

THE PROPOSAL

1.4 It is proposed to build a new four/five storey building within the northern part of the grounds towards Leeman Road to create 45no additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. The new block would be linked to the independent wing dating from 1912 which faces Leeman Road and it would return into the site to address the gardens. Parking would be reduced across the hotel site as a whole and reassembled closer to the conference wing. The existing landscape would be redesigned in these areas.

1.5 The proposals form one component of an ongoing re-ordering process aimed at improving the visitor/guest experience. They follow on from a thorough review of the facilities and operations across the site. The review recommended that the particular needs of different client groups -holiday guests, conference attendees or casual visitors - should be recognized in the layout, re-planning and upgrading of existing facilities. A further objective was to capitalise on the large garden and improve its aspect and connection with the public foyer spaces in the main hotel building.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core
Listed Buildings Grade 2; Royal York Hotel and Railings Station Rd 0080

2.2 National Planning Policy Framework (March 2012)

2.3 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

CYSP7B York City Centre and Central Shopping Area
CYHE2 Development in historic locations
CYHE3 Conservation Areas
CYHE10 Archaeology
CYNE1 Trees, woodlands, hedgerows
CYHE11 Trees and landscape
CYV3 Criteria for hotels and guest houses

2.4 Draft York Local Plan (2014) Publication Draft – relevant policies include:

DP2 – Sustainable Development
DP4 – Approach to Development Management
SS1 – Delivering Sustainable Growth for York
SS4 – York City Centre
D1 – Landscape and Setting

D4 – Conservation Areas
CC2 – Sustainable Design and Construction
ENV2 – Managing Environmental Quality
ENV4 – Flood Risk
ENV5 – Sustainable Drainage
T1 – Sustainable Access

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management (Conservation Architect)

3.1 The proposals would reinforce and improve the standard of conference facilities at the hotel by adding a new wing with a dedicated reception area. In its layout, massing, materials and general design, the new building has been carefully designed to compliment the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building.

3.2 Important views would be preserved and some views, such as along the entrance drive from the street and from the city walls, would be enhanced.

3.3 The bank of trees along Leeman Road would be heavily reduced but a group would be maintained where it would have greatest effect next to the service access off Leeman Road. In reducing car parking within the site and consolidating it at the north end of the site (70m from the entrance), there would be a loss of mature garden trees. The landscape character of the area would be eroded whilst new trees establish themselves and we suggest reviewing the parking strategy to further mitigate this loss.

3.4 The new site layout would strengthen the hotel's relationship with the garden even though the garden area would be reduced slightly, and this would preserve the character and appearance of the conservation area.

Planning and Environmental Management (Landscape Architect)

3.5 The extent of proposed tree losses is contrary to policy since many of the trees are desirable for retention and contribute to the attractive treed, garden/parks character of this part of the conservation area. The development results in an incremental loss of city centre green infrastructure. The open garden space currently relates to the full length of the main hotel elevation; the proposed site layout reduces this direct association such that the Klondyke wing becomes more associated with the parking and landscape of the development and conference buildings. Replacing the car parking along the front of the hotel with lawn, hedging and trees would improve the setting of the Grade II listed building.

The proposed landscape scheme (with suggested minor revisions) would form an attractive setting for the proposed built development and provide a suitable, attractive edge and foil to a smaller, symmetrical, formal central garden.

Planning and Environmental Management (City Archaeologist)

3.6 The site is within the Central Area of Archaeological Importance and on the site of a Roman cemetery. An archaeological evaluation was undertaken in October 2015 as part of archaeological investigation of this site.

3.7 A further phase of post-determination evaluation followed by full excavation if Roman deposits are revealed that are preserved above the proposed formation levels for the new foundations, will need to be undertaken to establish the nature, extent and depth of the archaeology below the level reached in this phase of investigations. Conditions are recommended.

Public Protection

3.8 Given the location of the development, there are some concerns over the potential for noise from traffic along Leeman Road and from the nearby railway. Conditions relating to the construction of the building envelope to achieve specified internal noise levels and to plant and machinery are recommended. Also requested is a contaminated land condition (should unexpected contamination be detected during the development works) and a request that provision be made for two electric vehicle recharging points in the car parking area.

