AND DRAINAGE

5.119 Policy ENV4 of the 2018 Draft Plan is in accordance with Paragraph 163 of the NPPF which states that when determining applications the LPA should only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment, it can be demonstrated that:

- Within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
- And development is appropriately flood resilient and resistant;
- It incorporates sustainable drainage systems, unless there is clear evidence that would be inappropriate;
- Any residual risk can be safely managed;
- And safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.120 The proposed development is located within the floodplain of the River Ouse (Flood Risk Zone 3) and therefore has a high probability of flooding.

## SEQUENTIAL TEST

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



in relation to a scheme for restaurant/ bar with residential above but is equally true for the office use now proposed) also the type of accommodation proposed is specifically urban being high density apartments with no parking provision.

5.122 Three sites were identified within the search area which were suitable to accommodate a development of this scale – Piccadilly, Hungate and York Central. Piccadilly was discounted as most sites in the area already have planning consent or are pending determination; the area is also prone to flooding. Hungate is nearing completion and has flooding constraints. Finally, York Central has planning consent but development of the site relies on major infrastructure works that have not yet started.

5.123 The proposal as a whole would result in an increase in the vulnerability classification from 'Less Vulnerable' to 'More Vulnerable' in that it results in a change from predominantly office accommodation to predominantly residential accommodation. However the ground floor of the new building will still be in office use ('less vulnerable') while the basement levels are the visitor attraction (assembly and leisure uses also being 'less vulnerable'). The site has historically been developed; the existing buildings cover the majority of the site.

5.124 It is also noted that the visitor attraction and archaeological dig are site specific and relate to the anticipated below ground Roman deposits. Such a site is probably unique in the city centre; given the existing heritage and building constraints, the opportunity to undertake a significant dig is exceedingly rare. The visitor attraction and the dig are intrinsically linked and site specific.

5.125 For these reasons it is considered that the proposals pass the sequential test.

#### EXCEPTION TEST

5.126 For the Exception Test to be passed it must be demonstrated that a) the development provides wider sustainability benefits to the community that outweigh flood risk; and b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall (para. 160 of the NPPF).

5.127 The wider sustainability benefits provided by the scheme relate to the economic benefits arising from the visitor attraction, an energy efficient building

meeting BREEAM Excellent, public engagement and education benefits from the dig and visitor attraction, public realm enhancements and provision of 211 dwellings.

5.128 The proposed development is not considered to increase flood risk elsewhere. There is an existing building on site of a similar footprint so compensatory flood storage is not required.

5.129 The site lies within Flood Zone 3. Flood risk is from the River Ouse and a site specific flood risk assessment has been provided with the application. There is no residential accommodation on the ground floor which contains offices and visitor attraction; despite this floor levels are raised to be above the current 1 in 100 year flood level. The area benefits from recent improvements in flood defences at Riverside Gardens/ Wellington Row.

5.130 Basement level entrances to the visitor attraction will be protected by flood barriers at either end of Tanner Row. An emergency evacuation plan has been prepared and agreed by Emergency Planning.

5.131 Whilst the site is clearly in Flood Zone 3 the residual risk is relatively low - the NPPF recognises that an understanding of residual risk is important behind flood defence infrastructure and it is considered that the applicant has addressed this in their approach.

5.132 The Environment Agency does not have an objection to the application, subject to the mitigation set out in the FRA taking place, part of this mitigation includes a Flood Evacuation Plan being in place. The Emergency Planning Team consider the Submitted Flood Evacuation plan is acceptable. In view of the above it is considered that the proposed development passes the exception test. There is adequate evidence that the sequential and exception tests can be passed. The measures within the FRA would be secured through a planning condition, as recommended by the Environment Agency.

## SUSTAINABLE DESIGN AND CONSTRUCTION

5.133 Policy CC1 encourages the development of renewable and low carbon energy generation and storage. It requires new buildings to achieve a 28% reduction in carbon emissions through the provision of renewable and low carbon technologies in the locality of development or through energy efficiency measures, unless it can

be demonstrated that this is not viable. Applicants must submit an energy statement setting out how this will be achieved, taking into consideration the impact of the scheme on other planning considerations and demonstrate any viability issues with meeting the target.

5.134 Policy CC2 sets out the sustainable design and construction requirements that all new development (by type) must adhere to and demonstrate in a Sustainability Statement. In summary, the policy requirements are:

- For new residential development – deliver at least a 19% reduction in Dwellings Emission Rate (DER) compared to the Target Emission rate (TER) (calculated using SAP as per the Building Regulations) and a water consumption rate of 110 litres per person per day (calculated as part G of the Building Regulations).
- For Non-residential development over 100sqm internal floor area - meet BREEAM 'excellent' standard (or equivalent).

