

## COMMITTEE REPORT

**Committee:** Planning Committee      **Ward:** Fishergate  
**Date:** 25 October 2007      **Parish:** Fishergate Planning Panel

**Reference:** 07/01399/FULM  
**Application at:** Barbican Centre Paragon Street York YO10 4AG  
**For:** Erection of six storey 160 bedroom 4 star hotel (revised scheme to that approved under 03/04075/GRG4).  
**By:** Golden Tulip York Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 13 November 2007

### 1.0 PROPOSAL

1.1 This application proposes revisions to the approved scheme for a 126 bedroomed hotel on the same site.

#### Site History

1.2 Planning permission was granted in September 2004 for the redevelopment of the existing site of the Barbican Leisure complex (ref no 03/04075/GRG4). This gave permission for an auditorium, conference centre, and residential development consisting of 240 apartments, a hotel and alterations to the existing multi-storey car park.

1.3 An application to vary 9 of the 40 conditions of that consent, to allow commencement of work on site prior to compliance with those conditions, was approved in March 2006 (ref no 05/00882/GRG3). An application relating to the leisure centre building involving revisions to the alterations was approved in June 2007 (ref no 06/02632/FUL).

#### The Application

1.4 The application site relates only to the site of the proposed hotel within the Barbican redevelopment site, and as such a new permission is sought. However the previous permission is a key material consideration and so the proposals needs to be assessed having regard to the approved scheme, which can still be implemented.

1.5 The approved scheme involves the development of a 126-bed hotel including a basement with servicing rooms and 17 car parking spaces (accessed via a car elevator). The semicircular building, sited between the Barbican centre and the residential development closer to Barbican Road, would have 4 other floors, to a height of 22.5 m. The inner part would have an atrium enclosure with bedroom facing into it, a rooftop terrace and balconies on the outer semi circular elevation. The drop off area for coaches /taxis would be from Paragon Street. The total floorspace is 11,915 sq, m. The relevant differences between the proposals are: -

- Increase in the number of rooms with introduction of fifth floor, but without exceeding the height limited by condition of the previous permission (22.5 m). This has been achieved by reducing the floor-to-floor heights.
- An indication of the type of materials to be used on the external surfaces (not specified in the previous application).
- Removal of the roof terrace and addition of a landscaped terrace at first floor
- Removal of the basement floor to simplify construction, reducing costs and archaeological disturbance
- Removal of on site parking and car elevator
- Removal of semi circular inner atrium, lifts and creation of a green wall in external landscaped courtyard. The massing of the building is reduced as a result and all bedrooms would now have natural light and ventilation
- Redesign of main entrance and addition of an entrance atrium.
- Area between the hotel and new residential development to be landscaped to provide external paved area
  - Pedestrian link created to Kent Street
  - Hotel drop off area redesigned
  - Balconies removed from the bedrooms
- Redesign of the elevations and main entrance within the established parameters of the massing and scale of the approved building.
- Total floorspace reduced to 9, 569 sq, m

1.6 The application is accompanied by a Flood Risk assessment, Design statement, Sustainability Statement and Transport Assessment.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Schools Fishergate Primary 0197

## 2.2 Policies:

CYGP1  
Design

CYGP3  
Planning against crime

CYGP4A  
Sustainability

CYGP11  
Accessibility

CYHE2  
Development in historic locations

CYHE9  
Scheduled Ancient Monuments

CYHE10  
Archaeology

CYT4  
Cycle parking standards

CYT13A  
Travel Plans and Contributions

CYT20  
Planning agreements

CYV1  
Criteria for visitor related devt

## 3.0 CONSULTATIONS

### 3.1 Internal

Highway Network Management - States the scheme has been redesigned to include a cycleway alongside the Paragon street carriageway, with pedestrian movement on a 2 metre wide path along the back edge of the highway boundary. A semicircular drop off/ turning circle at the hotel entrance has been removed to become pedestrian only. Also a raised table is now proposed at the entrance to the lay-by, and a street lighting column is resited to improve cycle safety.

Environmental Protection Unit - raises no objections to the application but recommends conditions as attached to application 05/00882/GRG4 relating to piling operations, noise attenuation, servicing hours, plant and machinery details and use

of roof gardens (although now omitted from the hotel). An informative relating to demolition and construction is also recommended. With regards to air quality, it is stated that the peak hour traffic flows are still less than those assumed in the Foss Basin Study (2003) when there were no significant implications in terms of the Barbican redevelopment.