3.9 In terms of noise, vibration, dust etc from the development affecting nearby uses, the site is surrounded by commercial and office premises, along with residential properties at Westgate Apartments. As a result, conditions restricting the hours of construction and demolition works and requiring the submission of a Construction Environmental Management Plan (CEMP) are recommended.

Highway Network Management

3.10 The level of car parking provided on-site is to be reduced by 28 spaces from 60 to 32. Officers do not raise concerns with the reduction in car parking.

Flood Risk Management

3.11 No objections to the development in principle subject to conditions to protect the local aquatic environment and public sewer network. In order to satisfy Yorkshire Waters objection/response, the applicant would need to carry out further work to establish an existing surface water connection and attenuate together with our 30% reduction to the new development accordingly.

Please note that it is unlikely our Highway Network Management Team will allow the part or full closure of Station Road to make a new sewer connection as per YW response due to it being a priority route in and out of the City therefore the above work is essential.

EXTERNAL

Historic England

3.12 Historic England is broadly comfortable with the principle of an extension in this position. The impact of the proposed development upon views from the City Walls is unclear. We recommend that before consent is granted your council obtains visualisations from the City Walls; also cross sections to clarify the relative height of the new wing in relation to the original hotel and its 1896 north wing. This is in order for your council to satisfy itself that the proposals meet the requirements of the NPPF.

3.13 There is the possibility of extensive Roman remains in the area and therefore a thorough mitigation strategy needs to be agreed with your Council. We also recommend that any consent is conditioned to cover agreement of landscape details and the detailing and materials for the new block.

Yorkshire Water

3.14 The submitted drainage details are not satisfactory to Yorkshire Water as currently shown. The report should include soakaway tests results and a watercourse investigation, prior to considering the public sewer. If permission is to be granted, Yorkshire Water recommend conditions requiring details of the proposed means of disposal of surface water drainage and no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Environment Agency

3.15 The proposed development will be acceptable providing it is carried out in accordance with the approved Flood Risk Assessment.

3.16 National Planning Policy states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment. In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Conservation Areas Advisory Panel

3.17 The proposal is to provide a new 45 bed bedroom block adjacent to and connected to the Garden Wing, thus allowing the Conference Suite to be self-contained. The Panel was supportive of the proposed new block noting that it had been sited in such a way that it would not obscure the views from the main hotel and that the plant would be located away from the roof area. The Panel hoped this would be the last extension to the footprint of the buildings on the site.

Safer York Partnership

Original Comments

3.18 No documents have been submitted to show how measures to prevent crime and disorder have been incorporated. Security risk factors for a development of this nature could include: Public Areas - violence to staff, theft, unauthorised access; Hotel Rooms - common burglary, theft, criminal damage; Car Park - parked cars (theft of and from, and damage to). In the absence of detail, a number of recommendations are made.

Comments (further to receipt of detail as requested by SYP)

3.19 This is extremely positive feedback. Hopefully, the measures proposed will result in fewer victims of crime on this site.

Neighbour Notification and Publicity

3.20 The application was publicised by site notice, press notice and letters of neighbour notification. No representations have been received.

4.0 APPRAISAL

4.1 The key issues to be considered as part of this application are:-

- Principle of the proposed development
- Design and External Appearance/ Impact on Heritage Assets
- Landscaping
- Archaeology
- Transport and Access
- Flood Risk and Drainage
- Residential Amenity

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. There is no development plan for York other than the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies relate to York's Green Belt.

Section 66 and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

4.3. Section 66 of the 1990 Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.4 Section 72(1) of the 1990 Act refers to any buildings or other land in a conservation area and places a duty on Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework (NPPF, March 2012)

4.5 Central Government guidance is contained in the National Planning Policy Framework. Paragraph 7 of the NPPF says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and a good standard of amenity for all and to proactively drive and support sustainable economic development to deliver the homes and businesses that the country needs.