5.135 A sustainability statement is also required in line with Policy CC2 to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. Non-residential development must meet BREEAM 'excellent' standard. BREEAM is a recognised sustainability assessment method for master-planning projects, infrastructure and buildings. BREEAM requires assessment and certification of a scheme's environmental, social and economic sustainability performance, using standards developed by BRE. It recognises and reflects the value in higher performing assets across the built environment lifecycle, from new construction to in-use and refurbishment.

5.136 Through Policy CC3 (District Heating and combined heat and power networks) the Plan strongly supports the use of decentralised energy in new developments, and particularly (C)CHP distribution networks, with the aspiration that this will help achieve the targets set in the Climate Change Action Plan for York. Where development sites fall within heat priority areas, as shown at Figure 11.1 of the Plan, the provision of new (C)CHP distribution networks should be considered feasible unless it can clearly be demonstrated otherwise for financial, technical or sustainability reasons. The application site falls within a heat priority area.

5.137 An Energy Statement has been submitted which concludes that a range of sustainability strategies will be pursued including a central gas boiler plant, mechanical ventilation with heat recovery and insulation levels achieving

improvements over Building Regulations Part L. BRREAM Excellent award is being targeted for the building. Conditions are recommended to secure the requirements of policies CC1, CC2 and CC3.

## OPEN SPACE

5.138 The NPPF advises that planning decisions should aim to create healthy and inclusive places. Paragraph 96 states ‘access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate’.

5.139 Policy GI6 (new open space provision) of the 2018 Draft Plan states ‘all residential development proposals should contribute to the provision of open space for recreation and amenity’... ‘The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them’. The policy goes on to state that the Council will encourage on-site provision where possible but off-site provision will be considered acceptable in certain circumstances.

5.140 The site is within the Micklegate Ward. The ward has a surplus of amenity green space, allotments and children’s play areas but a deficit in all other types of open space based on the Open Space and Green Infrastructure Update (September 2017).

5.141 The Open Space and Green Infrastructure Update 2017 (referred to in the 2018 Draft Plan) identifies the levels of amenity space required. This is not typically capable of being provided on urban sites as there is not the space. As such an off-site contribution can be requested. This must however meet the CIL Regulations – be necessary to make the development acceptable in planning terms, reasonable in scale and kind and directly related to the development. National guidance on the

use of planning obligations is also to be mindful of viability and the need to prioritise/incentivise development of brownfield land.

5.142 No on-site open space is provided. As such an S106 contribution for £335,938 is sought towards amenity open space. The contribution would provide additional seating and improved landscaping in North Street Gardens and War Memorial Gardens. £14,202 is also sought as an off-site contribution for additional play equipment at Scarcroft Green play area.

## SPORTS PROVISION

5.143 A contribution towards off site sports provision is agreed, calculated as £50,694. It would be used to procure the provision of, or improvement to, sport or active leisure facilities to include (in no particular order):

- York RI, Queen Street – support the development of Queen Street;
- York RI, New Lane – support the development of an Artificial Grass Pitch;
- York Clifton Alliance Cricket Club – support the development of a 2nd team pitch;
- Development of York Hospital Bootham Park sports pitches;
- York City Rowing Club – Development of existing boat house; and
- Or within 3km from the Development.

## EDUCATION

5.144 NPPF para. 94 states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”. The draft Education contributions supplementary planning guidance explains how the need for extra education spaces are determined and the relevant planning obligations.

5.145 The need arising from the development would be as follows;

Primary 3 places Knavesmire / Scarcroft Primary  
Secondary 1 place Millthorpe Secondary  
Early Years 4 places within catchment (1.5km)

5.146 The anticipated need is on the basis that, while there is currently some capacity in local primary schools, analysis of other development shows this may not be the case by the time the development matures from 8 years after completion. Milthorpe Secondary is expanding to cater for nearby development and local growth while additional early years' places are required for the foreseeable future.

5.147 The cost of providing these places is £158,958; contribution will be sought through the S106 agreement.

## **6.0 CONCLUSION**

6.1 The scheme involves the demolition of 3 buildings within the Central Historic Core Conservation Area. None of the buildings are of significant architectural value, and one is identified as a detractor, therefore no objection is raised to their replacement. An archaeological dig will then take place across 28% of the site followed by construction of a 12 storey (2 basement storeys plus 10 above ground) building consisting of a visitor attraction related to the archaeological dig, 30,000sqft (2787sqm) office space and 211 flats. The site, as well as being in the conservation area and Area of Archaeological Importance, is within Flood Zone 3 and adjacent to, or in close proximity to, a variety of listed buildings. In accordance with paragraph 11 of the NPPF, the more restrictive heritage assets and flood risk policies in the NPPF apply.

6.2 The proposal results in the loss of office space within the existing buildings. An assessment of the existing floorspace has shown that it is less attractive to the modern business as a result of its layout and low energy efficiency. Additionally there has been a change in character along Rougier Street to a more leisure based emphasis. While there is some replacement office space in the new building, approximately 40% of the existing office floorspace, it is acknowledged as a more energy efficient and practical floorspace than the existing. For these reasons, the proposal is considered to comply with policy EC2 of the emerging Local Plan.

