

COMMITTEE REPORT

Date: 19th December 2011 **Ward:** Guildhall
Team: Major and Commercial Team **Parish:** Guildhall Planning Panel

Reference: 13/03232/OUTM
Application at: Haymarket Car Park Dundas Street York
For: Outline planning application for an office (Use Class B1a) with flexible ground floor uses (A1, D1 or D2), or hotel building (Use Class C1) with access.
By: Hiscox
Application Type: Major Outline Application (13 weeks)
Target Date: 30 December 2013
Recommendation: Approve

1.0 PROPOSAL

Application site

1.1 The application site falls within the Hungate area, which was given outline planning permission for mixed-use re-development in 2006 (planning application 02/03741/OUT). It covers part of the site where the Council offices were previously proposed (application 08/01201/FULM), behind the Black Swan.

1.2 The shape of the proposed building generally follows that shown on the approved masterplan although the building depth is larger behind the Black Swan (around 15m rather than 7m). In the approved masterplan the building stepped in height, up from 4-storey behind the Black Swan to 6-storey. The building was identified for office use. There was also to be an office building of similar height/massing to the southwest, on the opposite side of pedestrian cycle route from St Saviour's Place down to the recently installed Hungate Bridge.

Proposals

1.3 The application is in outline form, to either accommodate offices or a hotel. The proposals are made by Hiscox, who have also submitted a detailed application for a headquarters office building on the south-western side of the site (13/03302/FULM).

1.4 The proposed development would be a maximum of 5 storey with the upper floors setback an additional 6m from The Stonebow. The options for use are as follows -

- Office - max 4,248 sq m over 4 floors. The proposals would allow flexibility at ground floor, which could be sub-divided and provide either retail, D1 or D2 uses (non-residential institutions and assembly and leisure uses).

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- Hotel - 5-storey with between 80 to 100 bedrooms. Up to 22 car parking spaces at the southeast end, with access from Blackhorse Passage.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Floodzone 2 GMS Constraints: Flood zones 2 & 3

Listed Buildings: Grade 2 Star; Black Swan Peasholme Green York YO1 2PR 0839

2.2 Policies:

CYSP9	Action Areas
CYGP1	Design
CYGP4A	Sustainability
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE10	Archaeology
CYV3	Criteria for hotels and guest houses

3.0 CONSULTATIONS

Design, Conservation and Sustainable Development

3.1 Officers do not object to the proposals. It is deemed important that through good design the perceived scale of the building, where it faces Aldwalk / St Saviourgate, is reduced. A possible means of achieving such is shown in the addendum to the Design and Access statement.

3.2 The principle of either of the uses proposed would complement the mixed use and residential nature of the proposed new neighbourhood in the Hungate area. Incorporating flexible uses into the ground floor of the office scheme would also enliven the nature of the proposed new pedestrian/cycle route connecting The Stonebow with Black Horse Lane.

3.3 The site is at a point of transition between the rich architecture and fine grained “figure ground” of the Central Historic Core, and the taller, dense blocks of the Hungate masterplan area. The proposed footprint and illustrative massing of this application pose a different concept from the one defined in the original masterplan documents.

3.4 The approved masterplan indicated a long thin footprint behind the Black Swan, its height stepping from four to six storeys with a short three storey section in between. This form would be difficult to develop into a single building, or a collection of small and tall units. In this application the urban block has been reconfigured to create two similar development plots each of which would be more viable as building footprints. The initial phase of development would be the Hiscox office building next to Dundas Street (application 13/03302/FULM).

3.5 The taller massing of the office/hotel building is shown “pushed” further back behind a lower pavilion which would complete the spatial enclosure around the square. The immediate setting of the Black Swan would be respected. Whilst this device would address the human scale setting immediately adjacent to the Black Swan, it would not fully address issues of relative size and scale as seen in views from St Saviour’s Place and Aldwark, and the Black Swan. This type of arrangement though does occur in the Central Historic Core Conservation Area. The impact of the end elevation could be mitigated through good design (as indicated in the Design and Access Statement Addendum), rather than by changing the massing back to a stepped approach.

