

COMMITTEE REPORT

Date: 19 September 2013 **Ward:** Guildhall
Team: Major & Commercial **Parish:** Guildhall Planning Panel

Reference: 13/02397/FULM
Application at: 36 To 44 Piccadilly York
For: Demolition and partial demolition of existing buildings and erection of a mixed use development comprising 2no. ground floor retail units (use class A1/A2/A3/A4) and 37 residential units with associated parking, access and landscaping
By: Lasalle Uk Ventures Property
Application Type: Major Full Application (13 weeks)
Target Date: 16 October 2013
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application site includes 36 Piccadilly which is currently occupied as retail premises (furniture sales) and 38-44; two-storey commercial buildings fronting Piccadilly, dating from the interwar period with car parking behind. The site extends down to the River Foss to the west.

1.2 No. 36 (Banana Warehouse) is identified as a building of merit (its facade only) in the conservation area appraisal, as it is one of the better examples of inter-war architecture in the street. Nos. 38-44 are identified as detractors.

1.3 The property next door at 34 is in commercial use at ground floor (Tesco) with planning permission in place for flats on the upper floor. The flats were granted permission at Committee in November 2011 with the caveat that they could only be let on short-term agreements, in order not to prejudice comprehensive regeneration of the area should proposals materialise.

1.4 Nos. 46-50 comprises of a two-storey commercial building facing Piccadilly, with the NCP car park behind.

PROPOSALS

1.5 The application is for the development of 37 houses (8 of which would be affordable - 22%) and 167 sq m commercial floor space fronting Piccadilly (to be either retail or food/drink uses). There would be 21 car parking spaces for future residents.

1.6 Proposals retain the art-deco facade at 36 (Banana Warehouse) and would add a single storey slate clad mansard shaped roof above. Otherwise the buildings on site are to be demolished. The proposed development would be 4-storey clad in brick and slate. It would be C-shaped in plan, with a frontage onto Piccadilly and two wings running down toward the river. The houses would overlook a courtyard, with vehicular and pedestrian entrance from Piccadilly. A landscaped amenity space and flood wall are proposed by the river, which would help screen the car park from views on the castle side of the Foss.

BACKGROUND

1.7 The site is within the Central Historic Core Conservation Area and in Flood Zone 3, where flood risk is 'high'.

1.8 The site is within the Castle Piccadilly re-development area. Castle Piccadilly has been designated for comprehensive retail-led development for the lifetime of the current Local Plan and the retail designation has been carried over to the preferred options version of the new Local Plan.

1.9 Proposals to re-develop the Castle Piccadilly area were refused by the Secretary of State in 2003; due to the impact on the setting of Clifford's Tower and the Female Prison; grade 1 listed buildings on the western side of the Foss.

1.10 Prior to submission of the application local Ward Councillors were notified and the scheme was presented to the Conservation Areas Advisory Panel. CAAP were in favour of the scheme in principle. CAAP were in favour of the retention of the art-deco facade and the massing proposed. It was noted that views from the opposite side of the river needed due thought; considering the appearance of the building and how it related to the riverside setting and the desire to avoid views of a car parking area from the castle side.

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

DC Area Teams GMS Constraints: Central Area 0002

Flood-zones GMS Constraints: Flood zone 2 & Flood Zone 3

2.2 Policies:

CYSP9	Action Areas
CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE3	Conservation Areas
CYT4	Cycle parking standards
CYH4A	Housing Windfalls
CYL1C	Provision of New Open Space in Development
CYED4	Developer contributions towards Educational facilities

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Archaeology - officers have agreed a foundation strategy with the applicants. Archaeology is below 6.5mAOD and the proposed foundation design would mean that no more than 2% of archaeology is disturbed as a consequence of piling. Groundwater monitoring is also requested to understand the oxygen conditions at this level which can influence archaeology.

3.2 Design - officers support the scheme, which would enhance the character and appearance of the conservation area and the wider setting of the Castle Area.

- The site is part of the area covered by the Castle Piccadilly brief and although the brief might not be realised as originally intended i.e. as a comprehensive retail led mixed use development, the current proposals meet several objectives of the brief and they do not preclude more strategic objectives being achieved.
- The Central Historic Core Conservation Area Appraisal sets out important considerations for the area, and these are met by the current scheme:- massing, scale and height area characteristic of the conservation area; the development block has been broken up to appear as smaller elements; access to the river would be increased (though not public access); opportunities for landscape and wildlife adjacent to the Foss would be enhanced; the footprint would allow a glimpsed view of Clifford's Tower from Piccadilly and identified fixed views (local and strategic with focal points) would not be affected.
- The highest point would be 15.5 m above street level which is compatible with mid-late C19th domestic buildings within the city centre and with early C20th buildings close to Pavement.