6.3 As a result of the large scale and massing of the proposed building harm has been identified to the townscape. It also results in harm to the conservation area and the setting of a number of listed buildings, most particularly 15, 16 and 17 Rougier Street. This harm to designated above ground heritage assets has been assessed at less than substantial, although at the upper end of the scale.

6.4 The archaeological dig is an intrinsic part of the scheme. It is anticipated that the archaeological deposits found will be of national importance and they should therefore be considered subject to the policies for designated heritage assets. Local Plan policy D6 identifies that where archaeological deposits of more than 5% of the site are disturbed then this equates to substantial harm to the heritage asset.

6.5 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The harm resulting from the scheme is considered to be substantial however substantial economic, social and environmental benefits have been identified. These benefits relate to the significant economic benefits of the visitor attraction, public engagement and educational benefits of the archaeological dig, provision of housing, modern energy efficient building and public realm enhancements.

6.6 The substantial harm to the designated heritage assets has been afforded great weight in the planning balance however there are also significant public benefits. While it is clearly a finely balanced decision, these public benefits are considered sufficient to outweigh the harm identified to those heritage assets even when such harm has been afforded considerable importance and weight in the overall planning balance.

6.7 As set out in section 5, other identified potential harms to flood risk, highway safety, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

## **7.0 RECOMMENDATION:** Approve subject to S106

7.1 Approval is recommended subject to completion of a S106 agreement to include the items below and the recommended conditions.

- Viability review mechanism
- Education contributions
  - Primary £56,928
  - Secondary £26,126
  - Early years £75,904
- Off-site sports facilities for clubs based in the city centre and Clifton £50,694

- Off-site amenity space at North Street Gardens and War Memorial Gardens £35,938
- Children's play space at Scarcroft Green play area £14,202
- Off-site highways works
  - £20,000 to implement changes to loading restrictions on Wellington Row and Tanner Row, access onto Wellington Row and parking restrictions if required
- Sustainable travel £400 per dwelling toward bus pass or cycle equipment, £200 per dwelling for car club incentives and £300 travel plan monitoring
- S106 monitoring fee £23,484.

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Location plan

- 17088-VB-XX-XX-DR-A-(03)01- Demolition Plan
- 17088-VB-XX-XX-DR-A-(03)02- Proposed Site Plan-P3
- 17088-VB-XX-B2-DR-A-(03)03- Proposed Basement -02 Plan-P5
- 17088-VB-XX-B1-DR-A-(03)04- Proposed Basement -01 Plan-P5
- 17088-VB-XX-00-DR-A-(03)05- Proposed Level 00-P6
- 17088-VB-XX-01-DR-A-(03)06- Proposed Level 01-P5
- 17088-VB-XX-02-DR-A-(03)07- Proposed Level 02-P5
- 17088-VB-XX-03-DR-A-(03)08- Proposed Level 03-P5
- 17088-VB-XX-04-DR-A-(03)66- Proposed Level 04-P1
- 17088-VB-XX-05-DR-A-(03)67- Proposed Level 05-P1
- 17088-VB-XX-07-DR-A-(03)59- Proposed Level 06-07 - P3
- 17088-VB-XX-08-DR-A-(03)60- Proposed Level 08-P3
- 17088-VB-XX-09-DR-A-(03)09- Proposed Level 09-P5
- 17088-VB-XX-12-DR-A-(03)12- Proposed Roof Plan-P3