Archaeology

3.6 The most significant findings from previous interventions within the application site in 2000 and 2007 related to the foundations of medieval buildings and various 19th and 20th century features.

3.7 Future development on this site must be designed so that foundations and other sub-surface disturbances will destroy no more than 5% of the deposits on the site. In addition, there must be an archaeological watching brief on all groundworks. These requirements can be secured through placing conditions on the planning consent.

Environmental Protection Unit

3.8 No objections. Conditions are requested to prevent noise having an undue impact on neighbours. Conditions are requested with regards construction management, times of delivery, and that noise levels of plant are appropriate.

- In the interests of the amenity of future occupants of the building it is recommended the building is insulated so to avoid noise pollution.
- A condition to deal with land contamination is requested.
- If car parking is proposed, it is asked that electric vehicle points be provided.

Flood Risk Management

3.9 Officers have recommended a condition to deal with drainage proposals. It is asked that Yorkshire Water is consulted on the proposals.

Highway Network Management

3.10 No objections, subject to conditions, to secure a travel plan, and to agree construction management, the detailed design of the proposed access onto Black Horse Lane and for making good of the highway following works (dilapidation survey).

- . Approval is only being sought for means of access but the applicant has indicated that a maximum of 25 spaces could be provided within a future hotel scheme. Details of the level of car parking and access to the car parking will be secured via a suitably worded condition to be addressed by a future reserved matters application. Officers do not consider that this level of car parking would lead to levels of traffic generation which would have a material impact on the surrounding highway. Officers are also satisfied that a suitable means of access can be achieved from Black Horse Lane and that visibility at this point would be in accordance with national guidance.
- The site includes the existing Haymarket Car Park. The loss of this car park has already been considered and approved by the authority and has been operating with a temporary consent until the redevelopment of the site takes place.

EXTERNAL CONSULTEES

English Heritage

3.11 Officers have made updated comment, based upon the Addendum to the Design & Access Statement. English Heritage support the form of the proposed building. The 3/4 storey element of the building, set back from the ground floor, and single storey foyer/reception element are deemed to constitute the most appropriate architectural solution to developing this challenging site, particularly given the set back of the building footprint from the Peasholme Green street frontage. Subject to appropriate detailed design, the development can have a positive impact upon the setting of surrounding listed buildings and the Aldwark Character Area of the York's Central Historic Core Conservation Area.

3.12 English Heritage considers that the success of integrating both the Hiscox Office development and the proposed Hotel/Office development into the setting will be contingent on the delivery of a high quality public realm scheme.

3.13 Should the hotel/offices proposals not come forward in the short to medium term, it is critical that a high quality landscaping scheme incorporates the entire footprint of this site. The laying out of this landscaping scheme should as far as possible been in place at the point that the Hiscox Offices become occupied and be secured through a planning condition.

Environment Agency

3.14 No objection provided that the development is carried out in accordance with the submitted Flood Risk Assessment. Specifically the provision of compensatory flood storage on site and that the ground level is no lower than 10.94 AOD.

Police Architectural Liaison Officer

3.15 The police have made the following recommendations as the proposals do not advise how crime would be considered in the design -

- There should be good natural surveillance and lighting, and CCTV should be considered.
- Private space should be clearly defined.

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3.16 Support the application.

Publicity

3.17 Two objections have been made and one general comment made. Comments relate to visual impact and residential amenity and are as follows -

- The building may be monolithic and should be reduced in scale so as not to have an adverse impact on the setting of the Black Swan.
- Important views should be preserved.
- Lack of assurance about the design quality / appearance of the proposed building.
- The proposed development would be over-bearing and over-dominant over Hungate phase 1 and lead to a loss of light due to the height of the proposed building and its proximity to the existing development. The building is larger and taller than shown at outline stage and the Council Offices scheme which was withdrawn.
- Back of house facilities - waste storage and servicing - will be at the rear and activity associated with such will cause noise disturbance. There could also potentially be noise disturbance from uses at ground floor level.