4.6 Section 2 of the NPPF "Ensuring the vitality of town centres" seeks to promote competitive town centre environments and at paragraph 23 states that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

4.7 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 65 says local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the

impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

4.8 Section 12 of the NPPF is relevant to the site's Heritage Status. Paragraph 129 says that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 134 says that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal, including its optimum viable use.

City of York Draft Local Plan (2005)

4.9 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

4.10 The relevant policies are listed in section 2.1 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are), SP7b (York City Centre and Central Shopping Area), HE2 (Development in Historic Locations), HE3 (Conservation Areas), HE10 (Archaeology), HE11 (Trees and landscape) and V3 (Criteria for hotels and guest houses).

Emerging Local Plan

4.11 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications.

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4.12 The proposed four storey extension would be located at the northwest end of the grounds close to Leeman Road and would be linked to the existing 1912 "north annex" which faces Leeman Road. From within the site, the proposed building would appear as a three storey brick structure with a fourth floor set back approximately 3m from the parapet and clad in bronze effect cladding.

The building footprint would negotiate the change in level between the garden and Leeman Road (almost a full storey) where two bays return onto Leeman Road at four floors in height with an upper storey set back at an angle. The dedicated reception area would be a simple double height glass and bronze effect clad box with a projecting draught lobby. This would be positioned between the existing and proposed structures at low level facing the garden.

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.13 The application site is within the defined city centre, as designated in the 2005 Draft Local Plan and the emerging plan. As such the proposed hotel use, in terms of location, is compliant with the NPPF, which states that Local Plans should 'recognise town centres as the heart of their communities and pursue policies to support their viability and vitality' and Local Plan policy SP7b which states that the city centre 'shall be the focus for commercial, leisure, tourism, and retail development'.

4.14 The extension to the hotel at this city centre site would also be compliant with Local Plan policy V3, which relates to hotels and guest houses in the city. Policy V3 advises that permission will be granted for extensions to existing hotels provided the proposal is compatible with its surroundings in terms of siting, scale and design; and would not result in the loss of residential accommodation; and would not have an adverse effect on the residential character of an areas; and is well related in terms of walking, cycling and access to public transport in relation to York City Centre.

4.15 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel extension in location terms. The area is commercial and there would be no loss of dwellings. In this respect there is no conflict with Local Plan policy V3. The visual impact of the development and amenity are assessed in the other sections of the report.

IMPACT ON HERITAGE ASSETS

4.16 The Royal York Hotel is a Grade II listed building located within the Central Historic Core Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, referred to earlier in this report, imposes a statutory duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Section 66 of the same Act requires that in determining planning applications for development which would affect a listed building or its setting the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

4.17 The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties under sections 66 and 72 of the Act. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. The current application must be judged on this basis.

4.18 In the NPPF listed buildings and conservation areas are classed as 'designated heritage assets'. When considering the impact of proposed development on such assets local authorities should give great weight to the asset's conservation. Any harm or loss should require clear and convincing justification (paragraph 132).

4.19 The new wing has been located such that its mass would not be considered to intrude on the primary aspect and setting of the main hotel building. At its closest, it would be 45 metres away from the Klondyke wing (the seven storey west wing of the hotel) and it therefore would not only respect the dominance and setting of the Victorian hotel building but would preserve important views out of the public rooms across the gardens towards the Minster, which incidentally informed the original layout of the hotel's public spaces and dining room. The formal part of the garden layout was also centralized on the original plan and this relationship would be retained.

4.20 The proposed new wing would be located over 150 metres from the city walls from where there is a vantage point overlooking the hotel grounds. Historic England has commented that the impact of the proposed development upon views from the City Walls is unclear and in response the applicants have provided further detailed drawings. In views from the city walls, it is considered that the new wing would be seen as subsidiary and separate to the hotel building as there would be a wide separation gap (45m) and its roof level would be 2 ½ main floors plus attic floor lower than the Klondyke wing and it would be just below the upper string course of the central part of the hotel building. It is therefore considered that the primacy of the hotel building would not be challenged.