Environment, Conservation and Sustainable Development - States if at all possible the 4 plane trees at the hotel drop off point should be retained.

City Development - States the policy issues raised in respect of the original application still stand, as there are very few changes, which would require an alternative response. The additional floor results in the actual height being reduced. From a policy point of view this satisfies V£ as the new building will have less impact on the surroundings. The removal of car parking and arrangement to use the multi story car park will satisfy transport policies aiming to reduce car use in the city centre and encourage use of public transport and walking/cycling. Design changes to remove the atrium and alter the face materials will mean the building would have less impact on the City Walls and area in line with policy H2.

### 3.2 External

Fishergate Planning Panel - No comments received to date.

English Heritage - Have considered the application and does not wish to offer any comments other than to recommend the application is determined in accordance with national and local policy guidance and on the basis of the Council's own specialist advice.

Police Architectural Liaison officer - The access from Kent Street appears unrestricted. The gated access points to the Barbican should be of appropriate fencing to a height of 1.8 - 2 m. Any vulnerable ground floor windows should have opening restrictors fitted.

An access control system should be fitted to discourage casual intrusion. (Various measures are suggested). Also clear signage should be incorporated to improve accessibility and security should be managed through involvement in the York Hotel Watch Scheme with CCTV inclusive in the design. Also collaboration with the Police Authority to consideration of the Secured by Design award is suggested.

Environment Agency - No objections subject to conditions relating to implementation of measures in the flood risk assessment, and the investigation and remediation of any contamination at the site.

Yorkshire Water - recommends conditions relating to the development of the site with separate foul and surface water drainage, and the submission of the details of that drainage.

York Georgian Society - Repeats comments made in respect of the original application for redevelopment of the site in 2004. In relation to the height of the

buildings proposed, and level of amenity space, it questions whether the new hotel will actually be any lower, and doubts that the materials used will not be as locally found as claimed in the sustainability statement.

Reference is made to the updated transport plan, which mentions the use of the multi storey car park by hotel and pool users - which is no longer proposed here. This casts doubt over the accuracy of the parking calculations.

York Tourism Partnership Executive - Welcomes the principle of a new high quality hotel investment in the city in terms of additional accommodation choice available. The Executive would welcome the opportunity to hear more about the operational plans for the hotel, in particular the opening date and would encourage close partnership working with the Barbican site operators. The Executive would be keen to work with the hotel group

York Civic Trust - States it made comments on the previous scheme and many of the points apply to this scheme. The 20% increase in bedrooms will increase the height, the wind tunnel between the hotel and Barbican will remain and the position and the demands for parking spaces, in relation to the new flats is as was criticised previously. The materials are not fully specified, and the submission is misleading in terms of claiming the height is lower.

The arrangement with the car park at the hotel needs to be guaranteed and long term. The movement required to drop off bags and then park at Kent Street would not reduce the impact on local traffic.

The proposal fails to meet the applicant's claim to provide a high quality design with the aim of conserving and enhancing the local character and distinctiveness of the City. The Trust states it feels compelled to object in the knowledge that the Council has by approving the previous scheme committed to a similar proposal

Conservation Area Advisory panel - Felt the elevations to be out of proportion and disliked the strong vertical elevation. It felt there were too many materials on the elevations and that the elevation facing the City Walls did not have materials identified. The proximity of the other buildings was also raised as a concern.

North Yorkshire Fire and Rescue - Has no concerns regarding the planning application, but would expect to be consulted under the Building Regulations.

Other interested parties - 9 Letters have been received in respect of the application, from residents of Scarcroft Hill, Albermarle Road, Willis Street, Anne Street, Stockhill Close Dunnington, Eastfield Lane Dunnington, Danesmead Close, Dodgson Terrace, and Rowntree Wharf,

The comments can be summarised as follows: -

\* The development should include a minimum 25 m swimming pool to replace the one lost, and other sports facilities.

- \* A six storey development is inappropriate in such a sensitive historic location, close to the bar walls, and lasso close to 2 and 3 storey housing on Fawcett Street and Barbican Road.
- \* The deletion of leisure facilities is another broken promise
- \* The development will create an increase in noise and light pollution as well as traffic pollution.
- \* Residents on Barbican Road will have reduced privacy due to the height and facing windows.
- \* There will be an increase in congestion because of the deletion of on site parking, and loss of parking spaces in the multi-storey to this development would lessen this scarce resource.
- \* There should be a condition that the hotel is of sufficient quality to gain a 4-star status.

