

## COMMITTEE REPORT

**Date:** 4 July 2013                      **Ward:** Guildhall  
**Team:** Major and                      **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 13/01318/FULM  
**Application at:** Coppergate Shopping Centre Coppergate Walk York  
**For:** Extension at ground to third floor levels to units 19/20 and 22  
**By:** Mr G Chalk  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 16 August 2013  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application site is the Coppergate Centre which is a 1980's addition to the central shopping area. The development is of brick with a pantile roof, ranging in height from 2-storey at the Coppergate end, stepping up to 6-storey around St Mary's Square. The site is within the Central Historic Core Conservation Area.

#### PROPOSALS

1.2 The application affects the part of the unit which is currently occupied by Marks and Spencer, where it faces toward Piccadilly and the service yard behind the White Swan Hotel building. Currently this part of the building is 4-storey, with the top floor setback from the main elevation. The top floor is smaller in footprint to those below and within a central void there is external plant which is hidden by the surrounding pantile roofs.

1.3 Marks and Spencer are to vacate the building and to secure a new retailer it is necessary to increase the floorplate by around 980 sq m.

1.4 It is proposed to increase the floor-space by extending out over part of the service yard and by adding to the top floor level, where the plant is presently located. The top floor would be remodelled and given a new facade appearing as a mansard shaped grey coloured zinc clad structure. The plant would essentially be raised a level and screened by an enclosure. It is also proposed to install PV panels on the roof and it is intended these provide just over 10% of the unit's energy demand.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

Floodzone 2 GMS Constraints: Floodzone 2

### 2.2 Policies:

CYSP7B York City Centre and Central Shopping Area

CYSP3 Safeguarding the Historic Character and Setting of York

CYHE2 Development in historic locations

CYHE3 Conservation Areas

CYGP1 Design

## 3.0 CONSULTATIONS

### Design, Conservation and Sustainable Development

3.1 The Coppergate Shopping Centre is a large mid 1980s retail led development located on the edge of the retail area within the Central Historic Core conservation area. The shopping is inward facing around a central lane and public space; however the unit affected by this application also has a frontage onto Piccadilly and is located opposite the historic Guildhall of Merchant Adventurer's Hall (listed at grade 1). The Coppergate Centre roof is also highly visible in panoramic views from Clifford's Tower (key view 16).

3.2 On Piccadilly the new mansard roof would be set back by 2m and partially hidden by the existing pantiled roof edge. This would not increase visual intrusion on the street in front of Merchant Adventurer's hall. The exposed corner next to the service yard is seen as far away as the busy junction with Parliament Street. Drawings have been revised to retain the pantile return into the service yard to its existing extent to mask the full height of the new zinc mansard roof in these views.

3.3 Plant which is currently set within the roof would need to go on top of the new roof. Nevertheless it has been set down by approx half a meter to reduce the visible screen height to just below the ridge of the highest part of the Centre above the car park. The visible area of screen would extend over a relatively short length of the Coppergate roof. Views have been assessed from the top of Clifford's Tower and the extra floor would not be visible at all. The plant screen itself would be seen as a relatively thin edge over an existing lower pantile roof at a distance of approx 200m

from Clifford's Tower. It would not affect long distance views towards Nestle factory and the distant hills.

3.4 The overall effect on the character and appearance of the conservation area and on panoramic view 16 from Clifford's Tower would be neutral.

#### Environmental Protection Unit

3.5 Officers ask for the following information and conditions –

- Noise levels from the roof plant to be agreed (cond.9)
- Control of construction work – ask to agree Construction Management plan and that times of work are controlled (cond. 10)
- Unexpected contamination, if found, to be reported to Local Planning Authority (cond. 11)

#### Highway Network Management

3.6 No objections. Note the service yard could still operate adequately. The applicants should develop a travel plan for staff and a condition is recommended to secure such. Conditions are also requested to require a dilapidation survey of the highway and to agree the method of works, the latter to avoid disturbance to the highway network.

#### English Heritage

3.7 Note that enclosure to the re-located air handling units would be visible from the Grade I listed Scheduled Monument of Clifford's Tower and that the exact positions of the units have yet to be finalised. Any intervention into the roofline of the Coppergate Centre needs to be carried out with very considerable subtlety so as to ensure that it does not compound the damage already done to the view from Clifford's Tower by the visually solid block which comprises the roof of the Coppergate Centre.

