

COMMITTEE REPORT

Date: 5 September 2013 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 13/02559/FULM
Application at: 2 - 16 Piccadilly York
For: Change of use of existing ground floor retail units to either retail (class A1), office (class A2), restaurant/cafe (class A3) or drinking establishment (class A4) including extensions to rear; change of use of upper floors from hotel to residential accommodation (class C3) to form 18 new apartments; external alterations and associated works
By: Mr & Mrs A Graham
Application Type: Major Full Application (13 weeks)
Target Date: 18 October 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the White Swan Hotel, which is located on the corner of Piccadilly and Coppergate. The building is of a mock Tudor style and was built around 1912, at the time when Piccadilly was constructed. The ground floor shop fronts were added in the mid C20. The building is not listed; it is in the Central Historic Core Conservation Area.

PROPOSALS

1.2 An application for this site was previously approved at committee in December 2012 - 12/03155/FULM. That scheme was for flexible commercial uses at ground floor level and 14 residential units above. Extensions were proposed at the rear and at the side (above the single storey unit).

1.3 This application is to vary the amount and size of the residential units. 18 residential units are proposed - 17 x 1-bed, 1 x 2-bed. The side extension is not proposed this time, otherwise the external works are similar - refurbishment of the shop-fronts and replacement of the building(s) at the rear with a single storey structure with flat roof.

1.4 The intention is that a housing association takes control of the residential aspect of the scheme. The units would therefore all be affordable housing. Initially the housing association will sign up for 15 years, with both parties currently amenable to extending this agreement. This arrangement will be secured through the associated legal agreement, with the fallback position that 4 of the units are made affordable if the agreement with the housing association does not transpire.

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

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2 Star; 28-30 Coppergate York YO1 1NR
0524

Listed Buildings GMS Constraints: Grade 2 Star; 32 Coppergate York YO1 1NR
0525

2.2 Policies:

CYGP1
Design

CYGP12
Access to upper floors

CYGP16
Shopfronts

CYHE3
Conservation Areas

CYH4A
Housing Windfalls

CYS3
Mix of use in certain shopping streets

CYS6

Control of food and drink (A3) uses

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

ECOLOGY OFFICER

3.1 Officers are content that works proceed in accordance with the submitted construction proposals which include bat mitigation.

EDUCATION

3.2 Advise no contribution required due to type of units proposed.

ENVIRONMENTAL PROTECTION UNIT

3.3 Conditions recommended, as previous, to deal with construction management, noise insulation for the residential units and mechanical ventilation due to air quality, and details of any plant/equipment/kitchen extraction.

EXTERNAL

GUILDHALL PLANNING PANEL

3.4 Object as they do not think that possible restaurant/drinking establishments at ground floor level would be compatible with the proposed residential use on the upper floor.

YORKSHIRE WATER

3.5 No objection.

PUBLICITY

3.6 No written representations have been received.

4.0 APPRAISAL

KEY ISSUES

4.1 The principle of the proposed uses has been agreed in the previous approval. The key issues therefore are -

- Housing type/size
- Impact on the appearance of the host building and the conservation area
- Residential Amenity

4.2 Other relevant issues, set out below, are summarised -

- Provision of commercial uses at ground level
- Highway Network Management / sustainable travel
- Sustainable design and construction
- Ecology
- Open space and education provision

HOUSING SIZE AND TYPE

4.3 The residential units vary from between 40 sq m and 67 sq m in area. All but one of the units have 1 bedroom. Both local and national planning policy seek to delivery a range of house sizes, in line with identified need.

4.4 This revised scheme has arisen following negotiations with the developer resulting in concerns that due to costs and the condition of the building the residential element may either not come forward, or only a limited number of units would be provided on the first floor. The proposals have developed on the basis that a housing association will undertake the residential works, will rent the upper floors from the applicants and provide affordable housing.

4.5 The building has been vacant for a considerable length of time. To bring it into full occupation and supply affordable housing in a sustainable location accords with a core principles of the National Planning Policy Framework, which is to proactively drive and support sustainable economic development to deliver the homes needed. In this case there is significant justification to welcome the scheme despite the lack of mix in the type of residential units proposed.

VISUAL IMPACT

4.6 Refurbishment of the building is proposed, which will improve its appearance, and subsequently the character and appearance of the conservation area.

4.7 The shop fronts will be replaced. The approach is the same as was previously proposed. Where the building is clad on the upper levels the shop fronts would be full height glazing with timber columns between. Where the upper floors are brick the shop fronts would be divided by brickwork and would have timber stall-risers . The materials and proportions proposed for the shop fronts are considered to be compatible with the building and of appropriate design.

4.8 The first floor side extension with mansard roof, which was previously proposed to fill the gap between the host building and the 2-storey Pavers unit, is no longer proposed. It is beneficial that the external fire escape, which detracts from the appearance of the host building will be removed.

