

COMMITTEE REPORT

Date: 19th December 2013 **Ward:** Guildhall
Team: Major and Commercial Team **Parish:** Guildhall Planning Panel

Reference: 13/03302/FULM
Application at: Haymarket Car Park Dundas Street York
For: Full planning application for the erection of part-three and part-four storey office building (Use Class B1a) of 6,545 square metres (GEA). New energy centre (49 square metres), landscaping proposals, improvements to public realm and highways, and associated works
By: Hiscox
Application Type: Major Full Application (13 weeks)
Target Date: 1 January 2014
Recommendation:

1.0 PROPOSAL

1.1 The application relates to part of the Hungate site, which previously accommodated the Haymarket Car Park, the Ambulance Station and the Peasholme Green Hostel. The site also includes part of the public highway - along the Stonebow where there is an aspiration for public realm enhancement. The site has now been cleared and in part is currently used as a car park. The site is bound by the White Swan public house, a grade 2 star listed building, and the C20 offices to the north, and otherwise roads; Black Horse Passage , Dundas Street and Stonebow.

1.2 Proposed is a part 3, part 4 storey office building, providing some 4,635 sq m net floor-space. The future occupants (Hiscox) will have some 500 employees. The application also proposes landscaping and public realm improvements. The phase 1 works would be implemented by the applicants, which include a pedestrian / cycle route and an improved crossing over Peasholme Green / The Stonebow. The applicants have also agreed to contribute to wider improvements in the area, which would calm traffic and improve the setting of the Black Swan and St Anthony's Hall.

1.3 A second building is proposed on the north-east side of the site (behind the Black Swan) which would be 3 / 4 storey in height and either an office or hotel. There is a separate outline application for the scheme - 13/03232/OUTM.

Summary of community involvement

1.4 The applicants undertook community consultation prior to submission of the application. This involved discussions with local businesses and consultations with residents, councillors, York Civic and Conservation Trusts and English Heritage. There were two public events at the Guildhall which around 120 people attended. Around 686 leaflets were distributed and 61 feedback forms were returned.

1.5 In principle the development, and further regeneration at Hungate, was supported. Overall feedback was positive on the provision of cycling and changing facilities and the public realm works shown. Concern was raised over the proposed (grey) brickwork, increased traffic as Hungate develops and the height of the proposed buildings. There was a desire for more public uses/benefits, such as opening the River Foss footbridge to the public, allowing use of the roof top garden and considering the type of uses that may be accommodated within the other proposed building on the site.

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
- Contaminated Land GMS Constraints:
- City Boundary GMS Constraints: York City Boundary 0001
- DC Area Teams GMS Constraints: Central Area 0002
- Floodzone 2 GMS Constraints: Flood zone 2
- Floodzone 3 GMS Constraints: Flood zone 3
- Listed Buildings GMS Constraints: Grade 2 Star; Black Swan Peasholme Green
York YO1 2PR 0839

2.2 Policies:

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

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Officers support the scheme. The proposed office development, together with the outline proposals for the adjacent site, aim to restore context adjacent to the listed Black Swan building and reinforce the sense of place in the Peasholme Green area. The former wool market would be strengthened as a “gateway” space into the city centre, and a pedestrian / cycle routes would be improved. The new office building would contribute to York’s architectural legacy. It would be of high quality design, and similarly be an expression of its time.

Archaeology

3.2 Offers support the application. Conditions have been requested to ensure that the proposed mitigation strategy is undertaken and so that archaeology of national importance is preserved.

3.3 The application site lies within the designated City Centre Area of Archaeological Importance, an area which has produced archaeological features and deposits of national importance. The Council has already commissioned a series of excavations and evaluations on the site since 1986. The most significant findings from these interventions relate to All Saints church (in use from at least the early 12th Century AD through to the mid-16th Century AD), the graveyard associated with this church, and the foundations of medieval buildings and various associated ancillary features.

3.4 A significant portion of the medieval graveyard that lies to the east of the former ambulance station on Dundas Street has been left in-situ. This part of the graveyard will contain the remains of at least 2000 individuals interred between the 12th and 16th centuries. This represents a very valuable, nationally important sample of the medieval population of the city of York. The applicants have proposed a mitigation strategy, which will ensure that this part of the medieval graveyard will remain undisturbed and will be preserved in-situ. Within this zone, there must be no disturbance below 10.65m AOD.