17088-VB-XX-XX-DR-A-(03)13- Proposed Section A-A-P3  
17088-VB-XX-XX-DR-A-(03)14- Proposed Section B-B-P3  
17088-VB-XX-XX-DR-A-(03)15- Proposed Section C-C-P3  
17088-VB-XX-XX-DR-A-(03)16- Proposed Section D-D-P3  
17088-VB-XX-XX-DR-A-(03)17- Propsoed Section E-E-P3  
17088-VB-XX-XX-DR-A-(03)18- Proposed Contextual Elevations-P3  
17088-VB-XX-XX-DR-A-(03)19- Proposed Contextual Elevations-P4  
17088-VB-XX-XX-DR-A-(03)20- Proposed Contextual Elevations-P3  
17088-VB-XX-XX-DR-A-(03)21- Proposed Tanners Moat Elevation (North West)-P3  
17088-VB-XX-XX-DR-A-(03)22- Proposed Roman Road Elevation (North East)-P3  
17088-VB-XX-XX-DR-A-(03)23- Proposed Tanners Row Elevation (South East)-P3  
17088-VB-XX-XX-DR-A-(03)24- Proposed Rougier Street Elevation (South West)-  
P4  
17088-VB-XX-XX-DR-A-(03)25- Proposed Tanner Street - Visitor Attraction  
Entrance-P3  
17088-VB-XX-XX-DR-A-(03)26- Proposed Rougier Street - Podium Details 01-P3  
17088-VB-XX-XX-DR-A-(03)27- Proposed Rougier Street - Entrance-P3  
17088-VB-XX-XX-DR-A-(03)28- Proposed 3D Bay Study- P3  
17088-VB-XX-XX-DR-A-(03)29- Proposed Typical Bay Study-P3  
17088-VB-XX-XX-DR-A-(03)30- Proposed Typical Balcony Study-P3  
17088-VB-XX-XX-DR-A-(03)31- Proposed Typical 9th Floor Balcony Study-P3  
17088-VB-XX-XX-DR-A-(03)32- Proposed 2nd Floor Detail Study-P3  
17088-VB-XX-XX-DR-A-(03)58 - Proposed Rougier Street - Podium Details 02- P3  
17088-VB-XX-XX-DR-A-(03)59- Proposed Tanners Moat Balcony (Level 05-07)-P2  
17088-VB-XX-XX-DR-A-(03)60- Proposed Tanners Moar Balcony (Levels 07-09)-P2  
17088-VB-XX-XX-DR-A-(03)62- Proposed Typical Bay Study (Level 07-09)-P2  
17088-VB-XX-XX-DR-A-(03)64- Proposed Internal Shutters  
17088-VB-XX-XX-DR-A-(03)68- Tanner Row Bay Details-P1  
17088-VB-XX-XX-DR-A-(03)69- Tanner Row Bay Details-P1  
17088-VB-XX-XX-DR-A-(03)33- Proposed Typical Studio Apartment - Type 01-P3  
17088-VB-XX-XX-DR-A-(03)34- Proposed Typical Studio Apartment - Type 02-P3  
17088-VB-XX-XX-DR-A-(03)35- Proposed Typical 1 Bed Apartment - Type 01 - P3  
17088-VB-XX-XX-DR-A-(03)36- Proposed Typical 1 Bed Apartment - Type 02-P3  
17088-VB-XX-XX-DR-A-(03)37- Proposed Typical 2 Bed Apartment - Type 01-P3  
17088-VB-XX-XX-DR-A-(03)38- Proposed Typical 2 Bed Apartment - Type 02-P3  
17088-VB-XX-00-DR-A-(03)50- Proposed Cycle Strategy - Level 00-P4  
17088-VB-XX-B1-DR-A-(03)51- Proposed Cycle Strategy - Basement Level 01-P3  
17088-VB-XX-ZZ-DR-A-(03)52- Proposed Cycle Strategy - Typical Floors-P3

17088-VB-XX-00-DR-A-(03)53- Proposed Refuse Strategy - Level 00-P4  
17088-VB-XX-B1-DR-A-(03)54- Proposed Refuse Strategy - Basement Level 01-P3  
17088-VB-XX-ZZ-DR-A-(03)55- Proposed Refuse Strategy - Typical Floors-P3  
17088-VB-XX-00-DR-A-(03)65- Level 00 - Flood Evacuation Strategy-P3

L-0001 Rev. PL01 Illustrative Landscape Masterplan  
L-0002 Rev. PL02 Illustrative Communal Roof Terrace Masterplan  
L-0003 Rev. PL01 Illustrative Site Sections  
L-0004 Rev. PL01 Planting Strategy

Flood Risk Assessment 18306 REP01 (4)  
Framework Travel Plan Version 1.1 2nd December 2019

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

3 No more than 50% of the residential units hereby approved shall be occupied prior to the visitor attraction first coming into operation.

Reason: To ensure that the public benefits ascribed to the scheme are fully engaged.

4 The floorspace indicated on the approved plans 17088-VB-XX-00-DR-A-(03)05- Proposed Level 00-P6 and 17088-VB-XX-01-DR-A-(03)06- Proposed Level 01-P5 as office space shall be used for office accommodation and for no other purpose, including any other purpose in Class E in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

5 No archaeological evaluation shall take place following the demolition of Rougier House/Society bar until a written scheme of investigation (WSI) for archaeological evaluation, and provision for the production of a grey literature report, has been submitted to and approved in writing by the local planning authority. The

WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

Reason: The site lies within an Area of Archaeological Importance. Evaluation is required to further confirm the character and nature of archaeological features and deposits known to exist beneath Rougier House/Society Bar to better define the programme of excavation. This condition is imposed in accordance with Section 16 of NPPF.