4.21 In terms of the massing, materials and design of the new wing, it is considered that it would represent a contemporary compliment to the suite of buildings on site. The majority of the building would be in a matching yellow/buff brick with multi-pane windows and doors set back deeply from the face and framed in bronze. Windows would be grouped to respond to the larger scale of windows in the Victorian hotel. The new entrance would be set at the lower level of the conference foyer. It would be a small glass box with bronze effect cladding over and a projecting draught lobby. This separate simple form is welcomed as a low level device to link the disparate forms of this particular grouping of buildings.

4.22 The proposed building would be one floor higher than the extended 1912 wing which lies adjacent to it. As the top floor would be set back by 3 metres on the garden side and angled away from the road in views from Leeman Road the new building would not be considered to over-dominate its neighbour. The proposed glass bridge linking the two buildings would allow views through into the small courtyard at upper levels and it would be recessed between the two structures.

4.23 Furthermore, views from the service access off Leeman Road towards the Grade II* listed railway station with its distinctive arched end canopies, would be preserved as the footprint of the new block would protect the viewing corridor.

4.24 Services and plant would be contained in two areas of the new wing: within the lower ground floor and in a screened area on the lower part of the roof set back by 5 metres from the front edge of the building as it faces Leeman Road. In these locations the plant would not be visible from the street, or from the city walls.

LANDSCAPING

Existing Trees

4.25 The existing trees within the application site are a mix of species, namely Hawthorn, Lawson cypress, Swedish Whitebeam and, predominantly Lime. All of the trees are located within the conservation area; and all of the Limes and Sorbus are covered by a tree preservation order. The trees within the site are part of the intrinsic character of the garden and they contribute to the setting of the hotel and to the character of the wider area of mature green landscape in this part of the conservation area.

4.26 The footprint of the new block has been set out to have a short two-bay elevation onto Leeman Road to help preserve part of the stand of trees, which aid in softening the harsh environment of Leeman Road close to the railway bridge. However, the scheme still involves the loss of the majority of the group of trees between the Leeman Road gate and the annex building including most of the line of semi-mature Lime trees fronting Leeman Road. Out of the line of 11no. semi mature Limes trees alongside Leeman Road and the gable end of the existing annex, 4no trees would be retained although the Landscape Architect advises that it may be appropriate to thin these down to 2no.

4.27 In realigning the access road and the car park, the original scheme had also involved the loss of two early mature Limes and possible damage to the roots of a third. These trees are located at the edge of a larger group of trees that forms the northern enclosure of the gardens between the Leeman Road access and the Station Road junction. Although standing close to one another and seen as a group, these trees are individually good mature trees with a good future that make a significant contribution to the scale and arboreal interest within the garden and could continue to provide public amenity for at least 20 years.

4.28 In response to concerns that the loss of these three Limes would cause harm to the character and appearance of the conservation area, the applicant has revised the scheme through the incorporation of a disguised turning head for emergency vehicles within the area to the front of the existing hotel / proposed extension, thus enabling the closure of any vehicular access from/onto Leeman Road. This would secure the retention of the line of the three Limes.

Landscaping scheme

4.29 The scheme involves the removal of 28 car parking spaces on site (from 60 to 32) and removes all of the parking immediately in front of the original hotel facade. The remaining number of spaces would be concentrated in front of the Klondyke Wing, Conference Centre and proposed bedroom extension such that the Klondyke Wing would become more directly related with the car parking spaces created by the bedroom extension and replacement planting to which it will form the end vista.

4.30 This proposed parking arrangement and associated planting extends considerably into the open space which currently extends the full length of the main elevation of the hotel. Whilst this results in a loss of a generous area of open garden space, by consolidating the garden space around the formal planting areas, it would provide a strong structure to this side of the garden and dimensionally would create symmetry either side of the formal garden. Furthermore, views would be improved along the main access from Station Road where a broad grassed margin would be introduced and the access road would be reduced from 13 metres wide to 6 metres. The replacement of the car parking to the front of the hotel with lawn, hedging and trees would create an improved visual and physical connection between the hotel and formal, central garden thereby improving the setting of the Grade II listed building.