- To some extent the success of the sparse architectural approach to detailing in the upper part of the facade will depend on being able to perceive the suggested subtle window pattern within the deep openings. Officers have requested further development of the submitted drawings to show how elements of the window could be modelled to make them more apparent, which would introduce another plane of interest on the front facade.

ENVIRONMENTAL PROTECTION UNIT

3.3 Officers do not object. Conditions are recommended in the interests of the amenity of future residents as follows -

- Construction management - a plan to be approved by the Local Planning Authority in the interests of surrounding residents' amenity during construction.
- Noise - the proposed building should be designed so internal noise levels meet national (WHO) standards, considering noise from the surrounding environment and from the installation of plant etc in the proposed building. It is recommended that deliveries to the commercial premises are restricted to day-time hours.
- Air quality - the applicants have assessed air-quality and consider that non-opening windows (onto Piccadilly) are unnecessary. However due to the uncertainty of nitrogen oxide levels outside the premises, and as in the last 3 years levels have typically failed to meet national standards, officers recommend a precautionary approach; that windows which serve habitable rooms facing the road are sealed shut. This requirement could be relaxed if monitoring, over a reasonable period, were to determine that levels of air quality were acceptable.
- Electric vehicles - it is asked that an electric vehicle charging point be provided on-site, which would accord with the National Planning Policy Framework and York's Low Emission Strategy.
- Land contamination - conditions are recommended for site investigation and remediation if necessary. Due to historic site uses there is a possibility remediation would be required.

HIGHWAY NETWORK MANAGEMENT

3.4 Officers do not object to the scheme. It is asked that the applicants provide a financial contribution (£3k) towards required alterations to Traffic Regulation Orders in the vicinity and that the developers contribute towards providing car club membership for first occupiers. Comments otherwise as follows -

- The site is currently used for car parking and can accommodate in the region of 36 vehicles. The proposals will lead to a reduction in traffic generated by the site.
- 21 car spaces are provided for the 37 apartments. The level of provision is in accordance with CYC maximum standards and reflects the highly sustainable location of the site adjacent to the city centre.
- High quality cycle parking has been provided and is either located within the building footprint (around the main block cores) or within the secure courtyard area within secure enclosures.
- Access to the site is to be via a modified access onto Piccadilly which is to take the form of a dropped vehicular crossing to ensure that pedestrians have priority.
- For crime and disorder reasons it is considered necessary to incorporate a gate over the site access. It should be conditioned that the gate will open into the site. The applicants have stated that vehicle activated fobs will be provided to residents which will minimise the length of time that vehicles have to wait on the highway. Notwithstanding this detail due to the width of Piccadilly, and negligible traffic flows associated with the development it is considered that vehicles having to wait for short periods of time on the highway would not be detrimental to highway safety nor the free flow of traffic.

DRAINAGE ENGINEERS

3.5 Advise that peak surface water run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas), with an additional 20% allowance for climate change.

EDUCATION OFFICERS

3.6 Advise that financial contributions would be required -

- £71,905 towards primary education - 6 additional places at Fishergate Primary
- £54,174 towards secondary education - 3 additional places at Fulford Secondary

INTEGRATED STRATEGY

3.7 No objection.

3.8 The Castle Piccadilly site is identified in the Local Plan (2005) as a priority site to meet identified need for new retail development (Policy S1). The emerging Local Plan continues to recognise that the Castle Piccadilly area represents the primary opportunity to provide a City Centre retail development. It is anticipated that the site could accommodate up to 25,000 m² of net floor-space for main town centre uses.

3.9 The application site was put forward through the site submission process as a potential housing site in the emerging Local Plan. Following the site selection assessment it was concluded that the preference would be for all sites within the Castle Piccadilly strategic area to be brought forward as part of an overall masterplan.

3.10 However the NPPF emphasises the need for careful attention to viability to ensure development plans are deliverable. It is acknowledged that the properties along Piccadilly are in different ownerships and that the comprehensive redevelopment of the whole Castle Piccadilly area, which is Council's preferred option, may not be achievable in the short or medium term.

