

## COMMITTEE REPORT

**Date:** 24 March 2011                      **Ward:** Guildhall  
**Team:** Major and Commercial      **Parish:** Guildhall Planning Panel  
Team

**Reference:** 10/02527/OUTM  
**Application at:** Hungate Development Site Hungate York  
**For:** Variation of condition 3 of planning approval 08/00737/FUL for mixed use redevelopment to amend the approved plans and documents to allow revisions to the phase 2 building and to the siting of the focal building and variation of condition 6 to allow an increase in height of the phase 2 building,  
**By:** Hungate (York) Regeneration Ltd  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 27 January 2011  
**Recommendation:** Approve subject to Section 106 Agreement

### 1.0 PROPOSAL

#### THE SITE

1.1 This application relates to the Hungate development site, which is located between the Stonebow to the northwest and the River Foss to the south. This particular application relates to Phase 2 ( Block E ), which will sit between the built and occupied Block C to the east and the focal building to the west. The application also relates to the proposed focal building, which would front onto two proposed areas of open space, St John's Square, which is central to the Hungate site and Friars Quay by the River Foss.

#### THE PROPOSAL

1.2 The application seeks to vary conditions 3 and 6 of the outline permission for the Hungate site. Condition 3 specifies the list of approved plans and associated documents and condition 6 refers to the heights of buildings to be erected across the development site. The application proposes the following revisions:

(i) Alterations to the Phase 2 scheme involving an increase in the number of residential units from 154 (as approved in the Reserved Matters scheme) to 175 units and a reduction in the amount of commercial floorspace. These alterations are dealt with under the associated application which seeks permission to vary conditions 1, 6 and 8 of the Reserved Matters Approval (10/2534/REMM).

(ii) As a result of a small increase in the footprint of the Phase 2 building and a recognition that the previously granted consent identified that the street between Block E and the focal building is of restrictive width, permission is sought to alter the footprint of the focal building to achieve parallel faces of the building so as to ensure a minimum 5 metre separation distance between Block E and the focal building.

(iii) The proposed height of the Phase 2 building conflicts with Condition 6 of the outline permission. This condition requires that no buildings shall exceed the building

ridge heights as specified on the sectional drawings detailed in the Design Statement. One of these sectional drawings shows a line drawn between the ridge of Rowntree Wharf and the roof line of St. Saviourgate and Peasholme House and confirms that none of the new buildings in the development would rise above this line. Permission is therefore sought to vary Condition 6 so as to allow the building height of Block E to exceed this line by 1 metre on 2 corner sections of the 6 storey element of the building.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

2.2 Policies:

CYGP1  
Design

CYGP9  
Landscaping

CYH3C  
Mix of Dwellings on Housing Site

CYGP4A  
Sustainability

CYHE2  
Development in historic locations

CYT4  
Cycle parking standards

CYH2A  
Affordable Housing

## **3.0 CONSULTATIONS**

INTERNAL

Renaissance Team

3.1 With reference to height increase; Overall, the benefits outweigh any negative impacts. Do not consider the small proportion of the roof projecting above the imaginary upper limit line by this limited height increase will be perceptible when it is built. However recommend that this upper limit is not amended for other changes and that all subsequent buildings are still assessed against this line as agreed in the outline permission and a similar balance of benefits is assessed against any necessary subsequent assessment of building heights.

## Design, Conservation and Sustainable Development

3.2 The variation to the ground floor use and building façade does not appear to affect the width of walkway and potential for vegetation along the riverside walkway. The creation of private terraces, to a degree, provides an extension to the openness alongside the river, and negates the need for incongruous ramps from the pavement level, and introduces a slim bit of greenery as a formal hedge between the two.

## Highway Network Management

3.3 No highway objections. The level of development proposed has not yet exceeded that considered and agreed at the outline stage.

## EXTERNAL

### Environment Agency

3.4 No objection

### Guildhall Planning Panel

3.5 Object. We believed at the time that the Hungate scheme was already an overdevelopment. The proposed amendments would further lead to an increase in density.

### Publicity

3.6 The application was publicised by site notice, press notice and letters of neighbour notification. The deadline for comments was 10 March 2011. A letter has been received from a resident of Rowntree Wharf objecting to the proposal for the following reason;

(i) Phase 2 included cafes and commercial units at ground floor facing the river. This design was the result of a public display and previous consultation with residents. The developer has no way of knowing what particular aspect of the design appealed to the public and it is presumptuous to state that the changes would result in minor view changes. Why was this application submitted without further and wider consultation with the public? Many will be unaware of the changes.