6 Prior to any ground disturbing works, other than site investigation and evaluation beneath Rougier House/Society Bar, a detailed Archaeological Remains Management Plan (ARMP) shall be submitted to and approved in writing by the LPA. The ARMP shall include details of anticipated mitigation measures across the entire site including the set-piece excavation, evaluation following demolition of Northern House, mechanisms for dealing with unexpected events, timetabling, contingencies, periodic reporting (following evaluation and throughout the main excavation), detailed public engagement programme, post-excavation analysis and archiving strategies. The development must be carried out in accordance with the approved details throughout all stages of archaeological work. This key document will be updated and reviewed following any archaeological evaluation and periodically during the life of the project.

Reason: To ensure that appropriate measures are implemented in relation to archaeological remains on the site.

7 Prior to commencement of construction on the site of Northern House a foundation design and statement, for the Northern House footprint of the site, relating to working methods (including a methodology for identifying and dealing with obstructions to piles which no destruction or disturbance shall be made to archaeological deposits except for that caused by the boring or auguring of piles for the building foundation) which preserve at least 95% of the most significant archaeological deposits beneath the basement has been submitted and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: The site lies within an Area of Archaeological Importance which contains significant archaeological deposits. The foundation for the new build within the area currently occupied by Northern House must be designed to preserve at least 95% of

the most significant archaeological deposits within the footprint of the building. This condition is imposed in accordance with Section 16 of NPPF and City of York Historic Environment Policy HE10.

8 Wet, organic-rich archaeological deposits survive on and around this site. An archaeological programme of hydrological and water quality monitoring is required to assess the impact on preservation of organic deposits inside and outside of the agreed area of excavation. The archaeological programme comprises 4 stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority. The works shall then take place in accordance with the approved details.

A) No development shall commence until a detailed Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority which sets out how appropriate hydrological and water quality monitoring will be introduced across the site (and outside the red line boundary if possible) and how it will be assessed and reported upon at suitable intervals in an agreed form. This will need to include a mechanism for ensuring preservation of any deposits which appear to be deteriorating during excavation and/or construction phases wherever possible. The WSI should conform to standards/guidance outlined by CYC, Historic England Preserving Archaeological Remains and the Chartered Institute for Archaeologists.

B) Installation of hydrological and water quality monitoring devices shall be completed in accordance with the programme set out in the WSI approved under part (A)

C) Evidence of provision for regular monitoring (TBC with CYC in part A) of, and analysis and reporting on data from the hydrological and water quality monitoring devices during excavation, construction (interim report and raw data (as above)) and for a maximum period of 5 years (annual interim report and raw data (as above)) following construction shall be submitted in accordance with a scheme agreed within the WSI.

D) A copy of a final report on hydrological monitoring across the whole site and any remaining raw data will be deposited with City of York Historic Environment Record within six months of the completion of the monitoring period or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant non-designated heritage asset (waterlogged organic archaeological deposits) which will be affected by development. The effect on these deposits must be monitored and reported upon throughout the archaeological excavation, construction period and post-construction.

9 A programme of archaeological building recording on the Society Bar and external historic walling to Tanner Row is required. Specifically a written description and photographic recording of the standing building to Historic England Level of Recording 2.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved in writing by the Local Planning Authority.

A) No demolition shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by CYC and the Chartered Institute for Archaeologists.

B) The programme of recording and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, dissemination of results and digital archive deposition with ADS will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record and digital archive images with ADS to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The buildings on this site are of archaeological interest and must be recorded prior to demolition.

10 The buildings shall not be brought into use until a report detailing the results of the archaeological fieldwork has been produced and evidence for the provision of a report in the form of a suitable publication in an agreed journal/outlet has been submitted to and approved in writing by the Local Planning Authority.

Reason: The publication of the results will allow further dissemination of information to the wider public of the work undertaken. This is in accordance with Section 16 of the NPPF.

11 Notwithstanding the approved drawings or documents, design proposals are to be submitted to, and approved in writing by, the LPA, for the following prior to commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent) of any building part impacting on the relevant component:

- (i) Elevation drawings produced for the purpose of definitive description of all wall material types and possible sub-types (ie glazed & non-vision). For this drawings might need multiple instances for walling layers and fragment elevations for hidden areas, and sub-types including standard referencing systems consistent with material specification referencing.
- (ii) Elevation drawings for the purposes of illustrating window and door opener types.
- (iii) Elevation drawings for the purpose of illustrating maximum height of various parts.
- (iv) A proposal to provide street animation to the plinth on Rougier St, including glimpsed views into the basement visitor attraction.
- (v) A proposal to minimise the visual obtrusiveness of edge guarding to upper levels. This will include further edge setbacks for guarding position and lower height than currently shown for some locations.
- (vi) Proposals for how the building will be routinely cleaned, and maintained for isolated occurrences of damage, to minimise visual obtrusiveness and minimise disruption to street activity.

Reason: In the interests of visual amenity.

12 Prior to the commencement of above ground development (excluding works to protect the archaeological dig whether temporary or permanent), 1:20 annotated and dimensioned drawings in plan, section, elevation and possible 3D (as necessary to describe complexity) for the following detail types, are to be submitted to, and approved in writing by, the Local Planning Authority. Drawings should be provided once specialist contractor input has been provided to ensure they are sufficiently

representational. The works shall be carried out in accordance with the approved details.