4.9 The rear elevation will be improved by having a single storey outshot of consistent appearance. The flat roof area can be landscaped to enhance outlook from the host buildings and those that surround. This can also provide outdoor amenity space.

4.10 Windows and dormers are to be refurbished, or replaced on a like for like basis if unfit for repair. The works will maintain the character of the building.

RESIDENTIAL AMENITY

4.11 A noise survey undertaken has concluded that adequate internal noise levels could be achieved provided secondary glazing is installed to the road facing facades, allowing the existing windows to be retained. Adequate insulation can be secured through a planning condition.

4.12 Conditions are proposed to ensure that noise associated with the commercial premises is reasonably controlled. Conditions would cover the opening times of any bar/restaurant, cooking smells, and noise from plant, machinery and amplified music.

4.13 Due to air quality on Piccadilly mechanical ventilation, drawing air from areas away from the road is proposed. As such adequate air quality for future occupants of the building can be achieved.

COMMERCIAL USES AT GROUND FLOOR LEVEL

4.14 The application proposes that the ground floor area can either be used as retail, commercial, cafes or drinking establishments. The premises fronts onto Coppergate and part of Piccadilly which are designated primary shopping streets in the Local Plan.

4.15 As previously agreed there would be a condition which requires that either of the larger units (1 or 4) or both of the smaller units be in A1 use, given the location on a primary shopping street and considering historically the amount of retail within the building.

SUSTAINABLE TRAVEL/HIGHWAY SAFETY

Cycle storage

4.16 Cycle storage would be in the basement. 1 space per residential unit and 6 spaces for staff of the commercial premises are proposed. The spaces would be covered and secure. The amount for the residential part of the development meets the requirements within the Local Plan. The staff parking is a gain, given there was none previously.

Car club incentives

4.17 As with the previous approval the applicants will offer future residents incentives to join the car club scheme. This will be secured through the legal agreement and would offer first occupants the option of a free year of membership.

4.18 The previously agreed servicing arrangements are that delivery vehicles will use the spaces outside the premises on Piccadilly. A contribution is necessary towards a Traffic Regulation Order, to enable delivery vehicles to park in the morning (current loading/unloading is only allowed between 11.00 and 18.00).

SUSTAINABLE DESIGN AND CONSTRUCTION

4.19 As with the previous scheme the proposals would comply with policy as:-
- the building will be refurbished so to secure a BRE "Very Good" rating,
- at least 10% of the building's energy demand will be sourced from low/zero carbon technology (air-sourced heat pumps).

ECOLOGY

4.20 Surveys undertaken by the applicants found evidence of a bat roost in the roof void at the south end of the building. The previous permission was subject to a condition which required mitigation dealing with the method of works and the provision of bat habitat features. A method statement for works has now been provided, which is acceptable. The roof will be replaced but the existing roost in the building can be retained. The work to the roof will be done by hand and supervised by a licensed bat surveyor. Additional bat roost facilities will be provided, in the form of two bat boxes and bat roof tiles.

EDUCATION AND OPEN SPACE CONTRIBUTIONS

4.21 As all but one of the units are 1-bed in size there is no policy requirement to contribute towards education provision. The open space contribution has been re-calculated and a contribution would be secured through the associated legal agreement.

5.0 CONCLUSION

5.1 The scheme has officer support. To comprehensively bring this building back into use and improve the appearance of the conservation area is compliant with policy. The proposals will help meet identified housing need, providing accommodation in a sustainable location and through conditions residential amenity for future occupants can be adequate. There would be an associated legal agreement to secure -

- Affordable housing provision - either all the units will be affordable for at least 15 years or 20% provision, in accordance with current policy would be provided for the lifetime of the development.
- Open space contribution - £6,952
- Car club contribution - to give future occupants one year free membership to the car club scheme - £160 per unit = £2,880
- Traffic Regulation Order - £3K

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Floor plans - 045A, 046, 009D, 010D, 011D, 050B

Elevations - 051, 052, 053, 054, 055

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

3 Use of commercial floor space: At all times at least 15 metres of the ground floor frontage of the host building shall be in A1: retail use.

Reason: In the interests of the vitality and viability of the primary shopping streets on which the site is located.

INFORMATIVE: For clarity, based on the approved ground floor plan having either unit 01, unit 04 or units 02 and 03 in A1 retail use would accord with this requirement.

4 Any restaurants, cafes or drinking establishments (A3 or A4 uses) within the building shall only be open to customers between the hours of 07:00 and midnight each day of the week.

Reason: In the interests of the amenity residents.

5 Residential amenity: Amplified music from any of the commercial premises shall be inaudible in the residential units hereby approved.