(ii) Although the committee approved the outline plan there was strong opposition from other party councillors and the general public with respects to population density. The planned population density of the site was excessive but this has now increased for the phase 2 building and will lead to slums later in the century.

3.7 A further letter has been received requesting that the Council consider population density when reviewing this application. The letter states that York currently has a relatively low population density, however there is a potential for this site to have the highest density of any area in York, even without this requested change by the developer.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Implications on the comprehensive redevelopment of the Hungate site as agreed in the outline application
- Visual impact of relocation of focal building and of increase in height of block E
- Highway safety

## FOCAL BUILDING

### Background

4.2 The aspiration for the focal building, as agreed when the outline application was approved, was that it would become a community space comprising possibly of a crèche, exhibition space, art/technology workspaces, media centre, museum or similar. The legal agreement associated with the outline consent requires that up to 8,000 sq ft of space in the building be proposed for community use. The exact use will be agreed with the council at the time of development.

4.3 In 2008, permission was granted to amend the siting of the focal building 9 metres back from St Johns Square. This was due to the location of a sewer route through the site. Permission was also granted to reduce the length of the focal building by around 4.5 metres so as to ensure that the relocation would not compromise the size of Friars Quay. As such the amount of floorspace within the focal building was reduced from 3,481 sq m to 3,241 sq m.

4.4 According to the plans the building will be used for offices, retail, cafes, bars and restaurant on the ground and first floors. Above would be some residential (22 units, 14 2-bed, 8 1-bed) and the community space. The central strip of the building would be 6 storey in height.

4.5 This proposal is a result of a proposed small increase in the footprint of the Phase 2 building and a recognition that the previously granted consent identified that the street between block E and the focal building is of restrictive width. The extent of the increase in the footprint is considered to be relatively minor amounting to the building width of Block E increasing by between 700 mm and 1000mm.

4.6 Permission is sought to alter the footprint of the focal building to achieve parallel faces of the building so as to ensure a minimum 5 metre separation distance between block E and the Focal Building. The elevation of the Focal building facing St. John's Square would remain unchanged however the elevation facing Friar's Quay would be narrowed by 1.9 metres which would reduce the footprint of the Focal building by 25 square metres. To compensate for this loss in floor area and maintain the size of footprint approved in the outline, the Focal building would be lengthened towards Friars Quay by 960mm.

## IMPLICATIONS ON THE COMPREHENSIVE REDEVELOPMENT OF THE HUNGATE SITE AS AGREED IN THE OUTLINE APPLICATION

4.7 Through alterations to the footprint of the focal building to achieve parallel faces of the building, this proposal would not involve a loss in the floorspace of the building. As such the aspirations for the focal building, as agreed when the outline application was approved, would not be compromised. The affordable housing to be delivered across the site would also not be affected by this proposal.

### VISUAL IMPACT / EFFECT ON THE SETTING

4.8 In design terms, Officers consider that the alteration of the footprint to achieve parallel faces and its slight relocation, would be acceptable. The focal building has yet to be designed in detail, with only the location, height and use established at outline stage. The mass was focused towards the centre of the building with the "wings" lower, which enables the footprint to be altered in this way without significant implications.

4.9 The provision of a minimum 5 metre gap between Block E and the focal building is in accordance with the masterplan granted outline consent, and is beneficial in terms of encouraging movement between phase 2 and the Focal Building. Friars Quay would be reduced by approximately 16 sq metres in size as a consequence of the proposal. However, the square would continue to be adequate to provide a pleasant riverside area.

4.10 It is considered that the relocation of the building would have a neutral effect on the conservation area (which terminates at the river at the south of the Hungate site) and nearby listed buildings such as Navigation Wharf.

### HIGHWAY SAFETY

4.11 Through altering the footpath of the focal building to achieve parallel faces of the building, the proposal manages to accommodate the swept paths requested by Highways Officers such that both 11 metre refuse vehicles and shorter fire tenders could now access Friar's Quay and turn round to exit the way they came in. Highways Officers raise no objections to both this application and the application to vary conditions on the Reserved Matters approval.

### HEIGHT OF BLOCK E

4.12 The proposed height of the Phase 2 building requires a variation of Condition 6 of the outline permission. This condition requires that no buildings shall exceed the building ridge heights as specified on the sectional drawings detailed in the Design Statement. One of these sectional drawings shows a line drawn between the ridge of Rowntree Wharf and the roof line of St. Saviourgate and Peasholme House and confirms that none of the new buildings in the development would rise above this line.