## **4.0 APPRAISAL**

### 4.1 Key Issues:-

- Impact upon setting of adjacent listed buildings and ancient monument (City Walls) as well as setting of adjacent conservation area.
- Impact of development upon amenity of nearby residents and occupants.
- Highway, traffic and parking implications.
- Implications for air quality and noise related issues.
- Impact on archaeology at the site.
- Security and designing out crime considerations.
- Sustainability issues and energy efficiency of new building

## POLICY CONTEXT

### 4.2 National Policy

The following PPGs/PPSs are considered of most relevance to this application:-

PPS1 (Delivering Sustainable Development) - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan laid on the system, as well as offering guidance as to the considerations to be taken into account in determining planning applications.

PPG3 (Housing) - seeks to promote the optimum use of previously developed land for residential development, particularly in urban areas. However it requires

development to respect the local character. The developer should not be required to provide more car parking than they are willing to provide particularly in urban areas where public transport is available or where there is a demand for car free housing.

PPG13 (Transport) - the note seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and seeks to reduce the need to travel especially by car in new developments. It offers guidance on the location of housing in town and city centres to promote more sustainable patterns of development and to make better use of previously developed land. Additional guidance is offered in relation to mix of uses on sites, design and safety.

PPG15 (Planning and the Historic Environment) - Emphasises that new buildings should be carefully designed where they stand along side historic buildings and the principles of scale, height massing and materials need to be taken into account the setting of adjacent listed buildings and ancient monuments.

PPG16 (Archaeology and Planning) - Confirms that the desirability to preserve archaeological deposits is a material planning consideration, and offers guidance on the handling of remains and the weight to be attached to them in planning decisions.

#### 4.3 Statutory Development Plan (1956 York Town Map).

The 1956 Plan is out of date and is considered to carry little weight in planning terms. The Plan designates the site primarily for Business use and shows the rest as a cattle market. The application for a commercial/business operation on one part of the site is not considered to be a departure from the Plan.

#### 4.4 City of York Draft Local Plan

GP1 - requires a standard of design that respects the local environment.

GP3 - encourages crime prevention measures in new developments, including natural surveillance of paths and spaces, secure locations for car and cycle parking and satisfactory lighting.

GP4a - states the principles and criteria for ensuring development proposals meet sustainable development requirements.

GP11 - requires new developments and their open space areas to provide for access and facilities for people with mobility problems as well as carers with children, including parking facilities.

HE2 - states in areas adjoining conservation areas or where the setting of listed buildings, scheduled monuments or nationally important archaeological remains would be affected, development would be expected to respect their settings.

HE9 - states permission will not be granted for development which would adversely affect a scheduled ancient monument of its setting.

HE10 - required development which involves the disturbance of existing ground levels within the area of archaeological importance to be subject to a field evaluation to assess the extent and importance of any remains and requires applicants to demonstrate that less than 5% of any deposits would be disturbed or destroyed. Also where physical preservation in situ is not possible, provision must be made for a professional excavation and recording of the archaeology in accordance with an agreed scheme.

T4 - requires cycle parking to be provided in all new developments in accordance with local plan standards.

T13 - requires developments to provide car parking in accordance with the local plan requirements.

T14 - states the level of off street public car parking in the city centre will reflect and respond to the Transport and Economic development strategies of the Council.

T20 - states where traffic, pedestrians and cyclists could be accommodated by special facilities or appropriate improvements to the highway network affected, applicants will be expected to enter into a section 106 Agreement and a highways agreement to make an appropriate contribution to such improvements.

V1 - seeks to encourage visitor related development and seeks account to be taken of adequate service arrangements, accessibility to public transport routes, increased traffic, parking cycles and pedestrian movement, any improvement in prosperity of tourism industry and the economy, any adverse impact on the reasonable use and enjoyment of adjacent buildings and land, and any adverse impact on the countryside setting of the city.

#### IMPACT UPON SETTING OF ADJACENT LISTED BUILDINGS AND ANCIENT MONUMENT (CITY WALLS) AS WELL AS SETTING OF ADJACENT CONSERVATION AREA.

4.5 The building is of very similar form to that previously approved. It would retain the circular shape with outer curve towards the residential accommodation approved to the east. The elevations including fenestration and materials are proposed to be different to those previously approved, with the introduction of timber and stone to the facades and the elevation of the external balconies to bedrooms on the outer curve.

