

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Guildhall
Date: 23 October 2008 **Parish:** Guildhall Planning Panel

Reference: 08/01906/FULM
Application at: Works (Vacant) Carmelite Street York
For: Six storey office building with plant room above, basement parking and landscaping
By: Queens House Joint Venture
Application Type: Major Full Application (13 weeks)
Target Date: 27 October 2008

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to a vacant, unkempt site between Carmelite Street and the Shambles multi-storey car park. The site is at the edge of the Hungate site, which has been granted outline permission for redevelopment and is currently being developed in phases. According to the approved masterplan the proposed building would front onto St John's Square, a public space and focal point at the centre of Hungate, across Carmelite Street would be a 4-6 storey (6-storey facing the application site) building of contemporary design, comprising of shops and business at ground floor level and residential above. To the southeast would be block F (5-6-storey residential building) and a 4-storey car park.

1.2 The site is outside the Central Historic Core Conservation Area which terminates at the River Foss and includes the land behind (to the west of) the telephone exchange building. The site is designated as an area at high risk of flooding and is included in the Hungate action area, where the local plan seeks to deliver 1 hectare of premier employment land and a mix of residential, retail, community, cultural and leisure uses.

PROPOSED DEVELOPMENT

1.3 The application proposes a 6-storey office building, with a basement car park and an associated 7-storey service tower to its southeast side. The 6th floor would be setback from the Carmelite Street elevation. The building would be of stone and brick (two tones) construction, with aluminium windows and a green roof.

PLANNING HISTORY

1.4 In 1992 permission was granted for offices on this site. The proposal comprised of a basement car park and 5 floors of offices, with a recessed 5th floor and plant within the hipped roof. The building was to be of brick, stone and slate roof, and a maximum of 17.6m high.

1.5 A scheme submitted in 2006 was withdrawn, which proposed a 5 storey building with offices at ground floor level and residential above. The planning department objected to the lack of office space proposed onsite.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYSP9	Action Areas
CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYT4	Cycle parking standards
CYT13A	Travel Plans and Contributions
CYT20	Planning agreements
CYHE10	Archaeology

3.0 CONSULTATIONS

INTERNAL

COUNCIL ARCHAEOLOGIST

3.1 The site was the subject of an archaeological evaluation by the York Archaeological Trust in 1991. A further archaeological evaluation was carried out by On-Site Archaeology in 2008. The evaluations have demonstrated that there are significant waterlogged archaeological deposits preserved on the site and that these are overlain by a significant depth of 18th, 19th and 20th century deposits. The waterlogged deposits include what is probably an early 14th century timber waterfront and associated land reclamations, and well-preserved late-medieval dumps of rubbish. The archaeological and environmental potential of these deposits is very high. Therefore, the preservation of these deposits is essential.

3.2 Well-preserved waterlogged deposits occur below 7.0m AOD. Therefore, the lowest formation level across the site must be 7.0m AOD. The submitted sections show no features that go below this level. Any excavations which subsequently arise and which penetrate below this level must be excavated archaeologically. All service connections should be at or above 7.0m AOD. These items can be covered by appropriate conditions.

3.3 The timber waterfront identified by the evaluation must be protected by a cordon sanitaire (barrier), 2m in width, centred on the timber revetment and extending the full length of the timber waterfront. Prior to development commencing, the evaluation trench in which the waterfront was observed should be re-excavated so that any deterioration in the condition of the timbers which has occurred since 1991 can be assessed. The first part can be covered by a condition(12), the second by standard condition for an excavation and analysis (ARCH1).

3.4 It will be necessary to establish a platform consisting of a membrane and hard core which will protect the archaeological deposits during piling works. It is advisable that the piling process is preceded by probing at the site of each pile so that any obstructions can be anticipated and the necessary plant to core or chisel through obstructions can be ordered in advance. This can be covered by a condition (11).