4.13 As discussed in the report relating to application 10/2534/REMM, permission is sought for the building height of Block E to exceed this line by 1 metre on 2 corner sections of the 6 storey element of the building fronting the riverside as a result of an

increase in floor to floor heights and the architectural form of the roofscape in providing roofs with a suitable pitch. The agent has clarified that the proposed increase is a result of the building being designed with maximum flexibility for the future to achieve the desired levels of sustainability. This has been achieved by incorporating space in the basement for a centralised heating system, extra service risers and an increased space within the corridor ceilings to provide the required pipe work. The objective is to maintain a minimum standard of code for sustainable homes level 3 and lifetime homes with 15% of the properties improved to meet level 4 in order to provide high quality sustainable accommodation.

4.14 A significant subject of debate at the time of the outline application concerned the height of the Hungate development. With reference to the River Foss frontage of the scheme and in particular the relationship to the Navigation Wharf Grade II listed building, the approach adopted was to reflect the wharf like characteristics across the river by including buildings of a similar but slightly lower height to Navigation Wharf.

4.15 Only a small proportion of the building would project one metre above the imaginary line drawn between the ridge of Peasholme House and that of Rowntree Wharf and in the context of Local Plan Policy GP4a, which refers to the fact that proposals should have regard to the principles of sustainable development, Officers are satisfied that the benefits to be achieved from the additional height outweigh the minimal visual impact which would result from the increase.

4.16 It is therefore recommended that Condition 6 of the outline permission, which refers to the height of buildings, be amended. In order to ensure that all buildings in future phases are assessed against the sectional drawings detailed in the Design Statement and a similar balance of benefits is undertaken against future possible proposals for increases in height, the wording of the condition would be such as to allow the increase of the height of the Phase 2 building only.

## **5.0 CONCLUSION**

5.1 The proposed relocation and alteration to the footprint of the focal building would not compromise the contents of the outline permission, i.e. the amount of community space and affordable housing to be delivered. Furthermore Officers do not consider that the proposal would affect visual or residential amenity, highway safety or the appearance of the nearby conservation area.

5.2 In terms of the proposed increase in height of part of the Phase 2 building, Officers are satisfied that the benefits to be achieved in designing a building with maximum flexibility for the future to achieve desired levels of sustainability outweigh the minimal visual impact which would result from the increase. It is therefore recommended that Condition 6 of the outline permission, which refers to the height of buildings, be amended. In order to ensure that all buildings in future phases are assessed against the sectional drawings detailed in the Design Statement and a similar balance of benefits is undertaken against future possible proposals for increases in height, the wording of the condition would be such as to allow the increase of the height of the Phase 2 building only.

5.3 The proposal to vary Condition 3 of the outline permission to reflect proposed revisions to the Phase 2 scheme through an increase in the number of residential units and a reduction in the amount of commercial, is assessed within the accompanying application to vary conditions of the reserved matters approval (07/1901/REMM). As Members will note, this application is supported. Approval is recommended subject to the variation of the S106 Agreement to refer to this application

5.4 It is recommended that this application to vary conditions 3 and 6 of the outline permission be approved subject to the imposition of all conditions attached to outline permission 08/00737/FUL. Condition 3 would be varied to include the revised details associated with the changes to the siting and footprint of the focal building and the revisions to the Block E and Condition 6 would be varied to allow the increase in the height of part of the Phase 2 building.

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

1 Approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of six years beginning with the date of outline approval for the site (July 2006) and the development hereby permitted shall be begun either before:

- a) the expiration of eight years from the date of outline consent permission 02/03741/OUT; or
- b) the expiration of two years from the date of approval of the last of the reserved matters to be approved; which ever is the later.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990.

2 Fully detailed drawings illustrating all of the following details for each phase of development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works for each phase and the development shall be carried out in accordance with such details:

Details to be submitted: design, external appearance, boundary treatment and landscaping of the proposed development to be carried out, including a schedule of all facing materials to be used, noise attenuation measures and fume extraction systems.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

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

Focal Building - Amended Location : 060134\_SK003 (4 March 2011)

Ground Floor Context Plan : 060134\_102 (30 September 2010)

Site Sections - Sheet 1 - Southwest Sectional Elevations : 060134\_305 (31.1.11)

Site Sections - Sheet 2 - Northwest Sectional Elevations : 060134\_306 (31.1.11)

Revised schedule of uses, floorspace and accommodation, as set out in Hungate - Outline application revised master plan (Document 4a) revised June 2005