#### Guildhall Planning Panel

3.8 No objection.

#### Publicity

3.9 One representation has been made which made the following comment -

- There is a fire escape behind 12 Coppergate Walk and services. Access should remain to these areas at all times.
- Currently deliveries are only permitted between 07.00 and 19.00 hours. This should remain the case, and be adhered to during construction.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES

- Principle of the proposed development
- Impact on the appearance of the host building and the historic setting
- Amenity of surrounding occupants
- Highway Network Management
- Sustainable design and construction

### PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 In principle expanding the size of the retail unit complies with national policy which requires planning to be positive and promote competitive city centres. The proposals comply with current and emerging Local Plan policies (SP7b of the 2005 Local Plan and R1 and R3 of the emerging Local Plan) which seek to enhance the vitality and viability of the city centre and focus major new retail development and investment within the City Centre.

### IMPACT ON THE APPEARANCE OF THE HOST BUILDING AND THE HISTORIC SETTING

4.3 The application is within the Central Historic Core Conservation Area. In terms of visual impact the main considerations are the impact on the immediate setting; views along Piccadilly and Parliament Street, and the effect on views of the city and the Minster from Clifford's Tower - key view 16 in the Central Historic Core Conservation Area Appraisal.

4.4 Design guidelines within the National Planning Policy Framework, Local Plan policies SP3, GP1, HE2 and HE3 are relevant, as are the management strategies within the Central Historic Core Conservation Area Appraisal. SP3 seeks to preserve the unique and historic setting of the city, the NPPF requires developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Local Plan policies require also that developments are sympathetic to their setting, considering local scale, proportions, and details. Proposals are required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

### Side Extension

4.5 The side elevation of the building which faces the service yard presently cuts back where the delivery bay is situated. It is proposed that at first floor level and above the floor-plates would be extended out, over-sailing this area and the elevation would run directly to the rear of 12 Coppergate Walk. The elevation would be in brick in matching style and detailing to the existing building. This elevation is predominantly out of public view, being setback from Piccadilly and behind surrounding buildings. Due to the location, scale and design of this extension it would not have a material visual impact on the historic setting.

### New Mansard Roof

4.6 The new zinc clad mansard roof would be visible in the street scene, from Parliament Street, and when approaching the application site from that direction. It would not be apparent from the southern side, as it would be lower than the existing roof.

4.7 The extension is deemed to have an acceptable visual impact, considering views and the immediate setting. The new mansard would not be materially higher than the existing roof. As with the existing roof, it would be set back from the main elevation, and (where viewed from the street) set behind the pantile roof feature at eaves level, which visually reduces the scale of the building. The roof form and zinc material (which would be grey), whilst not used on this building will not be out of character within the central historic core, where slate coloured mansard roofs are not uncommon. There are buildings on the opposite side of Piccadilly, to each side of the Merchant Adventurer's Hall which have a similar roof form and appearance to that proposed.

### Roof Plant

4.8 The plant enclosure would be set back from Piccadilly to the extent that it would not be seen in public views from the north. The top of the enclosure would be about a metre higher than the ridge of the intervening roof between the enclosure and Clifford's Tower. The enclosure would be in grey zinc on the side which could be seen from Clifford's Tower and this will blend in with the skyline. It would be around 20m in length and 175m from Clifford's Tower. The plant would not interrupt the vista of the Minster. The visual impact of the plant would be subtle and there would not be material harm to the city skyline.

## AMENITY OF SURROUNDING OCCUPANTS

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

4.10 There are flats above the shops at 2-10 Coppergate Walk which are accessed via a covered walkway. The flats are predominantly orientated to avoid overlooking of the service yard. Typically the windows serve bathrooms and kitchens on this elevation. Only on the top floor are full height windows to nos. 8 and 10. The closest of these windows would be around 4m from the extension proposed and the windows are orientated towards Piccadilly. The proposed extension would not be unduly over-bearing and there would be no material loss of outlook to the flats.

4.11 A condition is proposed, which will require that noise levels of the external plant are agreed by the planning authority if the plant when in operation would be audible outside the site. This will ensure that residential amenity is reasonably preserved, in accordance with World Health Organisation standards.

## HIGHWAY NETWORK MANAGEMENT

4.12 The NPPF requires that developments are designed where practical to accommodate the efficient delivery of goods and supplies. The document recommends the use of travel plans, to help encourage sustainable modes of transport.

4.13 No alterations to the servicing arrangements are proposed. The proposed extension over the servicing/deliveries area would not alter the operation of the space. Given the city centre location, and the amount of additional floor space proposed, the development will not have a material impact on traffic generation.