4.0 APPRAISAL

KEY ISSUES

4.1 The main issues for consideration are -

- Whether the proposed land uses are acceptable in principle
- Visual impact, including the impact on heritage assets
- Archaeology
- Amenity of surrounding occupants
- Sustainable design and construction.
- Highway network management.
- Drainage and flood risk.

WHETHER THE PROPOSED LAND USES ARE ACCEPTABLE IN PRINCIPLE

4.2 The site is within the city centre, as defined in the Local Plan. The Hungate site was designed for accommodating mixed use development in the 2005 Local Plan (policy SP9) including offices.

4.3 The Council's 2009 Employment Land Review identified adequate land to accommodate future need up to 2029. It allocates the Hungate Action Area to deliver 12.062 sq m of office space. This allocation has been established also in the emerging Local Plan (policy EMP2).

4.4 The 2005 Local Plan advises hotel development in the city centre will be appropriate in principle (policy V3). The new Local Plan is consistent with both the 2005 plan and the advice in the National Planning Policy Framework (NPPF) in that it states hotels are acceptable development in principle in the city centre (policy YCC1).

4.5 An office development at the application site would be fully compliant with national and local policy. As the site is within the defined city centre, and a part of the city which the Local Plan designates for mixed-use regeneration. The proposed ground floor retail or assembly/leisure facilities would also be appropriate.

4.6 A hotel would not assist in realising the amount of office development identified as being needed over the period of the new Local Plan (up to 2030). However there is a current application for an office development next to it, with a known end user. That development will provide approx 6,500 sq m floor space, for 500 employees. To allow this application would allow the market to determine whether there is demand for either a hotel or offices. Both would bring economic benefits and importantly regenerate this area. To this extent the proposals are consistent with the NPPF in particular paragraph 22 which advises that land allocations should be reviewed on a regular basis and the long-term allocation of sites for employment use should be avoided where there is no reasonable prospect of a site being used for

that purpose. In such cases 'alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

VISUAL IMPACT, INCLUDING THE IMPACT ON HERITAGE ASSETS

4.7 Pertinent design guidance is contained within the NPPF, which advises that good design is a key aspect of sustainable development and is indivisible from good planning and local policy/guidance contained within Local Plan policies GP1: Design and HE2: Development within Historic Locations and the Central Historic Core Conservation Area Appraisal sets parameters for development which will impact upon the conservation area.

Planning 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, landscaping and buildings to create attractive and comfortable places to live, work and visit. Preserve existing views and look to create interesting new ones;
- Respond to local character while not preventing or discouraging appropriate innovation and use materials appropriate to the status and context of the building.

4.8 As explained in 3.4 and 3.5 the building footprint varies from the outline permission for Hungate and the building will be a consistent height. This is because the narrow footprint and staggered building heights in the masterplan would be impractical for either an office or hotel building.

4.9 The outline proposals would establish the footprint of the proposed building and maximum building heights. The design intent is that the development respects the setting of the Black Swan, by setting the main volume of the building 26 m back from the road and having a single storey entrance area pulled forward of the main building, which gives a human scale, and relates well to the Black Swan and the proposed open space.

4.10 Stepping back the building at the upper floor level was investigated at pre-application stage, so the building height would be a closer match to that in the consented master plan. However it was determined this would potentially weaken the appearance of the proposed building, making it appear fragmented. The height is comparable with the proposed Hiscox Office (see companion application - 13/03302/FULM) and buildings at the remainder of the Hungate site.

4.11 A development of the scale proposed would, importantly, be fit for purpose and would respect the setting.

4.12 The success of the building integrating into its setting would be dependent upon the landscaping scheme, detailed design and materials. The design and

materials are dependent upon a future occupier, and whether the building is used as offices or a hotel. The detailed design and materials would be the subject of a reserved matters application.