BRITISH WATERWAYS

3.11 No comment

CONSERVATION AREAS ADVISORY PANEL (CAAP)

3.12 CAAP felt that there was insufficient information to ascertain the level and quality of the detailing proposed. There was concern that the Piccadilly elevations would be too bland and simple with insufficient detailing. There is no variety in the roofscape and the windows in the new mansard above the top of the Banana Warehouse still need some work (so they related to the existing elevation).

ENVIRONMENT AGENCY

3.13 The EA have an outstanding objection to the proposal. They will only support the scheme if either there is no loss of flood storage area on site, or alternatively the applicants can adequately demonstrate the loss of storage space for flood water will not increase flood risk elsewhere.

3.14 The existing car parking area is at 9.98m AOD and is not protected from flooding. It is proposed to raise levels in this area, up to between 0.7m and 1.7m, resulting in a loss of storage area in times of flood.

ENGLISH HERITAGE

3.15 Officers welcome the retention of the Banana Warehouse façade, which has some modest aesthetic value and will maintain a link with the past trading activities along Piccadilly, and do not object to the architecture of the development proposed. However English Heritage are disappointed that this site is to be developed in isolation from a comprehensive scheme to secure wider heritage benefits for the Castle Piccadilly area and the city. It is also a shame that a car park will still be

viewed from the opposite side of the river, although it is noted that this will in part be screened by landscaping.

3.16 Archaeology - Along Piccadilly a deep, waterlogged, anoxically preserved archaeological sequence survives in this area, which dates from the Roman period through to the 16th Century. This sequence includes well-preserved organic deposits and timber structures. Appropriate mitigation measures should be built into any development in this area.

POLICE ARCHITECTURAL LIAISON OFFICER

3.17 Officers welcome the amount of natural surveillance that would be provided by the development. Officers requested that the residential entrance be gated to restrict access. There is concern that otherwise anti-social behaviour (drinking, leading to violence/vandalism) could result due to the communal garden within the site.

GUILDHALL PLANNING PANEL

3.18 Support the proposals

YORKSHIRE WATER

3.19 No objection. Note that there are water pipes on the footpath along Piccadilly and care should be taken during construction to avoid any damage. A map of these has been provided.

PUBLICITY

3.20 No representations have been made (consultation period ended 28/08/2013)

4.0 APPRAISAL

4.1 Key issues

- Principle of the proposed uses
- Implications for Castle Piccadilly regeneration
- Character and appearance of the conservation area
- Affordable housing
- Residential amenity
- Flood Risk
- Highway safety
- Sustainable design and construction
- Archaeology

- Open space and education contributions

PRINCIPLE OF THE PROPOSED USE

Housing need

4.2 Significant weight must be given to the need to supply housing in sustainable locations, considering policy established within the NPPF and as this is a national priority.

4.3 The NPPF advises that the Government requires LPAs to significantly boost housing supply. It states that applications for residential development of commercial sites should normally be approved, and only resisted when there are strong economic reasons for not doing so. National policy has already changed to allow offices to be converted to housing without permission, with a similar policy change for shops also proposed.

4.4 LPAs are required to have at least a deliverable 5-year housing land supply (with an extra 25% where supply has not been met in previous years). York has in recent years under-delivered on housing supply and does not currently have a 5-year housing supply.

4.5 There is a strong case for allowing housing development, which is demonstrably in need in the city and can play a significant role in enhancing vitality, at this site. This gain must be weighed against any possible economic harm and the vitality of the city centre.

Vitality of the city centre

4.6 Ensuring the vitality of city centres is a national requirement, as established in the NPPF. The application site is within the Castle Piccadilly area which for the lifetime of the current Local Plan has been identified as an area for retail-lead regeneration. This aspiration remains in the preferred options document for the new Local Plan.

- The 2005 Local Plan advises that the priority site for meeting retail need in the period up to 2011 should have been Castle Piccadilly. The preference was that the site attracted a high quality department store. The development should be mixed use, with residential being appropriate.
- The new Local Plan allocates Castle Piccadilly as a strategic retail site, which could accommodate 25,000 sq m of commercial floor space. Castle Piccadilly is

the main retail allocation in the Local Plan, identified to accommodate retail growth over the 15 year plan period (2015-2030).

4.7 Consideration therefore needs to be given as to whether the development would compromise retail-led regeneration of the area and whether this is essential in terms of the vitality of the city centre.