- (i) Interfaces of proposed development (building or hard landscape features) against existing buildings.
- (ii) Typical podium bay, for both enclosed and open structure types.
- (iii) Pedestrian entrance experience areas (typically a bay and any recesses) including new and refurbished areas.
- (iv) Typical bay drawings for each wall type, where varying in design, and/or wall material. To include interfaces at ground level, any set back floors, any parapets, and any roofs.
- (v) All types of parapet, guarding and balconies.
- (vi) Any exposed soffits and their transitions.
- (vii) Proposals for any restrictions to movement on Tanner Street, such as flood barriers, and gates, and proposals for the proposed timing of any closures of free movement.
- (viii) All other external boundary treatment.

Reason: In the interests of visual amenity.

13 Prior to the commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent), materials are to be submitted to, and approved in writing by, the LPA for the following:

- (i) On-site sample panels of bricks, in each type of brick, in each type of bond, including chosen mortar and pointing, and including any special brick features are to be constructed. The sample panel should be 2x1.2m minimum overall. If multiple combinations of brick and/or bond are proposed each type to be minimum 1x1.2m.
- (ii) On-site sample panels for any other small unit wet bonded walling system such as stone, concrete, terrazzo etc. Requirements as for brick sample panels.
- (iii) The agreed panel is also to represent a minimum standard for the quality of workmanship that the development should achieve, and the panel should remain on site for the duration of the relevant works package.

The development should then be constructed in accordance with the approved materials.

Reason: In the interests of visual amenity.

14 Notwithstanding any proposed materials specified on the approved drawings or other documents submitted with the application, samples of all proposed external building materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority, prior to the commencement of the construction of the building envelope. For clarity, this includes vision and any non-vision glazing, flat or pitched roofs. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices, it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located. Samples should be provided of sufficiently large size to be able to appropriately judge the material (including joints/fixings where an important part of the visual quality of the material), and to be provided together where materials are seen together.

Reason: So as to achieve a visually cohesive appearance.

15 On-site mock-up sample constructions are to be constructed, and subsequently approved in writing by the Local Planning Authority (LPA), prior to their full construction. The mock up should be 1:1 scale but shortened overall sizes of elements can be included. The contents and size of the mock-ups are shall be agreed by the LPA in advance of their construction.

- (i) Typical upper level projecting plane glazed wall bay including overhanging soffit transition.
- (ii) Typical upper level recessed plane glazed wall bay and return blank facade.
- (iii) Typical upper level recessed balcony within the projecting wall plane.
- (iv) Typical balcony and surrounding wall components of the smaller building part (grids 16-19).
- (v) Podium levels curtain walling including decorative spandrels and interfaces with other materials.
- (vi) General edge guarding types in-situ.

Reason: To explain the construction interfaces in three dimensions and impart an overall impression of quality of the proposed construction systems at important locations and/or for highly repeated features, in order to ensure the achievement of an overall satisfactory standard of construction quality.



16 Prior to the commencement of above ground development (excluding works to protect the archaeological dig whether temporary or permanent), 1:20 drawings in plan and elevation for any external plant room enclosures shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details. This shall include a maximum height of any plant equipment within the enclosure.

Note:

For flat roofs, in situations without a solid roof parapet (1m or higher, as shown on permitted drawings): Service protrusions are not allowed within 2m of any building edge. Any service protrusions lower than 1m above roof finish level elsewhere are allowed. Any proposals for service protrusions higher than 1m above flat roof level elsewhere are to be submitted to and approved by the Local Planning Authority, but should generally be expected not to be permitted.

For flat roofs in situations with a solid roof parapet (1m or higher, as shown on permitted drawings): service penetrations should not be higher than top of parapet. Any such proposals above parapet level are to be submitted to, and approved in writing by, the Local Planning Authority.

For pitched roofs: service penetrations are not permissible, unless subsequently agreed by the Local Planning Authority through submission of drawings.

Permanent external wall fixed equipment used to service the building are not permissible, unless subsequently agreed by the Local Planning Authority through submission of drawings.

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.

17 Brick window reveals are to be set back a minimum 200mm (approx. one full brick deep) before the plane of a window. Brick feature recessed wall planes are to be set back a minimum 100mm (approx. ½ brick deep) from the main wall plane.

Reason: To impart an overall high quality and robustness of construction systems and to provide visual relief on a façade.