4.31 In seeking to compensate for the loss of trees from the north part of the site, the proposed landscaping scheme details the planting of 12no. semi mature trees between the proposed car park and the main lawn and an arc of pleached trees in front of the Klondyke Wing/Conference Centre and new block. The proposed planting plan also offers a range of shrubs, herbaceous material, bulbs and lawn, all of which are given structure with a range of clipped hedges. In summary, it is considered that the landscape scheme would form an attractive setting for the proposed extension and provide a suitable attractive edge and foil to a smaller, symmetrical, formal central garden.

4.32 Based on the revised scheme which closes the vehicular access onto Leeman Road and thus secures the retention of the line of three Lime trees, an assessment as to the impact of the proposed development on the setting of the Grade II listed building and the wider Central Historic Core Conservation Area would conclude that the development would cause some harm to the designated heritage assets.

This is largely due to the loss of mature trees which would erode the landscape character of the area whilst new trees establish themselves and the loss of a part of the open garden area. Whilst the group of trees along Leeman Road would be significantly reduced, a group would be maintained where it would have the greatest effect next to the service access and the new site layout would strengthen the hotel's relationship with the garden area and this would preserve the character and appearance of the conservation area.

4.33 The harm to the heritage assets is therefore assessed as minor but in these circumstances the council's statutory duty under s.72 gives rise to a strong presumption against planning permission being granted, and considerable importance and weight must be given to the harm, despite it being minor.

4.34 Overall the scheme has a number of public benefits and there are material considerations that are considered to outweigh the impact of the minor harm. The proposal would reinforce and improve the standard of conference facilities at the hotel through the creation of 45no.additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. In its layout, massing, materials and general design, the new building has been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced.

4.35 The functional and economic benefits of the proposed extension and the overall quality of the design are therefore considered to outweigh the minor harm.

4.36 Whilst harm to heritage assets is assessed as being minor, such harm has been afforded considerable importance and weight in the overall planning balance.

ARCHAEOLOGY

4.37 The site is within the Central Area of Archaeological Importance and on the site of a Roman cemetery. An archaeological evaluation was undertaken in October 2015 which revealed a subsoil horizon of probable Roman date that was cut into by three pits of a similar date. Stratigraphically above the pits was a sequence of buried soil horizons; the earliest layer may have Roman origins with later disturbance from post-medieval and early modern activity.

4.38 In order to establish the nature, extent and depth of the archaeology below the level reached in this phase of investigations, a further phase of post-determination evaluation followed by full excavation if Roman deposits are revealed that are preserved above the proposed formation levels for the new foundations, is required. This can be secured through conditions and would result in the proposal according with Policy HE10 of the Local Plan and national planning guidance.

ACCESS AND HIGHWAY ISSUES

4.39 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.

4.40 The proposal accords with this section of the framework. The proposed scheme involves a reduction of 28 car parking spaces provided on-site, to which no objections are raised. The site is located adjacent to the station and within a short distance of a large number of bus stops which are served by high frequency services. Sufficient space is provided within the site for guests to drop off/pick up or wait clear of the public highway. The surrounding highway is protected by various waiting restrictions which will prevent indiscriminate parking/waiting on the highway. This approach is consistent with a number of hotels around the city.

4.41 In line with the NPPF and the council's adopted Low Emission Strategy, a condition requiring that provision be made for two electric vehicle recharging points in the car parking area, is recommended

IMPACT ON OCCUPANTS

4.42 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants.

4.43 Although there is the potential for noise from traffic along Leeman Road and from the railway, considering the proposed end use as hotel accommodation rather than residential, there are no objections on amenity grounds. Conditions are proposed to achieve specified internal noise levels within bedrooms and to require details of plant and machinery. In the event that unexpected contamination is detected during the development works, a condition relating to the reporting of unexpected contamination is recommended.

4.44 To safeguard the amenity of the occupants of nearby commercial and office premises, along with the occupants of the residential properties at Westgate Apartments, conditions restricting the hours of construction and demolition works and requiring the submission of a Construction Environmental Management Plan (CEMP) are also recommended.

FLOOD RISK

4.45 The majority of the application site is located in Flood Zone 1 and 2 apart from an area to the north of the proposed extension which falls within Flood Zone 3a.