4.8 Previous schemes to develop the Castle-Piccadilly have been unsuccessful, predominantly due to the amount of development proposed on the (Castle) west side of the Foss and the subsequent impact on heritage assets (notably the grade 1 listed Clifford's Tower and the Female Prison). In the meantime enabling retail development has been permitted out-of-town as part of the community stadium proposals. These schemes will accommodate the type of retail premises which the Draft Local Plan specifically sought to establish in Castle Piccadilly by 2011.

4.9 According to the applicants (Centros) a comprehensive re-development of the whole of the identified Castle Piccadilly area, which is retail lead, is no longer viable or deliverable. They state the demand for such floor space within the city has now been met, which means there is no interest from the larger retailers, who are necessary to anchor such a development.

4.10 As part of the new Local Plan public consultation process, the applicants have queried the proposals for Castle Piccadilly, and ask whether there is demonstrable need/demand for the amount/type of retail space identified in the Local Plan, over the plan period. This is important as the NPPF requires that plans are based on an up-to-date evidence base, justified and deliverable (paragraph 173) and in order for such the landowner must be in agreement. i.e. the Council's preference for Castle-Piccadilly should be re-considered if it cannot be delivered within the plan period.

4.11 There remains space for a significant amount of retail development along Piccadilly. The two remaining car park sites on the western side of the street and the bus depot side opposite the application site are some 5,400 sq m in area. There also remains the option to develop on the Castle side of the river.

4.12 The development will benefit the area as -

- Commercial premises will front onto Piccadilly, maintaining the retail presence on Piccadilly desirable to give the impression that this is a shopping street.
- The small scale units proposed have the potential to attract more diverse retailers, in accordance with the NPPF, in that it requires planning to 'provide customer choice and a diverse retail offer and which reflect the individuality of town centres'

- The proposed buildings will enhance the conservation area setting. Buildings which are identified as detractors will be replaced by buildings of appropriate scale and materials and the art-deco facade, recognised as being of merit will be refurbished. The riverside setting, views into the site and the sites' ecological value will be enhanced.
- The development accords with the aspirations for the area established within the Central Historic Core Conservation Area Appraisal.

4.13 Overall there is a reasonable case that the proposed development would not have an undue impact on the vitality of the city centre and therefore complies with national policy in this respect; the development is deliverable in the short term - to this extent there will be a positive impact, rather than the potential that the site will continue to remain dilapidated, and there remains a reasonable amount of space to accommodate significant retail development in the Castle Piccadilly area.

CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.14 The National Planning Policy Framework advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The site is in the Central Historic Core Conservation Area, where the NPPF requires that new development must sustain or enhance the character and appearance of the area, unless there are public benefits which out-weigh any identified harm.

4.15 Local Plan policy guidance (in GP1 and HE2) advises proposals should be judged considering - layout, scale, mass and design which should be compatible with neighbouring buildings, spaces and the character of the area; appropriate materials; avoiding the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area.

4.16 Aspirations within the Central Historic Core Conservation Area Appraisal for Piccadilly are to increase access to the river front and provide individual areas of amenity open space. (Although it would be private) this proposal would provide exactly the type of amenity space and enhanced riverside setting identified in the area appraisal as being desirable. Preferred locations for bridging over the river are identified in the area appraisal and the proposed development would not compromise these.

4.17 The building, considering its massing, form and materials is compatible with, and will enhance this part of the Central Historic Core Conservation Area. In terms of design the proposals reasonably comply with policy.

- The art-deco facade at no.36 and the independence of this building would remain. The remainder of the street scene would be in-filled with a series of four front gables, visually separated by the roof form and recessed shadow gaps in the elevation. The buildings would enhance the street scene. Their proportions, massing and materials are informed by the character and appearance of the conservation area, both in general and considering the history of Piccadilly itself, and are appropriate.
- CAAP commented that the front elevation may look bland. It had been suggested by officers at an early stage that the front could be given more animation by bringing the entrances to the street side, rather than from within the site. This approach was not brought forward though as it was considered, and agreed, that it would be more desirable for all residents to be able to have a sense of ownership of the courtyard and amenity space behind. Large scale details will be agreed through conditions to ensure an adequate design quality.
- The design intent is that the front elevation is contemporary and restrained. Gutters will be internal and windows deeply recessed, allowing the brick form to dominate. The approach will place more focus on the restored art-deco facade at 36. There will be more activity/visual interest at ground floor level where the shop front and more detailing in the brickwork will be introduced.
- The solid areas at ground level are necessary as they conceal the sub-station, servicing/storage and the circulation cores to the upper floor flats. The feature brickwork is intended to add interest, whilst being robust and in-keeping with the remainder of the building.
- The rear of the site is seen in the key view from Clifford's Tower, as identified in the conservation area appraisal. The development would enhance the view. The existing buildings and car park, which are visually unattractive, would be replaced. The building's scale and vernacular would be appropriate to the River Foss setting and soft landscaping would be added (which will help screen the car park). There will be no interruption of key views of buildings of historic/architectural interest.