Document 3 a - Town Planning Statement Addendum (January 2004)

Master Plan and Drawings: - PL001 (November 2004) , PL002 (November 2004), PL003 (Revised June 2005), PL004 (November 2004), PL005 (31 May 2005 and extracts 28 June 2005) , PL007 (29 March 2005), PL008 (29 March 2005), PL009 (29 March 2005), PL010 (31 May 2005)

Document 5a - Revised Design Statement (November 2004) and addendum including revised focal building location received 20.3.2008

Document 6a - Revised landscape design Guidelines November 2004)

Document 7 - Transport Assessment (November 2002)

Document 7a - Transport Assessment S supplementary Statement (December 2004)

Document 8 - Environmental Statement (November 2002)

Document 8a - Environmental Statement Addendum (January 2005)

Document 9 - Environmental Statement Technical appendix A Scoping Opinion (July 2002)

Document 10 - Environmental Statement Technical appendix B Revised Air Quality Monitoring Study (Nov 2004)

Document 11 - Environmental Statement Technical appendix C Noise and Vibration Information (Nov 2002)

Document 12 - Environmental Statement Technical appendix D Archaeological Assessment Vol 1 (Nov 02)

Document 12a - Environmental Statement Technical appendix D Archaeological Assessment Supplementary Statement (January 2005)

Document 13 - Environmental Statement Technical appendix D Archaeological Assessment Vol 1 (Nov 02)

Document 14 - Environmental Statement Technical appendix E Built Heritage Assessment (Nov 2002)

Document 15 - Environmental Statement Technical appendix F Consolidated Environmental Review (Nov 02)

Document 16 - Environmental Statement Technical appendix G Flood Risk Assessment (November 2002)

Document 17 - Environmental Statement Technical appendix H Ecological Appraisal (November 2002)

Document 18 - Environmental Statement Technical appendix I Ecological Management Plan (Nov 2002)

Document 19 - Environmental Statement Non Technical Summary (November 2002)

Document 19 a - Environmental Statement Non Technical Summary (January 2005)

Document 20 - Sustainability Statement (November 2002)

Document 21 - Residential Market Overview (November 2002)

Document 22 - Leisure and Retail Market Overview (November 2002)

Document 23 - Offices at Hungate - Marketing Strategy (October 2002)

Document 24 - Design Code (December 2004) and revised extract 'Spatial Hierarchy' (31 May 2005)



Document 25 - Statement of Community Involvement/responses to Issues Raised During Consultation (January 2005) and revised schedule of responses (20 July 2005)

Document 26 - Environmental Statement Technical Appendix J Ground Water Monitoring Strategy (Jan 05)

Document 27 - Design Solutions/ Internal Flats Layouts (29 March 2005)

Document 28 - Courtyard Section - Illustrative Design Solutions (31 May 2005)

Document 29 - Open Space Audit (4 May 2005)

Document 30 - EIA Implications of Design Amendments (June 2005)

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

4 Notwithstanding the details submitted on the Masterplan drawings, the precise siting of buildings H and the Landmark office block (G) shall be agreed in writing by the Local Planning Authority prior to commencement of the relevant phase of the development. The precise siting shall be within the area marked on the attached plan.

Reason: In order that the Local Planning Authority may be satisfied with the siting of these buildings having been informed by more detailed works carried out under the programme of archaeological investigation and excavation.

5 The external design details for each phase of the development shall be fully in accordance with the submitted Design Code (January 2005), to the satisfaction of the Local Planning Authority.

Reason: In order to ensure that the design of the development reflects the original principles of the design as agreed by the Local Planning Authority.

6 With the exception of Block E in Phase 2 of the development, the buildings to be erected on this site shall not exceed the building ridge heights as specified as O.S. datum levels on the Sections on pages 38 and 39 of the amended Design Statement received on 11th January 2005.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area.

7 The phasing for the development shall be in accordance with that established in the planning obligation. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order that the impact of the phasing of the development can be properly assessed, prior to commencement of the development.

8 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the start of construction on site.

Reason: In the interests of highway safety.

9 No dwelling in respect of each phase of development to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of completion the construction of the phase of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

10 Safety Audit:

A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the internal highway layout and all off-site works requiring alteration, stage 1 of which must be submitted to and agreed in writing by the LPA prior to each phase of works commencing on site.