18 The development shall be carried out in accordance with the submitted flood risk assessment (Dudley's, dated 29th May 2020, reference REP01 (4)) and the following mitigation measures it details:

- i) finished floor levels of the ground floor shall be set no lower than 11.27 metres above Ordnance Datum (AOD)
- ii) sleeping accommodation is located at first floor level and above.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants

19 No above ground works (excluding works to protect the archaeological dig whether temporary or permanent) shall take place until details of the hydraulic and demountable flood barriers, have been submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- iii) how surface water falling on the dry side of the hydraulic flood barrier is dealt with once deployed;
- iv) how surface water from the building is dealt with once the flood barriers are deployed; and
- v) how foul water will be dealt with once the flood barriers are deployed.

The approved flood barriers shall be installed prior to first use of the visitor attraction and retained and maintained for the lifetime of the development.

Reason: To protect the building from river, foul and surface water flooding once the barriers are deployed.

20 Prior to the development being brought into use a flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The measures detailed within the approved flood evacuation plan shall be adhered to thereafter throughout the lifetime of the development.

Reason: To ensure the development is safe for its users in accordance with NPPF paragraph 163.

21 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

22 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- vi) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- vii) evidence of existing positive drainage to public sewer and the current points of connection;
- viii) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change; and
- ix) all manholes shall have sealed covers and outlets to have non-return valves fitted

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage

23 Following demolition of the building in each phase of development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and 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 shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

24 Following demolition of the building in each phase, 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 submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

26 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.

27 All windows to habitable rooms (bedrooms / living areas) facing Rougier Street, up to and including second floor level, should be non-opening, with ventilation provided through continuous mechanical supply and extract. The location of the supply should be submitted and approved in writing by the Local Planning Authority prior to the commencement of above ground works and the supply should be located as approved and retained and maintained for the lifetime of the development.

The continuous mechanical supply and extract ventilation system should incorporate heat recovery (MVHR), and should be designed to meet current Building Regulations with respect to the provision of fresh air and the extraction of stale air. Prior to first occupation, the developer should provide a maintenance schedule for such ventilation systems, and clarify responsibility for running costs and maintenance works, for approval by the Local Planning Authority and the systems should be retained and maintained in accordance with the agreed schedule in perpetuity. In addition, no external balcony space should be provided at the aforementioned floor levels in connection with any residential unit.

Reason: To reduce exposure of future occupants of the residential units to pollution levels currently exceeding long term health based standards.

28 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, archaeological dig, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

### Notes

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

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

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional

on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the locality.

29 Prior to first occupation, anti-idling signage should be installed at the taxi pick-up / drop-off facility. Details and location of the proposed signage shall be submitted and approved in writing with the local planning authority prior to installation, and retained and maintained as approved for the lifetime of the development.

Reason: To prevent unnecessary vehicle idling at the taxi pick-up / drop-off facility to protect local air quality.

30 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays. There shall be no work on Sundays or Bank Holidays. The Local Planning Authority

shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

31 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before 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 representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142:2014+A1 2019, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

32 Upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 07:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

33 Prior to commencement of above ground works a scheme of noise insulation measures for protecting the residential flats from externally generated noise shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation and retained and maintained for the lifetime of the development.



INFORMATIVE: The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels in habitable rooms of no greater than 35 dB LAeq (16 hour) during the day (07:00-23:00 hrs) and 30 dB LAeq (8 hour) and LAFMax level during the night (23:00-07:00 hours) should not exceed 45dB(A) on more than 10 occasions in any night time period in bedrooms and should not regularly exceed 55dB(A). These noise levels shall be observed with all windows open in the habitable rooms or if necessary windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

34 Prior to the development being occupied, a scheme for external lighting (building and public realm) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, angle, design and lux of all external lighting and shall include plans and elevations as necessary and technical and non-technical documentation, in order to explain the quality of the lighting proposal and to demonstrate non-intrusive impact of the proposal to both expert and non-expert. The development shall be carried out in accordance with the approved lighting scheme. Any subsequent revisions or alterations to the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

Note: The lighting scheme shall be informed and accompanied by a full Lighting Impact Assessment undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary.

Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for the appropriate Environmental Zone contained within the table taken from the Institute of Light Professionals Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: So as to achieve a visually cohesive appearance. To ensure that the development is well lit, providing natural surveillance and make it safe for users. The site is within a conservation area and within the setting of a listed buildings and ancient scheduled monument. Night time illumination may potentially impact on the

night time ambience of the conservation area. To ensure that the proposed development is not unduly prominent within the conservation area and wider views of the city.

35 The lighting illuminance levels for any illuminated signs shall conform to the E4 Zone levels as prescribed by the Institute of Lighting Professionals in their Professional Lighting Guide 05:2014, "The Brightness of Illuminated Advertisements."

Reason: To protect the amenity of the nearby residents and the surrounding area.

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

Reason: To prevent obstruction to other highway users.