AFFORDABLE HOUSING

4.18 The NPPF requires LPAs identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified. York's current policy is that on brownfield sites such as this the affordable housing requirement is 20% - for discounted sale and social rent.

4.19 The applicants have proposed that 22% of the units are affordable (8 of the 37 units). These are 5 x 1-bed 3 x 2-bed. The units are provided within a single block, which is acceptable in this case (rather than pepper-potted over the site) due to ease of maintenance for management. The units would have secure cycle parking and parking provision which would be equal to the private units. The affordable housing will be secured through the legal agreement.

RESIDENTIAL AMENITY

4.20 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 proposals have no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.21 Noise - surveys have been undertaken during day and night-time which found the dominant noise source in the area to be traffic. There was some noise from delivery vehicles at Tesco at night. Noise levels were typically around 65-70dB outside. A condition will be added to ensure that the building envelope is insulated so internal noise levels meet WHO standards. A condition of the permission will also require that any plant/equipment installed at the commercial premises does not cause future occupants noise disturbance. Hours of operation/playing of amplified music in case the ground floor is occupied by a restaurant or bar can be secured by conditions. It is not proposed to control delivery times. This would be unreasonable due to the small size of the commercial units, as the street is already populated by commercial units without controlled delivery times, and as the residential units will be designed to protect against such noise.

4.22 Air quality - monitoring at the site determines that air quality levels are currently reasonable at the site. However, typically in the last 3 years air quality has not met national standards. It is therefore recommended that a precautionary approach is taken, and windows to habitable rooms facing Piccadilly are made non-opening. If, following monitoring, air quality were found to be acceptable, sealed windows would not be required.

4.23 There is planning permission for residential units on the upper floors at no.34 next door. For natural light and outlook the rooms are reliant upon the front and rear elevations and roof-lights. The proposed development would not appear unduly over-dominant or over-bearing.

FLOOD RISK

4.24 The site is in Flood Zone 3. In accordance with the National Planning Policy Framework in order for the proposals to be acceptable it must be demonstrated the development will be safe for its lifetime, not increase flood risk elsewhere

(paragraphs 102 & 103) and that the scheme has wider sustainability benefits that out-weigh flood risk.

4.25 The site specific Flood Risk Assessment demonstrates the development would be safe as the ground floor level of the proposed houses would be at 11m AOD, which is 600mm above 1 in 100 flood levels. As such the development will be reasonably protected from flooding. In addition a safe means of escape is provided (onto Piccadilly) and it is intended a flood wall will protect the site from flooding.

4.26 It is proposed to avoid an increased flood risk elsewhere by installing on-site surface water attenuation, which would manage levels of surface water run-off from the site. The proposed flood wall will also protect neighbouring sites from flooding. However there is a concern that by installing a flood wall and increasing ground levels on-site this will displace flood water elsewhere and could subsequently increase flood risk. To avoid this, the applicants have been asked to provide a floodable void under the proposed car-park or the buildings. Otherwise to satisfy the EA, they will need to demonstrate that the development will not increase flood risk elsewhere. The applicant's response is awaited on this issue.

4.27 The scheme would have the following sustainability benefits -

- Contributing to identified housing need by providing 37 new homes including 8 affordable units in a sustainable location.
- Re-development of a brownfield site leading to enhancement of the character and appearance of the conservation area.
- Enhancing bio-diversity on-site.

4.28 Provided it can be demonstrated that flood risk off-site will not be increased the development would comply with the requirements of the NPPF in terms of flood risk. In this respect further information is required from the applicants, to address the EA's concerns. Members will be updated on this matter at committee.

SUSTAINABILITY

4.29 Proposals can comply with current standards established in the Sustainable Design and Construction Interim Planning Statement. Conditions can require that these are secured.