3.5 The piling/foundation design for the building should destroy no more than 5% of the archaeology, outside of the preserved in-situ cemetery, where archaeology survives. Any ground reduction lower than 10.20m AOD in parts of the site not previously investigated should be covered by a combination of watching brief and limited excavation, due to the high probability of re-used medieval building foundations located in this area.

Planning and Environmental Management

3.6 No objection to the proposal for office development in this location provided that colleagues in design and conservation consider the impact of the proposals on the historic environment to be acceptable.

3.7 The principle of office development is welcome and supported; it complies with the Hungate Development Brief, Local Plan policies SP9 and Policy E1a and the emerging Local Plan which identifies York City Centre as a strategic location for a range of employment uses and fundamental to delivering the plans economic vision.

Environmental Protection Unit

3.8 The Environmental Protection Unit has no objections to the application but have made the following comments -

- Conditions are requested to prevent noise having an undue impact on neighbours.
- Conditions are requested with regards construction management (and when the development is complete) times of delivery, and that noise levels of plant are appropriately restricted.
- A condition to deal with land contamination is requested.

Flood Risk Management Team

3.9 Officers are content with the strategy for drainage. It is asked that full details, which will ensure existing surface water run-off rates are reduced, are secured by condition.

Highway Network Management

3.10 No objection, subject to conditions requiring a travel plan, the agreement of highway works and that no doors open outward onto the highway.

3.11 As part of the application it is proposed to divert the 'Way of the Roses' cycle route from Dundas Street onto a traffic free route between the Hiscox building and the adjacent outline application site. Initially a 4m width route will be provided however there will be the potential to widen this route further through the reserved matters application on the adjacent site. The physical works being provided through the application include;

- An improved (at grade) crossing for pedestrians and cyclists on Peasholme Green. The works include a reduction in carriageway width to 6m in-front of the building.

- An extension to the existing plateau junction on Black Horse Lane which will provide an at grade crossing for pedestrians/cyclists using the route from the new Hungate Bridge to Peasholme Green
- Resurfacing of the footway to the building frontage on Dundas Street

3.12 Cycle parking has been provided within the building, in accordance with CYC standards and the expected mode split targets. The applicants have indicated that further space within the building has been identified for the expansion of cycle parking in the future, if deemed necessary through the Travel Plan.

Guildhall Planning Panel

3.13 In support of the proposals.

Environment Agency

3.14 Officers advise that it is important that groundwater is not contaminated. Conditions are requested to ensure such. These include a site investigation and remediation strategy, and that any means of piling and other underground installations are approved. With regards flood risk officers consider the development must accord to the submitted Flood Risk Assessment, specifically finished floor levels must be set at the agreed suitable AOD levels.

English Heritage

3.15 Officers support the application. English Heritage advise that the site presents an excellent opportunity to enhance the setting of the immediate historic buildings and townscape, and also creates an opportunity to deliver a development that is an outstanding example of architectural design. The proposals are considered to fully acknowledge these opportunities, and English Heritage support the application.

Police Architectural Liaison Officer

3.16 Concern the sunken area in front of the office / hotel building & the ramp at the side of the building will be used by skateboarders / bmx bikers and there will be damage. Also the recessed entrance could be used for rough sleeping.

3.17 The outside seating area could be used by those less fortunate. The Hungate area has been included in an application (pending) for a dispersal area under the Anti Social Behaviour Act 2003 Sect (30) (4). This is as a result of complaints of intimidation, harassment, alarm and distress mainly connected with the congregation of persons with chaotic lifestyles who use the Care Cent facility in St Saviourgate, a short distance from this development. It is noted these issues are mainly centred around the Stonebow area rather than Hungate itself. But displacement is a very strong possibility. A similar outside seating area to that

proposed, next to the Shambles Car Park, a short distance away, has suffered from many of the issues described above.

Yorkshire Water

3.18 Officers have made comment about drainage and requested conditions to ensure that the site is developed with separate foul and surface water drainage and that surface water run-off rates are reduced. It is noted that foul drainage may run into the public sewer recorded on Black Horse Passage.