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

11 Prior to each phase of the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building or buildings within that phase shall not be occupied until the cycle parking areas and means of enclosure (including the public cycle parking areas within that phase) have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles. Cycle parking shall be in accordance with the schedule Summary of Cycle Parking Requirements 1056/70 dated 23/05/05

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

12 Prior to each phase of the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

13 Prior to the commencement of the use hereby approved in each phase of development, 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. Block G - accommodation for servicing will be made within the courtyard with access via Carmelite Street; Block H - will include service bay provision on the Stonebow frontage 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.

14 Prior to the commencement of any phase of the development hereby permitted a programme for the following off site works by phase shall be submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

- Zebra crossing and pedestrian refuges on Peasholme Green at junction with St. Saviours Place,
- Pedestrian tables/plateaus at the junctions of Dundas Street, Hungate and Garden Place, including street furniture/signage.
- Surface improvement at the Fossgate junction,
- A scheme covering street furniture along The Stonebow (adjustment/enhancement),
- A scheme covering new and improved highway signage, to surrounding streets, including cycle and pedestrian links.

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

15 Prior to the commencement of any phase of the development hereby permitted a phased programme of works as set out in the Outline Specification for Upgrade of Existing Streets, dated 22/6/05 Revision E, shall be submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same. These works shall be in accordance with the Street Section Drawings, 1056/70/101, 1056/70/102 B & 1056/70/103 B dated 24/5/05.

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

16 Prior to commencement of each phase of the office or commercial development hereby permitted a stage one (interim) Travel Plan which shall include details of modal split targets and default provisions in the event that those targets are not met and within six months of first occupation of any part of the office or commercial development to submit to the Council a stage two (final) Travel Plan and to implement such Travel Plan as maybe approved by the Council in accordance with a timetable which shall have been previously agreed in writing by the Council provided always that in the event that there shall be any change of occupier of any part of the office or commercial development that occupier shall submit to the Council prior to its occupation a revised Travel Plan and implement such Travel Plan as maybe approved by the Council throughout its period occupation.

Reason: To ensure the delivery of sustainable transport objectives including reductions in car usage and increased use of public transport, walking and cycling.

17 No development in any phase shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of 6 months of the completion of the relevant phase of development. Any trees or plants which within a

period of 5 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.

18 The detailed drawings for each phase of development should be submitted for the approval of the Local Planning Authority and should include a plan and schedule of all trees and shrubs on the site. Such plan shall show the spread of each tree. It will identify those trees and shrubs to be retained and those to be felled. Trees and shrubs to be retained shall be protected during the development of the site by the following measures:

- i A chestnut pale or similar fence not less than 1.2m high shall be erected at a distance of not less than 4.5m from the trunks;
- ii No development (including the erection of site huts) shall take place within the crown spread of the trees;
- iii No materials (including fuel or spoil) shall be stored within the crown spread of the trees;
- iv No burning of materials shall take place within 3m of the crown spread of any tree;
- v No services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority;

Reason: Some of the existing planting is considered to make a significant contribution to the amenities of this area.

19 A scheme of works for the restoration of the Foss Riverbank/wall, excluding the Kings Pool site, shall be submitted and agreed with the Local Planning Authority prior to the commencement of the relevant phase of development.

Reason: In the interests of the visual amenities of locality, flood defence and ecology along the Foss corridor.

20 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

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

Reason: To protect the amenity of the locality

21 The hours of operation for each Class B1 premises shall be approved in

writing by the Local Planning Authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

22 The hours of delivery to and dispatch from each commercial premises, to include Use Classes B1, A1, A3, A4 and A5, shall be confined to the following times, unless otherwise approved in writing by the Local Planning Authority:

Monday - Friday	08:00 - 18:00
Saturday, Sunday & Bank Holidays	09:00 - 18:00

Reason: To protect the amenity of local residents.

23 Premises used for Class B1, A3, A4 or A5 use, that adjoin residential premises, shall be noise insulated in accordance with a scheme to be approved in writing by the Local Planning Authority. The noise insulation scheme shall be fully implemented prior to occupation. No alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of local residents.

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

Reason: To protect the amenity of the locality.

25 Residential premises facing The Stonebow and Peaseholme Green shall be fitted with fixed windows that cannot be opened and provided with alternative means of mechanical ventilation. These premises shall also not be provided with balconies or any other form of outdoor area. The residential premises to which this condition applies shall be agreed in writing with the Local Planning Authority.

Reason: To prevent the introduction of relevant receptors and the requirement to declare an air quality management area.

26 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB  $L_{Aeq}$  1 hour and 60 dB  $L_{A Max}$  (23:00 - 07:00) in bedrooms and 35 dB  $L_{Aeq}$  1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by

the Local Planning Authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of residents.