3.5 It will be necessary for a programme of groundwater monitoring to be implemented on this site before, during and after construction work. This will fit into a wider monitoring programme looking at this part of the Foss Valley. The programme is designed to assess the impact development has on groundwater levels and quality and the implications this has for the preservation of waterlogged archaeological deposits. This can be covered by a condition (14).

3.6 The applicant proposes the use of geothermal piles to provide at least 10% of the energy requirements of the building. The applicant must submit full details of the geothermal pile system prior to development commencing (13).

3.7 There will also need to be a watching brief funded by the developer on all groundworks. Any intrusions which go below 7m AOD and which for whatever reason it is impossible to keep above 7m AOD must be excavated archaeologically.

CITY DEVELOPMENT

3.8 The proposed development should be consistent with policy SP9 which identifies the desired development of the Hungate area. As the site lies within flood zone 3, where the risk of flooding is high, the development should pass the sequential test, as established in PPG25 and York's Strategic Flood Risk Assessment.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.9 The site is located immediately to the south east of the Telephone Exchange in an area excluded from the Hungate masterplan. The north east side of the site forms the south west boundary of St John's Square, which is proposed to be the major open space within Hungate. The square has been designed as a linear wedge-shaped space and the short side would be defined by the proposed building the subject of this application; as such this application will have a potentially high impact on the character, use and definition of the new space. Indicative massing for the Hungate masterplan area expects that the highest parts of new development will achieve six storeys around the majority of the perimeter of the central space and towards the Telephone Exchange; though a top floor set-back would be included and the storey heights would vary according to the indicative building sections which are designed to take a mix of commercial and residential development. Reserved matters applications have not been received for any of the urban blocks around the square; therefore, if approved, this proposed office block would begin to create the new square.

3.10 The scheme is proposed as a linear block of six floors of office development with a major entrance off St John's Square. The ground floor would be raised above street level to correspond to a datum set by the Environment Agency. A set-back is

shown on the top floor against Carmelite Street and a small amenity space has been provided to the southeast side of the block. Servicing would take place off Garden Place, which leads to the Shambles car park. Vertical circulation within the block would mainly be in the service tower towards the front of the building but within the block and adjacent to proposed new block F. The additional 5.5m of the tower above the generalised height of the building would contain plant.

3.11 The building respects its context in the following ways:

- the main elevation addresses St John's Square directly and to achieve this the footprint has been cranked, which also widens the pavement approaching the square.
- the top-floor set-back onto Carmelite Street would reduce effects of overshadowing, and limit overlooking onto proposed block G.
- materials are brick and reconstituted stone and these relate to the brick with stone dressings of the conservation area.
- the front elevation creates civic presence onto the square - it is mainly of reconstituted stone in a vertically proportioned framework with deep columns on the ground floor.
- viewpoints from strategic vantage points within the historic core have been assessed and the elevations have been articulated to address the principal views.
- plant has been grouped in the service tower. This allows the roofline to stay simple and the roof would receive a "living green" covering.
- the projected roof height on the main body of the building is within 10cm of the upper datum set for the masterplan area (the site is outside the masterplan), and nearly 3m below the SE element of the Telephone Exchange. Massing of the building respects the local environment.

3.12 Concern has been expressed about the height and design of the service tower. The tower would be situated towards the inside of the urban block though it would be visible from the public realm within Hungate including St John's Square. The slim end of the tower towards the west would be seen from various locations in relation to Rowntree Wharf but there is a distance of around 80m between the two towers. It is considered that the new tower would have no adverse impact on the immediate setting of the listed building. The slim ends of the tower are similar in width to a typical small church tower and therefore not as bulky as Rowntree Wharf. It is considered that the simple vertical brick striations proposed for the elevations would result in the tower having an elegant appearance.

3.13 Officers are of the opinion this is a well considered building of potentially high environmental performance. The integrated approach responds to its wider context without being deferential or gratuitous. It would set a high standard of design for remaining developments in the new district of Hungate, and it would form a focus for the square.