Publicity

3.19 The deadline for comment was 20.11.2012. No comments have been made.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues are:

- Principle of the proposed development/use of the building
- Visual impact and impact on heritage assets
- Impact on the amenity of surrounding occupiers
- Crime and disorder
- Highway implications
- Flood risk
- Contamination
- Sustainable design and construction

WHETHER THE PROPOSED LAND USES ARE ACCEPTABLE IN PRINCIPLE

4.2 The application site is within the Hungate Action Area, which was designed for accommodating comprehensive mixed use development in the 2005 Local Plan (policy SP9) including offices. The Council's 2009 Employment Land Review identified the Hungate Action Area to deliver some 12.062 sq m of office space. This allocation has been carried through in the preferred options document for the emerging Local Plan (policy EMP2).

4.3 The proposed development, approx 6,500 sq m floor-space of high quality offices for around 500 employees, fits with local aspirations for the site, as identified in the Local Plan. Consequently the development is fully compliant with national policy established within the National Planning Policy Framework (NPPF), which seeks to encourage sustainable economic growth, and requires Local Planning Authorities to have an economic strategy that delivers such.

VISUAL IMPACT AND IMPACT ON HERITAGE ASSETS

4.4 The NPPF advises that good design is a key aspect of sustainable development and is indivisible from good planning. Planning policies and decisions should aim to ensure that developments:

- Will function well and add to the overall quality of the area
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation

4.5 The NPPF advises Local Planning Authorities should set out a positive strategy for the conservation and enjoyment of the historic environment. Development must conserve or enhance conservation areas. Locally the Central Historic Core Conservation Area Appraisal sets parameters for development which will impact upon the conservation area. The appraisal identifies key views within the city which must be protected, to preserve the dominance of the Minster on the skyline. The management strategy within the appraisal advises that development will be expected to:

- Respect local building heights
- Place importance on the design of roofs and the roofscape: which are often highly visible from raised viewpoints (walls, Clifford's Tower, the Minster). New development should contribute positively to the character of York's distinctive skyline
- Preserve existing views and look to create interesting new ones
- Seek to add to the variety and texture of the Conservation Area, which is one of its defining characteristics
- Use materials appropriate to the status and context of the building

4.6 The surrounding heritage assets are the Black Swan Public House, which dates from C16 and is listed at grade 2 star, St Anthony's Hall on the opposite side of the Stonebow, which dates from the C15 and is listed at grade 1. The site is just outside the Central Historic Core Conservation Area, which terminates to the west, on the opposite side of The Stonebow and Peasholme Green.

4.7 In summary the scheme is appropriate in design terms; it complies with the parameters for good design, established in the NPPF and Local Plan policies GP1 and HE2. There would be a significant enhancement to the historic setting if the proposed landscaping works are fully implemented.

4.8 The development proposed is on the former Haymarket area of open space. The building footprint has a setback from the street and orientates the office building towards St Anthony's Hall and the open space in front of it. The scheme respects the historic layout of the area before the Stonebow road was introduced. The scheme will provide open space to the front of the building, improve the crossing and widen the pavement at the junction on the opposite side of the road. The applicants have also agreed to make a contribution towards open space which could help finance either improvements to the spaces in front of the Black Swan and St Anthony's Hall, or provide a cycle route in front of the Black Swan and the application site. A pedestrian and cycle route, providing a vista of the Minster, would run through the site. This route was an aspiration of the Hungate masterplan; it will improve local connectivity and the national cycle network. The landscape enhancements shown as part of the proposals constitute an enhancement to this part of the conservation area and the setting of the Grade 1 listed St Anthony's Hall.

4.9 The proposed building's layout and scale will respect the existing setting and the buildings envisaged in the area, as established in the Hungate masterplan. The proposed building would be a mix of 3-storey (where elevations are glazed) and 4-storey (where brickwork). In comparison the building would be lower than the grade 2 * listed Peasholme House, which is located on St Saviourgate. The portion of the building next to the Black Swan would step down to 3-storey (around 7m lower than the proposed council offices were to this extent) and be 16m away at its closest point. The building would sit just behind the front building line of the Black Swan. Floor-plates would be set back from the glass wall to "dissolve" the difference between inside and out and reduce the perceived mass of the building. The approach would also create interest along the proposed lane.