4.6 The distance from Paragon Street would remain as approved. The overall height of the building is proposed to be slightly lower than approved, by 0.2 m (overall height 21.9m above ground level) although this is to the top of the plant and machinery which was shown on the top of the building in the approved scheme. The overall ridge height of the actual building itself (minus the plant and machinery) is approx. 400mm higher. Therefore, the main issue with this application is considered to be the impact this will have from a planning point of view on the site and its surroundings and whether this increase / alterations represents a material harm over



that approved. Given the position of the building in relation to the other buildings within the site and Paragon Street, officers do not consider that the alterations to the elevations materially affect the impact that the building would have on the setting of the listed walls or character and appearance for the conservation area. The alterations would if anything help to reduce the apparent massing of the building along Paragon Street, breaking up the façade by using a more considered palette of materials and the removal of all the balconies is also considered a positive change. The materials proposed include timber boarding. The slight increase in the ridge height of less than 0.5 metres is not considered by officers significant given the extent of the development adjacent to it.

#### HIGHWAY, TRAFFIC AND PARKING IMPLICATIONS.

4.7 The proposal still involves the creation of a drop off bay for coaches and taxis long the Paragon Street frontage, although a half turning circle closer to the entrance has been omitted. Trees along the frontage as previously shown as being retained would again be kept. The amendments to the submitted scheme as listed by the Highway Network Management would improve the convenience and accessibility along this frontage for both pedestrians and cyclists. 2 disabled parking spaces are now shown adjacent to the main entrance; a new pedestrian access from Kent Street has been included to improve permeability.

4.8 With regard to the parking arrangements, the scheme involves the utilisation of the publicly accessible Kent Street car park by hotel guests. This car park is no longer proposed to be reduced in size by its partial demolition to make way for the swimming pool (390 spaces to 270 spaces). The submitted assessment originally assumed the construction of the pool and reduction in number of adjacent spaces, predicting that there would be capacity for the hotel and Barbican users in the car park. It is now acknowledged that with the retention of the whole car park (i.e. 120 spaces more) there would be more than sufficient capacity to cope with the additional demand from this hotel, the other proposed hotel and the Barbican auditorium uses. As such there would not be increased parking pressure on adjacent streets compared to the approved scheme as feared by objectors. As previously agreed, any exceptional additional demand during the evening could be met by George's Field Car Park.

4.9 The removal of the basement car parking in favour of more use of Kent Street car park would not significantly change the pattern of local traffic movements given that access would have been from Kent Street. Further, the updated transport assessment calculates that the hotel would generate up to 50 trips at the am peak and 35 in the pm peak. Combined with the residential development traffic generation peaks hour trips, the levels would still be below those allowed for in the Foss Basin Study.

#### IMPLICATIONS FOR AIR QUALITY AND NOISE RELATED ISSUES.

4.10 The increase in the number of bedrooms would increase the peak hour trip generation of the site, although as concluded by Environmental Protection, because the levels would still be those predicated in the 2003 Foss Basin Study and still

within accepted limits for the purposes of air quality considerations, there would be no concerns raised to the revised scheme.

4.11 The location of the hotel between the Barbican and the new flats and the removal of the roof terrace from the scheme would help to reduce the potential for noise disturbance from the use of the hotel and its associated facilities. Sound attenuation measures to ensure that guests of the hotel are not unduly disturbed are also recommended by condition.

#### IMPACT ON ARCHAEOLOGY AT THE SITE.

4.12 The development no longer involves excavation for the creation of a basement at the site or the provision of a car elevator. The impact of ground disturbance would therefore be reduced overall, and the affect on any deposits is therefore reduced. However appropriate watching brief and mitigation measures as attached to the previous permission would be recommended.

#### SECURITY AND DESIGNING OUT CRIME CONSIDERATIONS.

4.13 The Police Liaison Officer has made comments upon the scheme that largely relate to the details of the operation of the development rather than the initial design details. The measure suggested in terms of CCTV, access control can be subject to conditions of any permission granted.