- The applicants have assessed predicted energy demand from the proposed building based on its design. It is proposed that PV panels will be used which will be able to provide just over the 10% on site renewable/low carbon energy requirement.
- A pre-construction BREEAM assessment has been undertaken which demonstrates the building will be able to achieve at least CSH level 3.

ARCHAEOLOGY

4.30 Local Plan policy HE10 requires archaeological deposits of national importance to be preserved in situ. To fulfil this requirement developers are required to undertake an archaeological survey to assess archaeological value. At least 95% of archaeological deposits should be preserved; otherwise an excavation of deposits will be required.

4.31 Under 5% of archaeological remains will be disturbed by the works. This would be secured through a condition. To enhance understanding of archaeology of national importance a condition is also recommended regarding site investigations (see comments from Archaeology officers and English Heritage in section 3). The requirement would be in accordance with the requirements of Local Plan policy HE10 and paragraph 128 of the NPPF.

OPEN SPACE AND EDUCATION CONTRIBUTIONS

4.32 Policy ED4 advises that in considering proposals for residential development, any consequences for existing schools will be assessed. When additional provision is required as a result of the proposals, developers will be required to make appropriate financial contributions. The approved supplementary planning guidance note; 'Developer Contributions toward Education Facilities' establishes trigger points for contributions and the necessary contributions. Policy L1c requires a contribution toward open space for all residential development.

4.33 The required contributions are £35,876 (open space), £71,905 primary education (Fishergate) and £54,174 secondary education (Fulford). These have been agreed with the applicants and these will be secured through a legal agreement.

5.0 CONCLUSION

5.1 The scheme has officer support as it will provide much needed housing in an appropriate location and there would not be undue harm to the vitality of the city centre. As such in principle the proposals comply with the NPPF. The proposals also comply with policy with regards the impact on heritage assets, residential amenity, sustainable design and construction and highway safety.

5.2 At the time of writing a resolution on flood risk is awaited. Members will be updated on this matter at committee.

5.3 Assuming the flood risk issue as discussed above is resolved, approval is recommended subject to a legal agreement which would secure the following requirements -

Open space	£35,876
Education	£126,079
Affordable housing provision	
Highways	
Car club contribution	£160 per unit
Traffic Regulation Orders	£3k

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Site Plan 00 10
Landscape plan 00 16

Floor Plans
00 - 11, 12, 13, 14, 15, 16

Elevations
01 11, 12, 13, 14, 15, 16

Details
01 01

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

3 Landscaping

The development shall be carried out in accordance with the landscaping scheme shown on drawing AL0016 (including hard surfacing both within the site and along Piccadilly), which shall be installed prior to occupation of the development hereby approved.

Prior to occupation of the residential units a detailed landscaping scheme, following the principles established on drawing AL 0016, illustrating the number, species, height and position of trees and shrubs to be planted shall be submitted to and 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 character and appearance of the conservation area.

4 Materials

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

Sample panels of the brickwork to be used on the buildings 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 construction. 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 their sensitive location.

5 Large scale details

Large scale details and/or specifications as appropriate of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction and the works shall be carried out in accordance with the approved details.

- a) Shop front, in particular relationship between entrance door and its surrounds
- b) Metal/brick slip lattice screening
- c) Window frames and any changes to windows at no.36
- d) Eaves detail
- e) Mansard roof above no.36
- f) Balconies and railings

- g) Entrance gates (to include context)
- h) Abutment details with neighbouring buildings and with Banana Warehouse
- i) Grills, vents, protrusions and equipment on Piccadilly and river facing elevations

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

6 BREEAM

The residential units shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of at least '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 3 months of occupation of the building. Should the development fail to achieve a BREEAM standard of at least '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.

7 Low/Zero carbon technology

No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that no less than 10% of the residential development's predicted energy requirements will be provided from low or zero carbon technology. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. 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.

INFORMATIVE: Evidence to demonstrate compliance should be submitted in the form of SAP (residential) or BRUKL (commercial) worksheets.

8 Drainage

Development shall not begin until the foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details. Details shall include -

- a) Calculations and invert levels to ordnance datum of the existing surface water system, together with details to include calculations and invert levels to ordnance datum of the proposals for the new development. (To enable the impact of the proposals on the downstream watercourse to be assessed).
- b) Peak run-off from the developments shall be attenuated to at least 70% of the existing rate (based on 140 l/s/ha of proven connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.
- c) Details of the surface water connection into the existing sewer.
- d) Details of the future management / maintenance of the proposed drainage scheme.