4.10 The design of the building has been influenced by the local historic context - the sinuous quality of the city walls and the fabric quality suggested by the former wool market. An undulating brick framework (described as a weave) would enclose the building and terminates the edges of the glass wall. Various studies have been carried out to develop the quality of the "woven" brick wall and the deeply set windows within it. Bay sizes have been carefully devised to achieve window proportions similar to the larger Georgian houses and they would result in a characteristic balance of solid to void. A long brick type has been chosen to introduce further texture to the facade. Discussions are ongoing, to agree the actual brick type, as officers have some concern about the lack of 'warmth' in the grey spectrum indicated in the applicant's Design and Access Statement.

4.11 Although the roof would be flat, atypical of the characteristic roof form in the Central Historic Core, it would receive soft landscaping and be of architectural interest, with its curved form integral to the overall design approach; it will have ecological value and be an interesting addition to the city skyline.

4.12 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. The policy seeks to assess and preserve (at least 95% of) important archaeological remains. The majority of this site was excavated in 2012. However there was a cemetery associated with the C12 All Saints Church, which has been left in situ to date. It is recommended the associated archaeology is retained. The buildings foundations will be designed so the cemetery is left in situ. Otherwise no more than 5% of archaeology will be damaged. Conditions can secure such and that a watching brief and findings are reported.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPIERS

4.13 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.

4.14 The approved Hungate master-plan gave a separation distance of 10m to 15m between buildings along Black Horse Passage, and 10m along Dundas Street. The surrounding blocks proposed on the Hungate site were to be residential, varying in height from 4 to 6 storey. The building would be at least 25m from the recently constructed 3-storey houses on the opposite side of The Stonebow.

4.15 The proposed building heights and separation distances would be consistent with what has been approved at phase 1 on Hungate and what is envisaged between buildings on the remaining phases; typically 5 or 6 storey buildings around 10 to 15 m apart. Considering the context there are no objections on amenity grounds in this respect. Conditions are proposed to reasonably control activity which can cause noise. Delivery times will be restricted, to hours consistent with those at the Hungate development, and noise levels of any plant / machinery will need to be agreed if they would be audible at noise sensitive facades outside the site.

CRIME AND DISORDER

4.16 An open space in front of the building will bring significant benefits to the setting, and respect the historic urban grain. The developments provided will provide natural surveillance and activity in this area and therefore it is not expected that similar problems to those experienced at the secluded space by the Shambles car park will be repeated. The ramp to the proposed building is required due to flood risk and the steps due to the change in ground levels. The steps (within the open space by the Black Swan) would bring a benefit if they were introduced, being more useable and attractive than the existing cobbles but they will only be installed if

there is funding to narrow the highway and widen the footpath and provide a cycle route.

HIGHWAY NETWORK MANAGEMENT

4.17 The proposals accord with the requirements of the National Planning Policy Framework, which advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.18 The servicing/deliveries area would be at the rear on Blackhorse Lane. The location has been chosen to avoid conflict with pedestrians and cyclists who would mostly use the proposed route through the site. There will be an improved crossing over Peasholme Green, which will calm traffic and encourage pedestrian / cycle movement.

4.19 No electric vehicle charging points are proposed as, apart from disabled spaces on street, there will be no car parking. The building's users will be encouraged to use alternative modes of transport to the private car because of the city centre location, the provision of covered and secure cycle spaces and changing facilities, and as the development would be car free.

FLOOD RISK

4.20 The NPPF advises that schemes should ensure flood risk is not increased elsewhere and that development is appropriately flood resilient and resistant, including safe access and escape routes where required.

4.21 The application site is within flood zone 3a. According to national policy the office use proposed is appropriate in such a flood risk area. The development would be flood resilient and would not increase flood risk elsewhere.

4.22 Finished floor levels would be set at 11.5 AOD, which is above the 1 in 100 year flood level considering climate change (of 10.94 AOD). It is proposed the ground floor level is lower at the south end - 10.5 AOD. This level is the 1 in 200 flood event level. The area does not need to be as flood resilient as this area of the building would be used for changing facilities, storage and showering. The ground level has been agreed with the Environment Agency. It is proposed the occupants sign up to the Environment Agency flood warning service and a flood procedure plan would be put in place. Overall the development would be suitably flood resilient.

4.23 It is proposed to control surface water run-off, so that existing rates are reduced by 30%. As such flood risk will not be increased elsewhere.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.24 Proposed developments are expected to meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. Commercial developments such as offices involving more than 500 sq m of space should demonstrate that they can achieve a BREEAM rating of 'very good', among the requirements are that the development can generate at least 10% of its energy demands from low or zero carbon technology.