4.13 Potentially the building and the public realm proposals will enhance the setting. A landscaping scheme would be secured through a planning condition, which would enhance the setting -

- A pedestrian / cycle route will be provided through the site; an aspiration of the Hungate masterplan and the route would provide views on the Minster.
- A public open space will be provided in front of the building, which would respect the historic layout, from before The Stonebow road was introduced.
- It will be important that there is tree planting to block views of later utilitarian extensions at the back of the Black Swan.
- A contribution would be secured to improving the public realm beyond the application site. How the area could be enhanced is shown on page 20 of the Design and Access Statement.

4.14 If a hotel is proposed there will be a vehicular entrance at the rear. This will be at semi-basement level. This aspect of the scheme is likely to be acceptable; a shutter is required for security but this would be set back from the road, similar to the arrangement at phase 1 in Hungate, therefore would not be visually prominent and given the proposed position of the vehicle entrance, it will not be prominent in the street scene.

ARCHAEOLOGY

4.15 The site is within the city centre area of archaeological importance as such policy HE10 of the Local Plan is relevant. In accordance with the policy at least 95% of archaeological remains will be preserved, this would be secured through a condition. Based on investigation to date, later medieval deposits have been found within the northwest portion of the curtilage of the site. In summary this consists of the substantial remains of what appears to be a Norman (12th Century AD) stone built building with C13th to C14 additions. In addition to preservation of 95% archaeology, there would be a requirement for a watching brief on groundworks.

AMENITY OF SURROUNDING OCCUPANTS

4.16 The approved master-plan gave a separation distance of around 12m between where this building is proposed and the corner of the residential development now constructed at Hungate. Both buildings were identified as being 6-storey in this corner.

4.17 In comparison to the building footprint in the approved master-plan, the building extends around 7m further southwest, although unlike the previous approval it does not develop over the existing sub-station in the southeast corner . The pedestrian/cycle route through the site is similar; 6m wide, although moved southwest accordingly. Comparisons in footprint and massing are shown in the addendum to the design and access statement.

4.18 The massing for buildings in the Hungate masterplan were established in the design statement. On the site of the proposed building, it was identified that at the rear (southeast end) development would be 6-storey, of comparable height with the C20 office building to the north and the ridge of Peasholme House (30.9 AOD). The proposed building would not exceed 29.1 AOD and be lower than that approved previously where it is closest to the houses in Hungate phase 1.

4.19 Comparing what has been approved in the Hungate masterplan and the proposed development, there would not be a material adverse impact on the amenity of surrounding occupants with regards over-looking or over-dominance, or loss of light.

4.20 The corner apartments in Hungate phase 1 would be most affected by the proposed development. From the apartments there would not be a material change in levels of amenity. There are living rooms on the corner which have windows facing Northwest (toward the proposed building) and Southwest (towards later phases on Hungate). There would remain angled views and adequate outlook from these windows, over the neighbouring offices site to the north and along Dundas Street. The key change would be that views of The Minster would be lost as a consequence of the proposed development. This does not present grounds to refuse the proposal though as this a private view over other land ; and unlike the need to provide adequate outlook this is not a sufficient material planning consideration.

4.21 Outlook from apartments on the north elevation would be enhanced (in comparison to the masterplan approval) as there would be a 13m gap introduced between the side of the proposed building and the decked car park at the offices to the north.

4.22 The proposed servicing area and car park entry are from Dundas Street. This is the logical approach due to traffic volumes and as the proposed building is setback from Stonebow. The servicing bay is proposed on Backhorse Lane behind the proposed neighbouring Hiscox building - to avoid conflict with the pedestrian/cycling route proposed through the site. The entrance to the car park would be setback, so to avoid cars stopping on-street.