DRAINAGE CONSULTANCY

3.14 Ask that the development provides a reduction in water run-off, in relation to existing levels onsite, preferably 70% of the existing rate. Drainage Engineers are concerned that in times of flood persons could not exit the building safely as although the building is elevated so it would be safe from flooding (10.6AOD), the outside public realm area is lower (9.7/9.8AOD) and thus may be underwater in times of flood. It is requested that persons are provided safe passage from the building onto land (10.6AOD) that is safe from flooding.

ENVIRONMENTAL PROTECTION UNIT

3.15 Ask for details of the air-conditioning to ensure this does not create a noise nuisance. The times of deliveries to the proposed building should also be controlled to protect the amenity of future surrounding occupants.

3.16 There is also the issue of contamination and the site should be investigated and if necessary satisfactory remediation carried out. Conditions have been suggested to address land contamination (32 and 33).

HIGHWAY NETWORK MANAGEMENT

3.17 No objections are raised, conditions are suggested that require a travel plan to be created and a management scheme for the construction works. The following observations have been made...

3.18 Vehicular access to the site is to be via Garden Place and a ramp into an undercroft area which will accommodate servicing traffic and 26 car spaces. Although the level of car parking is very low it is considered appropriate given the sustainable location of the site (adjacent to the city centre) and is consistent with the approach that was taken with regards to car parking levels on the wider Hungate scheme. Traffic generation from the site is considered by officers to be negligible and unlikely to have a material impact on the adjacent highway network.

3.19 As the site was not included within the Hungate scheme but falls within the Foss Basin Masterplan study area officers have sought a contribution to the aforementioned masterplan using the member approved methodology. A contribution of £25.6k will be secured through a S106 Agreement/Unilateral Undertaking.

3.20 Covered and secure cycle parking to the appropriate level has been provided and is considered appropriate. Further visitor cycle parking to the St Johns Square frontage has been incorporated.

3.21 The applicants are proposing to resurface the existing footways in the vicinity of the site. The materials to be used will need to be considered against the palette of materials proposed for the proposed highway areas within the Hungate scheme; this can be dealt with through an appropriate condition.

EXTERNAL

PLANNING PANEL

3.22 No response to date.

CONSERVATION AREAS ADVISORY PANEL

3.23 Comfortable with the design of the building but object to the height of the service tower which exceeds the specified building heights set out in the design code for the Hungate site.

ENVIRONMENT AGENCY (EA)

3.24 Ideally water run off from the site should be reduced by 30%, as requested by Drainage consultants (see 3.14).

3.25 It was originally proposed to allow the basement car park to flood, which would provide compensatory water storage space. This area would be closed off from the rest of the building in times of flood. Such measures are not usually requested by the EA in the Foss Basin as it is a pumped system. The EA are unwilling to support a proposal which would allow the basement to flood, due to the risk involved. Otherwise, conditions are suggested to prevent the risk of contaminating the watercourse, including foundation works affecting groundwater. This shall involve a risk assessment, remediation measures and confirmation of implementation (27).

3.26 Also it is suggested that conditions are established to prevent oils, fuels and chemicals and suspended solids are not discharged into a watercourse (29).

YORKSHIRE WATER (YW)

3.27 If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and YW infrastructure:

- The site shall be developed with separate systems of drainage for foul and surface water on and off site and details of such should be provided .
- Unless otherwise approved, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
- Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor.

3.28 YW also provide a list of informatives which would be attached to any permission.

PUBLICITY

3.29 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 3 September 2008. 2 objections have been made, which raise the following:

- Overdevelopment of the Hungate site, in particular the height of the proposed buildings.
- Amount of car parking on site would lead to further congestion in the city centre.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are:

- Principle of the proposed development/use of the building
- Visual impact
- Impact on the amenity of surrounding occupiers
- Sustainability
- Highway safety
- Flood risk
- Archaeology

PRINCIPLE OF THE PROPOSED DEVELOPMENT/USE OF THE BUILDING

4.2 The site falls within the Hungate action area. This area is designated in the Draft local plan for mixed use development, including premier employment development, of B1 use (business). The relevant policy, SP9 advises that planning permission will not be granted for development which would prejudice the implementation of the preferred re-development of the action area.