37 A three stage road safety audit carried out in line with advice set out in GG119 Road safety audit (formerly HD 19/15), and guidance issued by the council, will be required for the public realm improvements on Tanner's Moat (to include the junctions with Rougier Street and Wellington Row). Reports for Stages 1 and 2 must be submitted to and agreed in writing by the LPA prior to works commencing on site. The Stage 3 report must be submitted to and agreed in writing by the LPA prior to occupation.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

38 The development shall be carried out in adherence with the submitted Framework Travel Plan (version 1.1 dated December 2019).

Residential and workplace travel plans are to be updated and submitted in writing for approval by the local planning authority within 12 months of first occupation. Following that annual surveys are to be undertaken and travel plans reviewed annually.

The measures shall be implemented in accordance with the approved details.

Reason: In order to achieve the agreed targets for achieving sustainable travel, in accordance with paragraphs 109, 110, 111 of the NPPF.

39 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

- Tanner's Moat proposed scheme. Please note that the proposed design will need to be revised to include a direct, segregated cycle route between Rougier Street and Wellington Row
- Rougier Street, including two new bus stops and associated shelters, cycle parking and taxi pick-up/drop off
- Alterations to Tanner Row and Tanner Street
- Changes to TROs and signage/lining as required by changes to local highway and public realm resulting from the proposed development

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

40 Above ground works, excluding demolition and works to protect the archaeological dig whether temporary or permanent shall not begin until details of the junctions at Tanner's Moat, Tanner Row and Tanner Street have been approved in writing by the Local Planning Authority, and the development shall not come into use until those junctions have been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

41 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

42 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.

43 Prior to the commencement of each phase of development, details of construction access and egress, routes into and out of the city centre for construction vehicles including arrangements for deliveries and loading (with holding areas off site if required) and locations for contractor parking shall be submitted and approved in writing with the local planning authority. The approved details shall be adhered to throughout the relevant construction period.

Reason: In the interests of highway safety.

44 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Measures to remove the site from the Residents Parking R19SC (North Street) zone.

Reason: The proposed development would have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that it is necessary to remove the site from the resident's parking zone prior to occupation so that it will not be placed under further pressure.

45 Within three months of commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent), a detailed landscape scheme for all of the external areas, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved series of

illustrative landscape drawings. The details of landscaping shall include, but not be limited to, the following:

- Species, varieties, stock size, density (spacing), and position of trees, shrubs, bulbs and other plants; and seed mix, sowing rate, and mowing regimes where applicable.
- Details and specifications of ground preparation.
- Details of tree pits/trenches/containers, soil volumes, means of support, protection and watering. The proposed tree planting shall be compatible with existing and proposed utilities.
- Locations and types of all proposed hard landscape works, including paving materials, low walls, steps, ramps.
- Locations and types of street furniture.

The development shall be carried out in accordance with the approved landscape scheme, which shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which die, are removed or in the opinion of the local authority become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development and the public realm.

46 Within three months of commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent), the design, construction details, and sample materials for all street furniture shall be submitted to and approved in writing by the Local Planning Authority. The details for the street furniture shall include, but not be limited to, the following:

Seating, planters, low walls, handrails, bollards, lamp columns & light fittings, wayfinding, et al.

The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character, function, and visual amenity of the development and the public realm.

47 Prior to the commencement of above ground works (excluding works to protect the archaeological dig whether temporary or permanent) details and samples for the retaining wall on Tanner Street shall be submitted to and approved in writing by the Local Planning Authority. The details for the retaining wall shall include, but not be limited to, the following:

- type of rendering for the 'projection walls'
- the 'green wall' construction and irrigation system, and planting.

The retaining wall shall be finished in accordance with the approved details.

Reason: To safeguard the character and visual amenity of the development and the public realm.

48 Prior to first occupation or use of the development hereby approved four integrated features providing a roosting crevice for bats must be constructed within the fabric of the new buildings facing a south-west to south-east aspect and placed at least 4m high.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 175 d) of the NPPF (2019) to encourage the incorporation of biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity.

49 The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations. Prior to first use, details of the measures undertaken to secure compliance with this condition 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: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

50 The development hereby permitted shall achieve a BREEAM rating of at least excellent.

A Post Construction Assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate submitted to the Local Planning Authority within 12 months of first use (unless otherwise agreed). Should the development fail to achieve a 'Excellent' 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 'Excellent' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

51 Prior to first occupation, a residential management plan covering, but not restricted to, balcony and terrace usage, cycle store allocation and recycling provision shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be shared with all residents prior to first occupation and implemented for the lifetime of the development.

Reason: In the interests of residential and visual amenity.

## **8.0 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 (paragraph 38) 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 amendments to the scheme to address issues including, impact on heritage assets, scale, design, loss of employment land.

### **2. 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 - (01904) 551550 - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)  
Pavement Cafe Licenc - Section 115 - Annemarie Howarth (01904) 551550 - [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

**Contact details:**

**Case Officer: Alison Stockdale**

**Tel No: 01904 555730**