Reason: In accordance with paragraph 103 of the National Planning Policy Framework and so that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

9 Cycle parking

The cycle parking as shown on the approved plans shall be provided prior to occupation. All cycle parking facilities shall be covered and secure and retained for the lifetime of the development unless otherwise agreed by the Local Planning Authority.

Reason: To promote 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.

10 Electric vehicle charging facilities

Before the occupation of the development hereby approved, at least one Electric Vehicle Recharging Point shall be provided in a position to be first agreed in writing by the Council. Within 3 months of the first occupation of the development, the Owner will submit to the Council for approval in writing an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and

networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years

(Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point).

REASON: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy and the National Planning Policy Framework.

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

Reason: To prevent obstruction to other highway users.

12 Method of Works

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
- 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.

13 Amenity of future occupants

Construction work shall not begin until a scheme for protecting the residential units from external noise has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

REASON: To protect the amenities of future occupants.

INFORMATIVE: To achieve compliance with this condition details should be submitted to demonstrate that the internal and external noise levels at the properties comply with the requirements of the World Health Organisation Guidelines on Community Noise and BS5228 as follows:-

- Day time internal noise level in living rooms of 35 dB(A) Leq 16 hour (07:00 to 23:00)
- Night time internal noise level in bedrooms of 30 dB(A) Leq 8 hour (23:00 to 07:00)
- Night time internal maximum noise level in bedrooms of 45 dB(A) Lmax

14 Air quality

All windows to habitable rooms on the Piccadilly facade shall be made non-opening, with ventilation provided through continuous mechanical supply and extract (with heat recovery) away from Piccadilly. The windows shall remain non-opening unless it is demonstrated that air quality would be acceptable for residents.

Reason: To restrict the exposure of future occupants of the development to an unacceptable standard of air quality, and to ensure adequate levels of ventilation, given that air quality outside the site has in previous years failed to meet national standards.

INFORMATIVE: Should it be demonstrated that for a period of at least 6 months that air quality at the development, when complete, is acceptable then windows could be openable.

15 Residential amenity

Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created by cooking in association with any commercial 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 approval; 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 residential amenity.

16 Machinery, plant and equipment

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which would be audible outside of the site boundary when in use or within the residential units, shall be submitted to the local planning authority for approval prior to installation.

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 at the time of installation and appropriately maintained thereafter.

REASON: To protect the amenities of adjacent residents.

INFORMATIVE: "The rating level of building service noise associated with plant or equipment at the site should not exceed 5dB(A) below the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 1997."

17 ARCH3 Foundation design required

18 Archaeology

No destruction or disturbance shall be made to archaeological deposits below the level of 6.5mAOD except for that caused by the boring or auguring of piles for the building foundation and except for that caused by any other operations which have been agreed in writing by the Local Planning Authority in advance of such other operations being carried out.

Reason: In accordance with section 12 of the National Planning Policy Framework as this development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be kept to a minimum.

19 ARCH2 Watching brief

20 Archaeology - groundwater monitoring

No development shall take place until the applicant has secured the implementation of an agreed programme of archaeological work (installation and operation of two piezometer groundwater monitoring points). This programme of work shall be

agreed in writing by the Local Planning Authority and the development carried out in accordance with the approved details.

Reason: In accordance with section 12 of the National Planning Policy Framework as this development will have an effect on nationally important archaeological deposits which are preserved within the site and this effect must be monitored.

21 Land contamination

Prior to development the following works shall be undertaken -

a) Site investigation

An investigation and risk assessment (in addition to any assessment provided with the planning application) to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after

remediation.

c) Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

22 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

23 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 CEMP shall agree 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 08:00 to 18:00
Saturday 09:00 to 13:00
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 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

24 Hours of operation - commercial

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.

25 Residential amenity

Amplified music from any of the commercial premises shall be inaudible in the residential premises.

Reason: In the interests of the amenity residents.

26 Highways - making good of redundant crossings

The development shall not be occupied until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the footpath to match adjacent levels and materials.

Reason: In the interests of good management of the highway and road safety.

27 Protection of facade to 36 Piccadilly

Prior to works commencing a method statement for the protection and retention of Banana Warehouse facade during and after demolition and during construction works shall be approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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

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 enquiry and continued meetings with the applicant, and requested amended plans which reasonably over-come objections to the proposals.

2. INFORMATIVE:

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

3. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323