4.3 The proposed development involves 6368 sq m (total internal floorspace) of premier office space, which is consistent with the allocation in the local plan. This is also a central location where national planning policy (in particular PPS6: Planning For Town Centres and PPG13: Transport) seek to locate office development.

VISUAL IMPACT

4.4 Policy GP1 of the Draft Local Plan refers to design. It states that development proposals must, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with the surrounding area; retain, enhance, or create urban spaces; provide amenity space and space for waste storage; ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or over dominance. Policy HE2 (Local Plan) states that in areas adjoining conservation areas, development proposals are expected to respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials.

SETTING

4.5 Much of the surroundings which will make up the setting for this building are yet to be built, but have been established in the outline planning permission and Hungate masterplan. Those that do exist are the telephone exchange building across Carmelite Street to the west and the Shambles car park, which is between the proposed building and the river. The telephone exchange building is around 26m high and the car park is around 15m high (ridge level).

4.6 Northwest of the application site (between the site and The Stonebow), proposed is block G which would be a 4-6 (6-storey facing the application site and Garden Place) building of contemporary design, with a strong horizontal emphasis, comprising of shops and business at ground floor level and residential above. To the southeast would be block F (4-6-storey), this building would have a civic appearance, that would create a sense of enclosure, and grandeur appropriate to the public space. There is an area of hardstanding, used as a car park to the southwest of the site, between the telephone exchange building and the river.

EXTERNAL APPEARANCE

4.7 According to the Commission for Architecture and the Built Environment (CABE) the components that make up a 'good' scheme are the following, the building should be fit for purpose, well built/durable and visually pleasing. The issues detailed in GP1 and HE2 should also be considered, the materials, detailing and context.

4.8 The building has been designed to provide flexible office floorspace, the floorplates can be sub-divided if necessary and the service tower provides an access which enables each floor to operate independently. The external elevations have been designed considering the efficiency and performance of the building (see 4.16-4.18). There would also be a green roof, which aids insulation, biodiversity and drainage. The lack of plant exposed on the roof would benefit the appearance of the building.

4.9 The materials and detailing are considered to be appropriate. Brick and stone are common in the Central Historic Core Conservation Area and the elevations have an ordered relationship between windows and walls.

4.10 The building's design is sensitive to its surrounds. It has been orientated so it would turn inward along Carmelite Street so the principle elevation sits comfortably in terms of its relationship to St John's Square, reinforcing the civic appearance aspired to in the Hungate masterplan. The height of the main building would be respectful of its neighbours across the Hungate site. The service tower would be 7-storey, comparable with the height of the tower on Rowntree Wharf, 2.7m higher than the telephone exchange building and some 5.5m above the highest building(s) in the Hungate scheme, it is located so it would be screened by neighbouring buildings. By virtue of its size, location and detailing it is considered to be of acceptable appearance and not unduly prominent.

4.11 Overall it is considered that the proposed building would contribute positively to the appearance of the forthcoming Hungate area and would not detract from the

appearance of the nearby Central Historic Core Conservation Area and listed buildings within it.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPIERS

4.12 The nearest and thus affected block in the Hungate scheme to this proposed building would be block G. This building would be 6-storey where it faces Carmelite Street. The design statement for the Hungate development advises that the top level will be recessed, providing outside space for the apartments. The elevations of each building would face one another and the roof terrace to the proposed building would look down upon the recessed top floor of block G.

4.13 It has been established in the approved Hungate masterplan that in parts buildings will abut the street and be 6-storey in height, with separation distances of 10m. This relationship is thus to be expected in this part of the city and some level of overlooking will occur. The separation between the proposed building and block G varies between 10m and 12m, which respects the agreed parameters for developing the overall Hungate site.