4.23 The aspiration for Hungate has always been that it is a vibrant and mixed use area. Consequently a degree of activity associated with commercial uses is to be expected. A condition is proposed to restrict delivery times, consistent with other

commercial properties on Hungate. Conditions can also be applied to protect amenity from possible assembly / leisure uses. Conditions are proposed to control times of opening and to ensure that any noise arising from the premises is below external background noise levels.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.24 In accordance with local policy a BREEAM standard of 'Very Good' would be achieved. If the building becomes a hotel, a CHP system would be an appropriate low/zero carbon energy source that would achieve over 10% of the building's energy demand (potentially 15-20%). If the building becomes offices then PV panels are proposed, which would be suitable and viable due to the lack of demand for heating, and these could achieve 10%. The BREEAM rating and that at least 10% of the building's energy demand would be from renewable/low/zero carbon technology can be secured through a condition.

HIGHWAY NETWORK MANAGEMENT.

4.25 The National Planning Policy Framework 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.

4.26 The proposed servicing location would be on Dundas Street, at the rear of the proposed office building next door. The location has been chosen to be away from the main road and the proposed pedestrian / cycle route that run through the site. The location and arrangement is acceptable.

4.27 Because the scheme is not fully detailed cycle parking and facilities are not shown on the plans. A planning condition can require that cycle parking be provided in accordance with Local Plan standards and the provision of external spaces for visitors. Car parking is shown if the hotel development arises. If this occurs then a condition will also require electric vehicle charging facilities to be provided as recommended in the National Planning Policy Framework.

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DRAINAGE AND FLOOD RISK.

4.28 The NPPF advises that schemes should ensure flood risk is not increased elsewhere and that development is appropriately flood resilient and resistant, including the provision of safe access and escape routes where required. Based on policy within the National Planning Policy Framework and York's Strategic Flood Risk Assessment, the hotel must pass the exception test in order to be deemed appropriate, as it is classed as a more vulnerable use.

4.29 The development would be safe from flooding as -

- Finished floor levels would be set at the level recommended by the Environment Agency - 10.94 AOD which is above the 1 in 100 year flood level, including accounting for possible climate change.
- If the development were to be a hotel a safe means of escape would be provided via the main entrance which would also be at 10.94AOD or higher. The car park would be on the southeast side, where ground levels lower.
- The development could continue to operate in times of flooding and there would be no extra burden on emergency services in such times.
- The submitted Flood Risk Assessment recommends future occupants sign up to the Environment Agency flood warning service and that a flood procedure plan is established. The measures within the FRA can be secured through a planning condition.

4.30 Flood risk would not be increased elsewhere. A floodable void will be provided on site so that there is no loss of flood storage volume in relation to the existing. The surface water run-off will be controlled so there would be a reduction in relation to the existing rate.

Exception test

4.31 To pass the exception test the development must demonstrate wider sustainability benefits that outweigh any harm. The benefits of the development are the regeneration it will bring including the public route through the site. The building would meet local sustainable design and construction targets. As such, and as there would be no undue flood risk, the development passes the exception test.

5.0 CONCLUSION

5.1 Approval is recommended. The proposed development is considered to be appropriate to the setting, considering the layout, massing and public realm enhancements. The setting would be enhanced and in relation to the approved master plan, there would be no undue additional harm to residential amenity. The scheme fits with Council aspirations for regeneration of the Hungate area. The development would be sustainable, meeting local construction requirements, and there would be no undue harm, considering flood risk, highway safety and the impact on archaeology.

5.2 There will be a unilateral undertaking from the applicants, to make a contribution towards public realm improvements, the figure would depend upon the uses that arise within the scheme - office - £52.6k, hotel - £18.6k.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve Subject to Unilateral Undertaking

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

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

2 Details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 The development hereby permitted shall be carried out in accordance with the following plans:- PA2 – 0500 and 1000.

The development shall not exceed the building height/massing shown on drawings 1100, 1101, 1120 and pages 9, 10 and 11 of the Design and Access Statement Addendum dated November 2013.

The vehicular access (if the hotel is developed) shall be the single access option as shown on Peter Evans drawing 2561.16.