4.25 It is proposed to install PV panels on the roof. However due to the proposed roof design, which includes planting (which has biodiversity gains and contributes to the buildings BREEAM rating), only 80 panels will fit on the roof. The panels would only provide some 4.99% of the buildings energy demand. The applicants have provided a robust argument (see energy statement addendum) which explains why other technologies are unsuitable for the building.

4.26 In mitigation for not meeting the 10% renewables target, the applicants propose that a BREEAM Excellent rating will be achieved, which exceeds the councils very good requirement. Also if a hotel comes forward on the remainder of the site, combined heat and power (CHP) would be a viable energy source (due to heating demands in a hotel) which would provide over 15% of that building's energy demand. It could also provide energy for the office building. The proposals could be secured via planning conditions. Overall officers are satisfied that although the development would not strictly accord with local policy, other measures to result in BREEAM excellent would outweigh this in this instance and so the development is acceptable in terms of sustainable design and construction.

5.0 CONCLUSION

5.1 The development of high quality office space at the application site would fit with the planned aspirations for this part of Hungate and is therefore welcome. The building will be of adequate environmental standards, including achieving BREEAM excellent, and will encourage sustainable travel. The overall development will enhance the area, respecting the setting of nearby listed buildings and archaeology of importance. There would be no undue impact on surrounding existing or future occupants.

5.2 There will be a contribution towards public realm improvements, which will be secured through a unilateral undertaking.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve Subject to Unilateral Undertaking

1 TIME2 Development start within three years -

2 Plans

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

Proposed Plans package PA01

0500 site layout

0999 ground floor plan

1000 landscaping / highways layout rev 01

1001 mezzanine level

1002 first floor plan

1003 second floor plan

1004 third floor plan

1005 roof plan rev 01

1100 north-east and south-east elevations rev 01

1101 south-west and north-west elevations rev 01

1120 sections

1150 and 1151 large scale details of facade

2561 17C Landscaping works

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

Prior to occupation of the development hereby approved the hard landscaping proposals as shown on drawing 2561 17C shall be implemented (and the existing crossing that will become redundant shall be removed).

A detailed landscaping scheme (including the number, species, height and position of trees and shrubs and specification of existing and proposed materials) shall be approved by the Local Planning Authority prior to completion of construction. The scheme shall include proposals for the roof areas, following the concept plans established within the submitted design and access statement, and an interim arrangement for the area within the application site where the office/hotel building is proposed, which shall be provided until construction on that site commences.

The approved 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 area and to enhance biodiversity in accordance with paragraphs 58 and 109 of the National Planning Policy Framework.

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. The development shall be carried out using the approved materials.

A sample panel of the brickwork, showing a typical section of the woven facade, shall be erected on the site (illustrating all components and 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 development shall be completed in accordance with the approved sample.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

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 sensitive location.

5 Large scale details

Large scale details (at a scale of 1:10 unless specified otherwise) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) The two negative connection points where the glazed facade and woven brick facade meet, to include details of relationship with the roof terrace
- b) Typical details of the weave and its apertures at curved corner locations
- c) Main entrance where the glazed envelope recedes under an exposed soffit
- d) Other doors and their surrounds

- e) Typical details of windows, grills, or window blocking/obscuring within punched openings of the “woven” facade (on the southeast elevation).
- f) External ramp, steps and balustrade. To include interface with main elevations
- g) Plant room (1:20). Any associated external plant at roof level shall not exceed the height of the parapet walls, as shown on the approved plans.
- h) Any balustrade at roof level additional to that shown on drawings 1150 and 1151
- i) External CCTV and lighting (locations to be marked on elevations and manufacturers details of equipment to be provided)

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the building in view of the sensitive location.

6 Cycle parking and staff facilities.

Prior to first use of the development the cycle parking and changing facilities shown on the approved plans shall be installed and shall be provided for the lifetime of the development. The cycle parking spaces shall be secure, using sheffield type hoops or similar, and covered.

At least 4 sheffield type cycle stands (or similar) shall be provided by the building entrance prior to first use of the building. The location of the stands shall be approved by the Local Planning Authority.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

7 Travel Plan

Within one of year of occupation of the building a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines. The travel plan shall thereafter be reviewed and updated on an annual basis, to the satisfaction of the Local Planning Authority.