4.14 Block F (as shown in the Hungate masterplan) tapers as it travels toward the northeast elevation of the proposed building (facing St John's Square). It would face the square and down Hungate toward The Stonebow and thus the amenity of occupants in that building would not be affected significantly by this proposal.

4.15 The building would be partially screened from the developments south of the River Foss by the Shambles car park and proposed block F. Around the top 6m of the service tower (which would have a brick louvred appearance) would stand above block F and the top two floors of the main building above the Shambles car park building. By virtue of the intervening buildings and separation distance between the proposed building and those existing in the surrounding area (60m to Malt Shovel Court and Franklin's Yard, around 80m to Rowntree Wharf), the proposed development would not unduly harm residential amenity, in terms of over dominance, overbearing and overshadowing.

SUSTAINABILITY

4.16 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with applications for development. The proposed development should also meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Commercial developments such as offices involving more than 500 sq m of space should demonstrate that they can achieve a BREEAM rating of 'very good', among the requirements are that the development can generate at least 10% of its energy demands.

4.17 The proposed development intends to provide at least 10% of its energy through ground source heat pumps. The control of the internal climate has also been comprehensively considered to provide a comfortable energy efficient working environment, through insulation, and the glazing design which controls the provision of natural light, prevents overheating and glare/direct sunlight. Also the building

would have an extensive green roof and provides cycle parking and changing facilities.

4.18 The applicants have advised they intend to exceed the requirements of the sustainability document and provide a building that is excellent in terms of its BREEAM rating. This aspiration is welcomed, however it is considered that a condition to achieve very good is adequate; it would be inconsistent and unreasonable to require a scheme which would be in excess of the policy requirement.

HIGHWAY SAFETY AND TRANSPORTATION

CAR PARKING

4.19 An objective of the Local Plan is to reduce the impact of traffic, by restraining growth in the use of motor vehicles, this is consistent with national policy contained within PPG13: Transport.

4.20 According to the Local Plan the maximum number of spaces for a building of this size should be 142 and 26 are proposed. The level of car parking is considered appropriate given the sustainable location of the site, adjacent to the city centre, and is consistent with the approach that was taken with regards to car parking levels on the wider Hungate scheme.

CYCLE PARKING

4.21 Policy T4 of the City of York Draft Local Plan seeks to maintain and promote cycle use.

4.22 112 cycle parking spaces are proposed, 100 in the basement, the rest in-front of the building by St John's Square. The amount of cycle parking is appropriate, as the minimum requirement for an office this size, as established in the Local Plan, is 106. Furthermore to encourage cycling there are cleaning and changing facilities adjacent to the parking areas.

SERVICING ARRANGEMENT

4.23 An area within the building has been identified for the storage of waste. On collection days this would be brought out by the management company and stored off the highway for collection. This arrangement means that predominantly the waste storage would not harm visual amenity and at no time highway safety.

LANDSCAPING

4.24 The materials to be used for the pavement around the site will need to be considered against the palette of materials proposed for the highway areas within the Hungate scheme and this would be a condition of approval.

TRAVEL PLAN

4.25 Policy T13a of the Local Plan advises that when a development is likely to lead to the employment of 30 or more employees onsite, a travel plan will be required. PPG13 recommends travel plans are developed for major schemes (which applies to office development which creates in excess of 1000 sq m).

4.26 Although a Travel Plan has not been submitted it is considered that this can be secured through a suitably worded condition given the speculative nature of the scheme.

CONTRIBUTIONS

4.27 Policy T20 of the Local Plan advises that contributions will be required, where necessary, to secure improvements to facilities and the highway network. The application site falls within the Foss Basin Masterplan study area. As such Highway Network Management officers have sought a contribution to the aforementioned masterplan using the member approved methodology (as used for the Hungate application). A contribution of £25.6k has been agreed with the applicants and will be secured through a S106 Agreement/Unilateral Undertaking.

4.28 Overall it is considered the proposed building would not have a material impact on volumes of traffic in the surrounding area and the scheme itself does not have any implications that would affect highway safety.