#### SUSTAINABILITY ISSUES AND ENERGY EFFICIENCY OF NEW BUILDING

4.14 The application includes a sustainability statement setting out how the submission addresses each of the criteria listed under Draft Local Plan Policy GP4a. An energy detailed statement is also appended. The criteria in the policy are considered in turn below:

a) 'Provide details setting out the accessibility of the site by means other than the car and, where the type and size of the development requires, be within 400m walk of a frequent public transport route and easily accessible for pedestrians and cyclists;'

4.15 The lack of on site parking will tend to discourage travel by private car. There are 8 bus stops within 400m, 2 Park and Ride routes running close to the site, a York Tour bus stop adjacent. Pedestrian routes to the city are reasonably well defined with signalled crossings and quiet streets (through Fishergate Bar). The York Cycle network also runs adjacent to the site on Paragon Street.

b) 'Contribute toward meeting the social needs of communities within City of York (including, for example, housing, community and recreational facilities, car clubs, recycling facilities and communal laundry blocks) and to safe and socially inclusive environments;'

4.16 The statement suggests that the hotel would provide occasional meeting areas for business, social and general assembly use. Function rooms would provide local venues for event such as receptions and parties.

c) 'Maintain or increase the economic prosperity and diversity of the City of York and maximise employment opportunities (including supporting local goods and services providing training and employment for local unemployed and young people);'

4.17 The development is expected to create approximately 80 new jobs in operation, and utilise local suppliers and tradespersons in the construction stage. The hotel would bring more visitor guests to the local area to the area.

d) 'Be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;

4.18 The statement asserts that the curved outer facade has been redesigned to present a more sympathetic appearance within the local area. The scale is reduced by smaller elements to the frontage and the use of materials. A Green wall is proposed in the courtyard in place of the glazed atrium.

e) 'Minimise the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of the development.'

4.19 The redevelopment of this brownfield site will incorporate concrete from the demolished buildings. Exterior panels to the bedrooms will be prefabricated and transported to site in recyclable containers. Bathrooms pods would be ready assembled to reduce time, costs and subsequently discarded packaging brought to site.

f) Minimise pollution, including that relating to air, water, land, light and noise;

4.20 Any noise from this site would be from the restaurant, kitchen and bar areas. Appropriate sound attenuation measures would ensure there is minimal disturbance from these areas. All of the rooms would now be naturally ventilated. All bedroom windows would have curtains. The compact design would assist in heat retention and heating requirements in winter. Natural Light would be maximised to the restaurant bar and meeting rooms

g) 'Conserve and enhance natural areas and landscape features, provide open space, wildlife areas and room for trees to reach full growth;'

4.21 Hard and soft landscaping is proposed in front of the outer curve, the trees along paragon Street would be retained apart from where the access would be created as previously approved. The internal courtyards green wall would have pollution absorption and oxygen production properties and provide a pleasant backdrop to this space.

h) 'Maximise the use of renewable resources'

4.22 The energy statement considers the elements to be incorporated into the building to maximise energy efficiency. It recommends the detailed design of all heating and lighting systems to minimise energy waste and maximise opportunities for natural ventilation and lighting. The use of solar thermal, photovoltaic and

combined heat and power sources is considered. Because of the buildings nature, the measures that are recommended for further consideration are photovoltaic cells and combined heat and power

i) 'Make adequate provision for the storage and collection of refuse and recycling'.

4.23 The refuse collection and recycling area would be shared with the Barbican and be served via Kent Street. It would be of sufficient size to allow convenient collection of recyclables.

#### REDUCED LEISURE FACILITIES IN THE HOTEL

4.24 The provision of a gym facility within the hotel was not part of the requirements for replacement leisure facilities resulting from the previous application for the site. There was no obligation or condition imposed requiring provision within the hotel. A mini gym facility is shown on the second floor of the revise scheme. The omission of more extensive facilities from this scheme does not present grounds for now resisting the application or insisting on the inclusion of such facilities. The applicant maintains that the lack of such facilities does not affect the potential 4-star rating of the hotel (although this again is not material to the determination of the application).

### 5.0 CONCLUSION

5.1 The amended scheme for the hotel at the site largely reflects the approved details in terms of location, form, height and design, albeit with an increase in the number of bedrooms proposed. The impact on the setting of the City Walls would not be notably different, nor would the impact in terms of traffic generation despite the loss of 17 spaces from the basement car park.

5.2 In planning terms the revised scheme does not present new issues that would warrant refusal or further amendment of the application.

### COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on any of the buildings that form part of this phase of the development and the works shall be carried out in accordance with the approved details.

External lighting, signage, doors, windows, balconies, eaves, glazing and curtain walling joints.

Reason: So that the Local Planning Authority may be satisfied with these details.