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.

8 Sustainable design & construction

The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of at least 'excellent'. 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 BREEAM standard of 'excellent' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a standard of 'excellent'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

No less than 4.9% of the development's predicted energy requirements will be provided from low or zero carbon technology. Unless otherwise agreed PV panels shall be installed on the building, in accordance with the details proposed in the Chapman BDSP 'Addendum to Energy Statement' report dated 29.11.2013. 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 requirements of GP4a of the City of York Development Control Local plan and paragraph 17 of the National Planning Policy Framework.

9 Energy Centre

Prior to construction details of the external appearance of the 'energy centre' building 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.

Reason: In the interests of visual amenity.

10 Site Drainage

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Drainage works shall be carried out in accordance with the approved details.

Details to include:

- a) Peak surface water run-off from the proposed development restricted to a maximum 3.7 lit/sec.
- b) Site specific details of the flow control device manhole limiting the surface water to the 3.7 lit/sec.
- c) Storage volume calculations, using computer modelling which 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 shall include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and

winter profiles, to find the worst-case volume required. The full range of modelling shall be provided.

d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.

e) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

f) Details of the future management / maintenance of the proposed drainage scheme.

Reason: 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.

11 Site Drainage

The site shall be developed with separate foul and surface water on and off site. Prior to development commencing, details of the proposed means of foul and surface water drainage, including any balancing works and off-site works shall be approved by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Reason: To ensure that the site is properly drained.

12 Flood Risk

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Ward Cole, dated September 2013, reference 10/4338 and in particular the finished floor levels shall be as proposed in the FRA. The mitigation measures within the FRA shall be fully implemented prior to occupation.

Reason: To ensure the development is safe from flooding, in accordance with paragraph 103 of the National Planning Policy Framework.

13 Archaeology

No disturbances of any kind (including excavations, foundations, piles, and service trenches) must take place below 10.65m AOD within the archaeological zone shown as the shaded area on drawing Archaeological Statement Figure 2.

Reason: In accordance with Local Plan policy HE10 as this zone contains unscheduled deposits of national importance that must be preserved in-situ.

14 ARCH2 Watching brief required -

15 ARCH3 Foundation design required -

16 Land Contamination

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To protect the surface water and groundwater receptors in the area from contamination and mitigate against any potential impacts to controlled waters quality.

17 Unexpected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a

remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the surface water and groundwater receptors in the area from contamination.

18 Foundation Design

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

Reason: To protect the surface water and groundwater receptors in the area from contamination by creating new pathways.

19 Land Contamination - works below surface level

Prior to installation, the details of any underground storage tanks, chambers, cabling shall be approved in writing by the local planning authority. The details shall include the full structural details of the installation, including details of excavation, the tank(s), tank surround, associated pipework and monitoring system, and shall demonstrate there will be no contamination to surface water and groundwater receptors. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details.

Reason: To protect the surface water and groundwater receptors in the area from contamination by creating new pathways.

20 Times of construction

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality

21 Construction Management

Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, lighting and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

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

22 Plant

Details of all fixed machinery, plant and equipment to be installed in or located on the use hereby permitted, which would be audible at any noise sensitive location, 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 before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

Note: The combined rating level of any 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, this being the design criteria adopted by EPU, including any acoustic correction for noises which contain a distinguishable, discrete, continuous note (whine, hiss, screech, hum, etc.); noise which contain distinct impulses (bangs, clicks, clatters, or thumps); or noise which is irregular enough to attract attention.

23 Deliveries

The hours of delivery to and dispatch from the site shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday 08:00 - 18:00

Saturday, Sunday & Bank Holidays 09:00 - 18:00

Reason: To protect the amenity of local residents.

24 HWAY41 Safety Audit

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

Reason: To minimise the road safety risks associated with the proposed works to The Stonebow / Peasholme Green.

25 HWAY40 Dilapidation survey

26 Highway management during construction

Prior to the commencement of any works on the site, a detailed method statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. 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
- 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.

7.0 INFORMATIVES:

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 advice provided, negotiation during the processing of the application to agree works to proposed public spaces and the use of planning conditions.

Works in the Highway

Consent is required from the Highway Authority for the works being proposed, under the Highways Act 1980

Contact Utilities

As the proposal may have an affect on Statutory Undertakers equipment

Contact details:

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