FLOOD RISK

4.29 PPS25 Development and Flood Risk is relevant national guidance. It advises where different types of development will be appropriate, based upon the flood risk of the area, and seeks to manage and reduce flood risk. PPS25 establishes flood risk zones ranging from low risk (zone 1) to the functional floodplain (zone 3b), where only water compatible uses and essential infrastructure should be permitted. The application site falls within zone 3a, where office use is appropriate. PPS25 also advises that if there is an unresolved objection from the EA over a major application, then the Secretary of State should be consulted prior to determination. To check the applications compliance with policy, and whether it will be necessary to call it in for determination.

4.30 York's strategic flood risk assessment (SFRA) is a supplementary planning document, which has been developed in accordance with PPS25. It is specific to the area and establishes the approach to determining planning applications in areas at risk of flooding. York's SFRA splits zone 3a into 3 sub categories. The application site is designated as being within flood zone 3a (ii). Flood zone 3 is an area at high risk of flooding, annual probability of 1%. In zone 3a (ii) the annual risk of flooding is 2%. In such areas PPS25 advises office development will only be appropriate if it can pass the sequential and exceptions tests. It is considered this site passes the sequential test as it has been allocated in the Local Plan for business use, the EA have agreed in principle to development at the Hungate area and as PPS25 advises office use is an appropriate development in flood zone 3 provided the development is safe and can manage flood risk. To pass the exception test the development must -

- Provide wider sustainability benefits (environmental, social and economic).
- Be located on previously developed land.
- Be safe, without increasing flood risk elsewhere.

4.31 The development passes the exception test. In measuring sustainability the criteria relates to environmental (a), social (b) and economic objectives (c). The development meets each of these requirements as (a) it makes effective use of land, maintains the appearance of the area, and would be energy efficient. (b) It is located so that it can be accessed without the need to travel by private car and (c) it provides employment opportunities. The site is located on previously developed land, it will be safe from flooding as the habitable areas of the building, i.e. the office space will be 600mm above the highest recorded flood level. The ground level is proposed as 10.6AOD, which is consistent with the requirement set for buildings at the Hungate site. The development will help prevent flood risk because water run-off from site will be controlled and reduced in relation to the existing rate.

4.32 It has been requested by Drainage Engineers and the EA that water discharge from the site be controlled/restricted to 70% of the existing rate onsite. This shall be achieved through the installation of a green roof, which would soak up rainwater and by installing storage crates below the courtyard area. Water would penetrate the permeable surface paving in the courtyard and be stored in the crates, water can be held in the crates and its release controlled. Details of this system are required through condition 22.

4.33 It has been agreed with CYC Drainage Engineers that a management strategy will be developed to ensure that in times of flood, people will be able/and have time to leave the building safely. The exit from the building is at the northeast end (onto St John's Square) where ground levels are higher than the southwest side (near the Shambles car park). Due to the variation in ground levels, there will be adequate time to evacuate the building and allow occupants to reach safe land. The proposal to allow the car park to flood has been omitted from the scheme. Instead flood doors will be installed at the basement entrance to protect the area from flooding. This overcomes the Environment Agency's objection to the scheme.

ARCHAEOLOGY

4.34 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. The policy seeks to assess and preserve important archaeological remains.

4.35 The site has been subject to investigation previously and it is considered that the package of conditions recommended by the Council's Archaeologist will ensure that there is no undue harm to archaeological deposits.

5.0 CONCLUSION

5.1 It is considered that the building is of appropriate design, it will be fit for purpose, aspires to be a highly energy efficient building, seeking to achieve a standard of BREEAM excellent, and will contribute positively to the forthcoming Hungate

development and respect the wider historic setting. There will be no undue harm caused in terms of highway safety, residential amenity, the preservation of archaeological remains and flood risk. It is recommended permission be granted, subject to conditions and a planning obligation requiring a contribution towards highway infrastructure in the Foss Basin area.