27 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the Local Planning Authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

28 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 6m (six) of the line of the sewers at greater depths, or within 3m (three) of the line of the sewers at shallower depths which cross the site.

Reason : To prevent pollution of the water environment.

29 Each phase of development shall not begin until details of separate systems of foul and surface water drainage works for that phase have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason : To prevent pollution of the water environment.

30 No piping shall be installed within 10m of any public sewer unless otherwise agreed in writing by the Local Planning Authority

Reason : To prevent pollution of the water environment.

31 Prior to the commencement of the development hereby permitted details of the proposed sewer realignment and confirmation of the phase of development in which the works will be undertaken shall be submitted to and approved in writing by the Local Planning Authority.

Reason : To prevent pollution of the water environment.

32 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from any phase of 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 prevent pollution of the water environment.

33 No development approved by this permission shall be commenced until:

a) A desk top study has been carried out which shall include the identification of

previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to human health, controlled waters and the wider environment associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, controlled waters and the wider environment, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To protect human health, controlled waters and the wider environment the environment and ensure that the remediated site is reclaimed to an appropriate standard.

34 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA for an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details, in the interests of protection of Controlled Waters, human health, and the wider environment.

35 Upon completion of the remediation detailed in the method statement a report shall be submitted to the LPA that provides a verification that the required works regarding contamination have been carried out in accordance with the approved method statement(s). Post-remediation sampling and monitoring results shall be included in the reports to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Controlled Waters, human health and the wider environment by ensuring that the remediated site has been reclaimed to an appropriate standard.

36 Each phase of the development of the site should be carried out in accordance with the approved method statement.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters, human health and the wider environment.

37 Development of each phase approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the LPA. The planning shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

38 The detailed drawings submitted to illustrate the landscaping works for approval in respect of each phase of development under reserved matters shall indicate existing site levels together with details of proposed finished levels of the landscaped areas.

Reason: To ensure that the development does not result in the displacement of floodwater.

39 Prior to being discharged into any watercourse, surface water, sewer or soakaway system, all surface water drainage from parking areas and the hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

40 Diffusion tube monitoring points shall be provided that are fully accessible by officers of the council, on the facade of any new residential buildings erected along The Stonebow / Peaseholme Green. The exact position of the monitoring points shall be confirmed in writing by the Local Planning Authority.

Reason: To allow the monitoring and assessment of local air quality.

41 Prior to any commencement of each phase of the development on site, a detailed method of work statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and route to be taken by vehicles transporting the demolition and construction material from the site.

Reason: To ensure that the works are carried out in a safe manner with a minimum disruption to users of the adjacent public highway and adjacent occupants.

42 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the



development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

43 Details of the works and provision to facilitate disabled access and movement within the site and to the buildings permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented before the use is commenced or the building is occupied.

Reason: To ensure adequate provision for access within the development.

44 Full details of the proposed CCTV facilities within the site and lighting for the car park and cycle route shall be submitted to and approved in writing by the LPA, prior to any part of the development being brought into use.

Reason: In the interests of safety and visual amenity.

45 The operation and management of the apartment block car parks shall be undertaken in accordance with car park management schemes which shall previously have been submitted to and agreed in writing with the Local Planning Authority for each phase of the development, and shall not be revised without the prior written approval of the LPA.

Reason: In order to ensure the efficient operation of these facilities, in the interests of the safety and convenience of highway users.

46 The development shall make provision for the linkage of the Foss Walkway adjacent to the Shambles car park with the proposed pedestrian and cycle route within the site. Details of the treatment of the boundary at this south west corner of the site and site levels at the boundary shall be submitted to approved in writing by the Local Planning Authority prior to the phase of development within which it is located is commenced. Thereafter the agreed treatment shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard the future provision of a continuous route along the north bank of the Foss at this point, in accordance with the objectives of the Foss Walkway Strategy.

## **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;

- implications on the comprehensive redevelopment of the Hungate site
- design and appearance
- landscaping
- affordable housing /mix of house types
- highway safety
- sustainability

As such the proposal complies with Policies GP1, GP4a, GP9, HE2, H2A, H3C and T4 of the City of York Development Control Local Plan.

2. Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development, which will need to be varied and agreed in writing with the Local Planning Authority.

3. The reserved matters applications will be expected to demonstrate compliance with the principles of the Secure By Design initiative and Designing out Crime guidance, and should the design details be formulated in full consultation with the Police Architectural Liaison Officer.

#### **Contact details:**

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