Reason: In the interests of the amenity of occupants of the residential units.

6 Materials

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, 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 relevant works. The development shall be carried out using the approved materials.

- The replacement rainwater goods shall be in aluminium or cast iron.

- Roof-lights shall be conservation type.

- Ventilation louvers shall be recessed/set within their reveals and their colour finish shall be agreed.

A sample panel of the external 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. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of the conservation area location.

7 Landscaping

Prior to occupation of the residential units a detailed hard and soft landscaping scheme for the rear terrace, which shall illustrate the number, species, height and

position of trees and shrubs to be planted shall be approved in writing by the Local Planning Authority.

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: In the interests of the appearance of the conservation area and the amenity of future occupants.

8 Any new windows shall match the existing in all respects, and repairs to existing windows shall be on a like for like basis, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the appearance of the host building and the conservation area.

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

a) Treatment to the northeast corner at first floor level including design of any balustrade.

b) At shop front level details of the shop fronts and entrance points (shown in context and to include sections).

c) Any additions such as security lighting/access control to elevations facing the street.

d) Air-source heat pumps where external (shown in context, i.e. not only manufacturers details of plant).

Reason: To preserve the appearance of the host building and the conservation area.

10 Cycle and bin storage

The area shown as cycle and bin storage on the proposed basement floor plan shall be retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority. The development shall provide at least 18 secure cycle spaces for the residential units and 6 secure spaces for the commercial units.

Reason: To ensure adequate space for such storage, and to promote recycling and sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

11 BREEAM

The residential development shall be constructed to a BRE 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 prior to occupation of the building. Should the development fail to achieve a 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 5.1 to 5.3 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

12 At least 10% of the residential development's predicted energy requirements shall be provided from low or zero carbon technology. Confirmation of how this will be achieved shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the building and the development shall be carried out in accordance with the approved details. The site thereafter must be maintained to the required level of generation.

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

13 Prior to works commencing a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing the extent of C18 brickwork which will be retained and where it will be re-claimed and incorporated into the development.

Reason: In the interests of the character and appearance of the conservation area.

14 Noise insulation

Prior to occupation of the residential units which face onto Piccadilly and Coppergate secondary glazing shall be installed to all habitable room windows (living and bedrooms). The secondary glazing shall at least meet the specification established in the Noise Survey report 18419/EBF1 section 12 (which includes 6mm thick secondary glazing) and shall be thus maintained.

Reason: In the interests of the amenity of future occupants.

15 Air Quality

All windows to habitable rooms (bedrooms and living areas) facing onto Piccadilly and Coppergate shall have ventilation provided through continuous mechanical supply and extract (with heat recovery) away from the roadside (i.e. roof level or to the rear). The systems shall be maintained appropriately for the lifetime of the development.

Reason: To protect the health of residents given the standard of air quality in the area.

16 Plant and Machinery

Details of all machinery, plant and equipment to be installed which would be audible either outside of the site boundary or within the residential apartments when in use shall be submitted to the local planning authority for approval.

The details shall include the location, maximum sound levels ($L_{Amax}(f)$), average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. The report shall be undertaken by a specialist noise consultant or suitably qualified person and it shall be conducted in accordance with BS4142:1997. The report shall assess the impact of the additional noise sources on residential properties and include any mitigation measures that are required. The approved mitigation measures shall be implemented prior occupation of the development and maintained accordingly thereafter.

Reason: In the interests of the amenity of future occupants and those of surrounding premises.

Note that any external plant not shown on the approved plans will require planning permission.

17 Cooking odours

Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with any A1, A3 or A4 use, such 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 written approval prior to installation. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: In the interests of the amenity of future occupants.

18 Construction Management

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) 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. The plan shall confirm that all demolition and construction works and ancillary operations which are audible beyond 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.

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'.

In the interests of highway safety the document shall also advise on the following:

A detailed method of works statement identifying the programming and management of clearance/preparatory and construction works. The 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
- requirement for hoarding or scaffolding that may be necessary including temporary footway closures

REASON: To protect the amenities of adjacent residents and in the interests of highway safety.

19 Travel Plan

Prior to occupation of the residential units a Travel Plan shall be submitted to and approved by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines and be updated on an annual basis. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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.

20 Bat mitigation

The development shall be carried out in accordance with the Bats Method Statement Document 2 dated July 2013, unless an alternative scheme is approved by the Local Planning Authority, and the development carried out accordingly.

Reason: To take account of and to enhance the habitat for a protected species in accordance with Local Plan policies NE6 and NE7.

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 discussions and the use of planning conditions.

2. LEGAL AGREEMENT

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.

3. BATS

Note that a European Protected Species license from Natural England will be required due to the presence of bats within the building. The license must be obtained prior to pertinent works being undertaken.

Contact details:

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