5.2 There is an outstanding objection from the Environment Agency regarding the basement flood protection. It is expected this will be retracted by the time of Planning Committee as it is no longer intended to allow the basement to flood and the flood risk assessment has been revised. However should the objection not be retracted, it will be necessary to consult the Secretary of State prior to issuing a decision.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

PO1, 2, 3, 4, 5B, 6B, 7, 8, 9, 10, 11, 12, 13

Elevations - PO30, 31, 32, 33

Sections - PO34, 35, 36

External cycles - PO37

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This must include typical window sections and louvres. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Large scale (1:5) details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a. The brickwork detailing of the service tower
- b. The glazed wall onto St John's square linking the tower
- c. Typical panel details on the Carmelite elevation showing plan, sections and elevations
- d. Balustrade details

- e. Stone louvre details
- f. All capping details including exposed soffits and fascias
- g. Details of the stepped and ramped area leading to the main entrance
- h. Details of windows and doors including shutters and gates.
- i. Pigeon deterrence measures
- j. Sections through the frontage including the colonnaded area (1:20 scale)
- k. External lighting including location and fittings

Reason: So that the Local Planning Authority may be satisfied with these details.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme (hard and soft measures) which shall illustrate the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

6 Prior to occupation of the building hereby approved the developer shall submit in writing a formal BREEAM assessment or equivalent, for the Design and Procurement stages for the building hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the local planning authority. All assessments shall confirm the minimum 'Very Good' rating, or equivalent, and be agreed to in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

7 ARCH1 Archaeological programme required

8 ARCH2 Watching brief required

9 ARCH3 Foundation design required

10 No destruction or disturbance shall be made to archaeological deposits below the level of 7.0mAOD except for that caused by the boring or auguring of piles for the building foundation and except for that caused by any other operations which have been agreed in writing by the Local Planning Authority in advance of such other operations being carried out.

Reason: As this development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum

11 No development shall commence until the applicant has submitted a methods statement detailing the creation of a piling platform, the piling methodology, a methodology for identifying and dealing with obstructions to piles and these have been approved by the Local Planning Authority.

Reason: This development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum

12 No development shall commence until the applicant has submitted a plan detailing a cordon sanitaire, 2m in width and extending the full predicted length of the timber waterfront, centred on the timber revetment identified in the York Archaeological Trust Evaluation Report dated 1991 and this plan has been agreed in writing by the Local Planning Authority.

Reason: This development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum

13 No development shall commence until the applicant has submitted full details of the geothermal piling system and these have been agreed in writing by the Local Planning Authority.

Reason: This development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum.

14 No demolition shall take place until the applicant has secured the implementation of an agreed programme of archaeological work (installation and operation of groundwater monitoring points) and this programme of work has been agreed in writing by Local Planning Authority.

Reason: This development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be monitored

15 HWAY18 Cycle parking details to be agreed

16 HWAY19 Car and cycle parking laid out

17 HWAY29 No gate etc to open in highway

18 HWAY31 No mud on highway during construction

19 HWAY40 Dilapidation survey

20 Prior to the commencement of any works on site a detailed method statement identifying the programming and management of construction works shall be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of free flow of traffic and highway safety.

21 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly travel surveys shall then be submitted annually to the authority's Travel Plan Officer for approval.

Reason: To ensure the development complies with advice contained in PPG13 (Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

22 Prior to development commencing the following details shall be submitted to and approved in writing by the Local Planning Authority. The development shall commence in accordance with the approved details.

- Demonstrate that peak run-off from the site shall be attenuated to 70% of the existing rate. This should include storage volume calculations, and include an additional 20% allowance for climate change.

Reason: To reduce flood risk, in accordance with PPS25 and in agreement with the Environment Agency and Marston Moor Internal Drainage Board.

23 Prior to occupation of the building hereby approved the developer shall submit in writing a (a) management plan covering flood risk and building evacuation procedures, and (b) details of flood resilient measures to be designed into the building. The required details shall be approved in writing by the Local Planning Authority and carried out accordingly.

Reason: In the interest of safety in times of flooding.

24 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.

25 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority .