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

4 Landscaping

A detailed hard and soft landscaping scheme shall be approved by the Local Planning Authority prior to completion of construction. The scheme shall include –

- Tree planting in front of the proposed building, to screen the side elevation of the Black Swan.
- Full details of the vehicular access onto Black Horse Lane (if applicable)
- Any crossings to be made redundant to be made good

The approved scheme shall be implemented within a period of six months of the Application Reference Number: 13/03232/OUTM Item No: 4b

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 in accordance with paragraph 58 of the National Planning Policy Framework.

5 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.

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

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.

6 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. The development shall be carried out in accordance with these approved details.

Details to include:

- a) Peak surface water run-off from the proposed development restricted to a maximum 19.4 lit/sec.
 - b) Site specific details of the flow control device manhole limiting the surface water to the 19.4 lit/sec shall be provided.
 - c) Storage volume calculations, using computer modelling to accommodate a 1:30
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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. The full range of modelling should 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 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.

Informative: Consent should be sought from Yorkshire Water to connect foul and surface water into their sewers.

7 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.

8 Flood risk management

The development shall be carried out in accordance with the Flood Risk Assessment (FRA) by Ward Cole dated September 2013, reference 10/4338 and in particular the following mitigation measures detailed within the FRA:

- Provision of flood compensation storage in the form of an open void beneath the ground floor. Prior to construction commencing details of the storage area (which demonstrate that the development will not result in a loss of volume of flood storage) shall be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

- Finished floor levels (apart from car parking areas) shall be set no lower than 10.94m above Ordnance Datum (AOD).

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and to reduce the risk of flooding to the proposed development and future occupants in accordance with the NPPF, in particular paragraph 103.

9 Cycle Parking

Prior to construction commencing details of covered and secure cycle storage and associated facilities and (the amount and location of) visitor cycle stands shall be approved by the Local Planning Authority. The development shall occur in accordance with the approved details, which shall be retained for the lifetime of the development.

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.

INFORMATIVE: Staff cycle parking must be a minimum of –

1 space per 10 hotel rooms

1 space per 60 sq m for offices

1 space per 36 sq m for shops

1 space per 30 sq m for D1 uses

10 BREEAM

The development 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 prior to occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall 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.

11 LZC Technology

No building work shall take place until the development's predicted energy requirements provided from low or zero carbon technology have been approved by the Local Planning Authority.

If the development is a hotel, then at least 15% of the building's energy demand shall be from low or zero carbon technology. If the development is offices, then the figure shall be 10%.

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.

12 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.

13 Electric Vehicle Charging Points

Should there be car parking on site, prior to its first use at least one electric vehicle charging point shall be provided within the car park.

Reason: to promote and facilitate the uptake of electric vehicles / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing waterproof recharging unit capable of charging two electric vehicles simultaneously 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.

For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

14 ARCH2 Watching brief required -

15 ARCH3 Foundation design required -

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16 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.

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 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.

17 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

18 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.

19 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.

20 Amenity of future occupants

The building envelope of any hotel accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq 1 hour and 45dB LA Max (23:00 - 07:00) in bedrooms and 35 dB LAeq 1 hour (07:00 - 23:00) in all other habitable rooms. These noise levels are with windows shut and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future occupants and in the interests of the long-term viability of the building.

21 Cooking smells / odour

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

Reason: To protect the amenity of the locality.

Note: It is recommended that the applicant refers to the Defra Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (January 2005) for further advice on how to comply with this condition.

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 (LAmax(f)) and average sound levels (LAeq), 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.

23 Works below ground

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.

Prior to installation details of any underground storage tanks, chambers / cabling shall be approved in writing by the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tank(s), tank surround, associated pipework and monitoring system. 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.

24 Amenity

Any D1 or D2 uses shall only open during the hours of 07.00 and 23.00 each day of the week. Any amplified or recorded music from the commercial uses shall not exceed 5dB(A) below the background noise level at 1 metre from the building facades when assessed in accordance with BS4142: 1997.

Reason: In the interests of amenity and the character of the area.

25 HWAYS40 Dilapidation survey to be undertaken

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, negotiation during processing of the planning application 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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