4.14 A condition is proposed to secure a travel plan for staff of the future premises which would be an ongoing means of promoting sustainable travel. The applicants report that it is not proposed to increase staff cycle parking as the current staff cycle parking facilities for Coppergate are under utilised. There may be good reason for this, the spaces may be inconvenient/undesirable for example, and this issue would be investigated through the travel plan.

## SUSTAINABLE DESIGN AND CONSTRUCTION

4.15 Because overall the refurbishment scheme would create over 1,000 sq m floor-space according to York's interim planning document on sustainable design and construction the development should achieve a BREEAM rating of Very Good. The applicants intend to achieve this and propose that just over 10% of the buildings energy demand will be provided by the array of PV panels which it is proposed to locate on the roof. The panels will not be visible.

## 5.0 CONCLUSION

5.1 The proposals bring significant benefit as the scheme will enhance the retail offer available in the city centre, enabling a retail premises of around 5,250 sq m, which would create around 170 jobs. The application therefore should be supported, considering policy within the NPPF, which advises that LPA's should promote competitive city centres and that it is important that the need for retail and city centre uses are met in full and are not compromised by limited site availability. This policy also accords with existing and emerging Local Plan policies which seek to enhance the vitality and viability of the city centre and focus major new retail development and investment within the City Centre.

5.2 There is no identified harm which outweighs the benefits of the proposals, considering the impact on heritage assets, residential amenity and highway safety.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development to start within three years

#### 2 APPROVED PLANS

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

Proposed Floor plans AL (00) 10 – 15 revision E

Proposed Elevations AL (01) 11 – 13 revision D

Proposed sections AL (02) 11 D

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

3 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) details of the zinc cladding system (type of fixing etc) and plant enclosure
- b) mansard windows in context (large scale drawings at 1:10)

Reason: In the interests of the appearance of the host building and the conservation area setting.

#### 4 MATERIALS

Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of the development (samples to be provided on site). The development shall be carried out using the approved materials.

The brickwork and clay tile roof shall match that on the existing building in all respects. A sample panel of the brickwork shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved

Reason: So as to achieve a visually cohesive appearance.

#### 5 BREEAM

The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 6 months of occupation of the refurbished building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

INFORMATIVE: The agreed method of rating the proposals was under the BREEAM Refurbishment Retail 2008.

#### 6 TRAVEL PLAN

Within 6 months of occupation of the development hereby approved a travel plan (for employees and setting out measures to promote sustainable travel and reduce dependency on private car journeys) shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated annually. 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 reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

## 7 HWAY40

Dilapidation survey (assessment of highway condition prior to works commencing and requirement for any repairs if damage occurs during construction).

## 8 CONSTRUCTION MANAGEMENT

Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- details of the management of the service yard during construction works to ensure sufficient access and manoeuvring remains in order to avoid the displacement of servicing traffic onto the adjacent public highway
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

## 9 NOISE

Prior to installation details of all machinery, plant and equipment, which would be audible outside the site, and any proposed noise mitigation measures, shall be approved by the local planning authority, implemented in accordance with the approved details, and appropriately maintained thereafter.

These details shall include maximum (LA<sub>max</sub>(f)) and average (LA<sub>eq</sub>) sound levels (A weighted), and octave band noise levels they produce. The report shall be

undertaken by a specialist noise consultant or suitably qualified person and conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on nearby residential properties and include any mitigation measures that are required.

Reason: In the interests of the amenity of surrounding residents.

## 10 CONSTRUCTION MANAGEMENT

Prior to commencement of the development, a Construction Management Plan for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. In addition the following shall be adhered to during construction:

a) All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (1984) Code of Practice; 'Noise Control on Construction and Open Sites', and Minerals Planning Guidance Note 11 (1993) 'The Control of Noise at Surface Mineral Workings'.

b) All demolition and construction works and ancillary operations which are audible beyond the site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday	07:00 to 19:00
Saturday	08:00 to 17:00
Not at all on Sundays and Bank Holidays.	

At times when construction operations are not permitted work shall be limited to emergency works and works which are inaudible at the site boundary. The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency work, and a schedule of essential work shall be provided . Any other works not covered by this condition associated with construction would need to be agreed in writing in advance with the Local Planning Authority.

Reason: To protect the amenity of local residents and businesses.

## 11 UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be

undertaken, and where remediation (clean-up) 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.

Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

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

#### **Contact details:**

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