Reason: To ensure that the development can be properly drained.

26 Unless otherwise approved in writing by the Local Planning Authority, there

shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

27 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- A. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.

Note: this has been covered in the JBA Consulting Flood Risk Assessment dated 13/06/2008.

- B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C. The site investigation results and the detailed risk assessment (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written approval of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect controlled waters.

28 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer . Roof drainage should not be passed through any interceptor.

Reason: In the interest of satisfactory drainage.

29 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus

10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

INFORMATIVE

The Environment Agency should be informed of any instance where the following is proposed : - more than 3500 litres of oil stored at any single private dwelling - more than 200 litres of oil at an industrial, commercial or institutional site The above activities are regulated by the Control of Pollution (Oil Storage) (England) Regulations 2001. These guidelines are intended to help reduce pollution caused by inadequate storage of oil in fixed tank installation. For further information, please refer to the Agency web page: 'www.environment-agency.gov.uk/business').

30 Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period.

Reason: To prevent pollution of the water environment.

31 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters

32 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases, where appropriate);

- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

33 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 in accordance with the requirements of condition 32, 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.

34 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of local residents.

35 All deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 18.00
Sundays and Bank Holidays	10.00 to 16.00

Reason: To protect the amenity of local residents.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the comprehensive development of the Hungate site, appearance (including impact on the nearby conservation area and listed buildings), residential amenity, sustainability, highway safety, flood risk and the preservation of archaeological deposits.

As such the proposal complies with Policies SP9, GP1, GP4, GP15, HE2, HE10, T4, T13 and T20 of the City of York Local Plan Deposit Draft.

2. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1980 relating to this development.

3. HIGHWAYS

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:

Sections 62 and 184 - Stuart Partington (01904) 551361

4. CONTACT UTILITIES

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

5. ENVIRONMENT AGENCY RECOMMENDS THAT DEVELOPERS SHOULD:

- 1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- 2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- 3) Refer to our website at www.environment-agency.gov.uk for more information.

Informative/ advice to applicant: Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- i.) Duty of Care Regulations 1991
- ii.) Hazardous Waste (England and Wales) Regulations 2005
- iii.) Waste Management Licensing Regulations 1994 (as amended)
- iv.) Pollution Prevention and Control Regulations (England and Wales) 2000
- v.) Landfill (England and Wales) Regulations 2002

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

There should be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. To prevent pollution of the water environment.

6. YORKSHIRE WATER

Foul water domestic waste should discharge to the 300mm diameter public foul/combined water sewer recorded in Carmelite Street at a point approximately 5 metres from the site. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

Surface water may discharge to the 300mm diameter public surface water sewer recorded in Carmelite Street at a point approximately 5 metres from the site. However, to prevent overloading of the public sewer network, surface water discharges to the network should be restricted to the level of run-off (i.e. same point[s] and rate[s] of discharge) from previous use of the site . The developer will have to demonstrate this to the satisfaction of YWS/the LPA by means of investigation and calculation. Failing this, the surface water discharge to public surface water sewer to be restricted to not more than 5 (five) litres/second.

Surface water run-off from communal parking (greater than 800 sq metres or 50 or more parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to prospectively adoptable sewer/public sewer network. Roof water should not pass through the traditional 'stage' or full retention type of interceptor/separator. It is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required.

Basement/cellar areas to be drained to public sewer will require a pumped connection and the peak pumped discharge must not exceed 3 (three) litres per second.

An off-site foul and an off-site surface water drain may be required. These may be provided by the developer.

The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. Land drainage will not be allowed into a public sewer. Highway drainage, however, may be accepted under certain circumstances; for instance, if SUDS are not a viable option and there is no highway drain available and if capacity is available within the public sewer network . In this event, the developer will be required to enter into a formal agreement with Yorkshire Water Services under Section 115 Water Industry Act 1991 to discharge non-domestic flows into the public sewer network.

7. DEMOLITION AND CONSTRUCTION

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be followed, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site.

Contact details:

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