The existing hotel is at a higher ground level and not in a flood risk area. The NPPF classifies sites used for hotels as “more vulnerable” development, which is considered appropriate in Flood Zone 3a if the Exception test is passed. The NPPF advises that for the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and that a flood risk assessment demonstrates that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4.46 In undertaking the sequential test, the NPPG advises "a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere". This is the only practical site for the expansion of the existing hotel to occur. In conclusion, the sequential test is passed as there is not an alternative location for the development.

4.47 The site specific FRA submitted demonstrates that the development would be safe from flooding and would not increase flood risk elsewhere. The ground floor level of the extension would be set at 12.25mAOD to match the existing hotel. A lower ground floor is proposed but there will be no sleeping accommodation at this level. The lower ground floor will be used for conference rooms and the upper levels of the extension would provide safe refuge for staff and guests during a storm event. The operators can be required to sign up to the EA's flood warning service; a recommendation within the submitted FRA. Flood resilient construction would be incorporated within the design. It is considered that the applicant has demonstrated that flood risk to people and property will be satisfactorily managed and that the development will provide wider sustainability benefits that outweigh flood risk in this case.

4.48 A planning condition is proposed to agree the drainage details.

DESIGNING OUT CRIME

4.49 The applicants have confirmed that advice from the police will be accommodated within the design, for example the new extension will have CCTV coverage to all public entry points, stairs and lifts, car parking areas will be adequately lit and the reception will be staffed 24 hours.

5.0 CONCLUSION

5.1 The application would provide 45no.additional bedrooms specifically related to the conference facilities of the hotel through a new dedicated reception point. There would be some minor harm to designated heritage assets, i.e. the setting of the Royal York Hotel and the Central Historic Core Conservation Area.

Having attached considerable importance and weight to the desirability of avoiding such harm the local planning authority has concluded that it is outweighed by the application's public benefits of improving the conference facilities at this premium hotel and by the new building having been carefully designed to complement the existing building group whilst maintaining the dominance, setting and garden aspect of the Victorian hotel building. Important views would be preserved and some views, such as along the main access from Station Road and from the city walls, would be enhanced. All material planning issues are satisfactorily addressed.

5.2 The application accords with national planning policy set out in the National Planning Policy Framework and with the emerging policies in the Draft York Local Plan (2014 Publication Draft).

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Received 13.11.2015

150002 (10) 001 Rev B (Location Plan)
150002 (20) 004 Rev A (Proposed Ground Floor Plan)
150002 (20) 005 Rev A (Proposed First Floor Plan)
150002 (20) 006 Rev A (Proposed Second Floor Plan)
150002 (20) 007 Rev A (Proposed Third Floor Plan)
150002 (20) 010 Rev A (Section AA and BB and FF)
150002 (20) 011 Rev A (Section CC)
150002 (20) 012 Rev A (Section DD and EE)
150002 (20) 025 Rev A (Facade Detail Section)
150002 (20) 008 (Proposed Roof Plan)
150002 (20) 021 Rev A (North East Elevation)
150002 (20) 020 Rev A (Front Elevation)
150002 (20) 022 Rev A (Leeman Road Elevation)
13810:100 Rev P1 Drainage Strategy

Received 22.4.2016

150002 (20) 003 Rev B (Proposed Lower Ground Floor)

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

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 as to achieve a visually cohesive appearance.

4 Large scale details (1:20 & 1:5 as appropriate) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- i) Full details of the reception area and draught lobby
- ii) Full details of alterations to the existing conference hall where the link would be formed
- iii) Large scale elevation, section and plan of a typical bay of the new wing, including the parapet, balustrade, roof top extension and roof edge detail
- iv) Full details of the bridge link and its abutment with the existing building
- v) Details of the plant screen showing the outline of proposed plant dotted if possible
- vi) Manufacturers' literature of windows and doors supplemented by drawings showing them in context as necessary

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the setting of the listed building and the wider Central Historic Core Conservation Area.