4 A sample panel of the brickwork to be used on this building 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 any works to any of the buildings that form part of this development. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved 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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on any of the buildings that form part of this phase of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

6 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

7 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

8 No development shall take place until the applicant has submitted a detailed mitigation strategy (covering excavation, watching brief, analysis, publication, archive deposition, and public involvement) and this has been agreed in writing by the Assistant Director (Planning and Sustainable Development).

Reason. This development will have an effect on important archaeological deposits which are preserved within the site

9 No construction work on any of the buildings hereby permitted as part of this phase of the development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted;. 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

10 Prior to the commencement of any construction work on any of the buildings approved by this permission details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

11 None of the existing trees shown to be retained on the approved plans, (including those along the Paragon Street frontage which shall be retained except where removal is required for creation of the hotel entrance layby) shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until 12 calendar months after

completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced with trees of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

12 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

13 HWAY19 Car and cycle parking laid out

14 HWAY31 No mud on highway during construction

15 HWAY40 Dilapidation survey

16 Other than the demolition of the buildings no development approved by this permission shall commence until the applicant has undertaken an investigation to assess the impact of the site on the water environment; identify the risk of pollution and specify any remedial measures required; and a method statement detailing these measures has been submitted to, and approved, by the Local Planning Authority. Thereafter, the development shall then proceed in strict accordance with the measures approved.

Reason. To assess the risks to the water environment; to prevent pollution of the water environment.

17 No construction work on any of the buildings approved by this permission should be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

18 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA) shall be carried out until the applicant has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with the approved details in the interests of protection of Controlled Waters.

19 All construction works, including ancillary operations such as deliveries to and dispatch from the site, that are audible at the site boundary or other position as defined by the local planning authority, 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 local residents.

20 The building envelope for the hotel shall be constructed so as to provide sound attenuation against external noise of not less than 35 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved in writing by the local planning authority and fully implemented before each dwelling is occupied.

Reason: To protect the amenity of hotel residents.

21 Upon completion of the development, use of the joint service yard for the hotel/Barbican and the Barbican service yard, shall be confined to the following hours:

Monday to Saturday	08.00 to 21.00
Sundays and Bank Holidays	9.00 to 18.00

Reason: To protect the amenity of local residents

22 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the hotel accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum (L<sub>Amax</sub>(f)) and average sound levels (L<sub>Aeq</sub>), 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 local residents.

23 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written 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 local residents.

24 Details of the works and provision to facilitate disabled access and movement



within the site and to the buildings permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented before the use is commenced or the building is occupied.

Reason: To ensure adequate provision for access within the development.

25 Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

26 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

27 No gate, door or ground floor window shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users

28 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

29 The development shall not be brought into use; until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

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

30 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

- Hotel dropping off layby, Paragon Street
- Pedestrian crossing points, Kent Street

- Relocated bus stop, Kent Street
- Improvements to pedestrian crossings at Fishergate Bar

Reason: In the interests of the safe and free passage of highway users.

31 Prior to the commencement of any works, a safety audit (stages 1,2 and 3) shall be carried out and submitted for approval, in accordance with the advice produced by the Institution of Highways and Transportation ( IHT guidelines for the safety audit of highways1990) and guidance issued by this Council, covering all all off-site highway works associated with this development.

Reason - in the interests of highway safety.

32 Prior to occupation of the development details of CCTV coverage for the site shall be submitted to and agreed in writing by the Local Planning Authority. The surveillance system shall thereafter be installed in accordance with the agreed details.

Reason: In the interests of crime reduction and the appearance of the development within the locality

33 The developer shall incorporate measures as described in the sustainability statement within the development that will commit them to aim to achieve the equivalent of a BREEAM "very good" or "excellent" assessment standard for the development. The developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good';

Reason: To provide a sustainable form of development

34 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 21.9 metres as measured from existing ground level (or 35.4m AOD). Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

## **7.0 INFORMATIVES: Notes to Applicant**

## 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, effect on highway and pedestrian safety and convenience, setting of the adjacent City Walls and Conservation Area and archaeology on the site. As such the proposal complies with Policies GP1, GP3, GP4a, GP11, HE2, HE9, HE10, T4, T13, T14, T20, and V1 of the City of York Local Plan Deposit Draft.

2. 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

3. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

a) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

b) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

c) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

d) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

e) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

f) There shall be no bonfires on the site.

### **Contact details:**

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