5 Full details of the hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the occupation of the new building hereby approved. The proposals shall include details of planting plans, gates and enclosures, cycle parking, waste compounds and external lighting. Existing historic structures shall be noted on the landscape plan and retained in-situ.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development in the context of safeguarding the setting of the listed building within the Conservation Area.

6 Before the commencement of development including demolition, excavations, building operations, an Arboricultural Method Statement (AMS) regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. Amongst others, this statement shall include details and locations of protective fencing, site rules and prohibitions, phasing of works, site access during demolition/construction, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials, locations and means of installing utilities, location of site compound and marketing suite and any other temporary buildings. The document shall also include methodology and construction details and existing and proposed levels where a change in surface material and boundary treatments is proposed within the root protection area of existing trees. A copy of the document will be available for inspection on site at all times.

Reason: To protect existing trees which are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

7 No 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.

8 No development will take place until an archaeological evaluation of the site has been carried out in accordance with a detailed methodology (which will detail a trial trench, analysis, publication and archive deposition) which shall first be submitted to and approved in writing by the Local Planning Authority and a report submitted to and approved in writing by the Local Planning Authority. A report on the results of the evaluation shall be submitted to the Local Planning Authority within six weeks of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and

deposits are either recorded or, if of national importance, preserved in-situ.

9 If, following the carrying out of the archaeological evaluation required by condition 8, the Local Planning Authority so requires, an archaeological excavation of the site will be carried out before any development is commenced. The excavation shall be carried out in accordance with a detailed methodology (to include trenches, community involvement, post-excavation analysis, publication and archive deposition), which shall first be submitted to and approved in writing by the said Authority. Reasonable access shall be afforded to any Local Planning Authority nominated person who shall be allowed to observe the excavations. A report on the excavation results shall be submitted to the Local Planning Authority within twelve months of the completion of the field investigation.

Reason: The site is located within an area identified as being of archaeological interest. The investigation is required to ensure that archaeological features and deposits identified during the evaluation are recorded before development commences, and subsequently analysed, published and deposited in an archaeological archive.

10 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.

11 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

12 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

13 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage

works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

14 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Simpson, dated 25 February 2016, ref FRA/13810/HL and the following mitigation measures detailed within the FRA:

1. Provision of level for level compensatory flood storage as detailed in the FRA to the 1% CC AEP level.
2. Finished ground floor levels are set no lower than 12.25m above Ordnance Datum (AOD).
3. The flood resilience measures detailed in Section 8.6 are to be incorporated into the development to a level of 11.41mAOD.
4. There are to be no habitable rooms on the lower ground floor in accordance with drawing Number 150002(20) 004 Rev A.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To reduce the risk of flooding to the proposed development and future occupants.

15 HWAY19 Car and cycle parking laid out

16 HWAY40 Dilapidation survey

17 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

18 The development hereby permitted shall not come into use until the following highway works have been implemented in accordance with drawing EA_1545_PL_100 Rev A or arrangements entered into which ensure the same;

1) Removal of kerbed junction site access on Station Road and replacement with a dropped vehicle crossover design surfaced in Yorkstone paving to match adjacent footway and kerbs.

Reason: In the interests of providing a safe means of access to the site by all modes of transport and to minimise disruptions to the free flow of traffic.

19 The building envelope of all the hotel accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAm_{ax} inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular 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 approved in is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of hotel residents and guests

20 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LAm_{ax}(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.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal,

impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenities of nearby residents and businesses

21 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration

or lighting the site manager has a clear understanding of how to respond to complaints received.

The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

Reason: To protect the amenity of local residents

22 All construction and demolition 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 local residents

23 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

24 A minimum of two electric vehicle charge points shall be provided in a position to be agreed in with the Local Planning Authority. Electric vehicle recharge points should be in a prominent position on the site and should be for the exclusive use of zero emission vehicles.

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

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

7.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Pre-application advice
- Revisions to realignment of access to safeguard trees
- The use of conditions

2. INFORMATIVE:

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

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. INFORMATIVE:

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

4. DRAINAGE (Condition 12)

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water

discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

5. DRAINAGE

i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

ii) Land and highway drainage have no right of connection to the public sewer network.

iii) Additional surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

Contact details:

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