

# COMMITTEE REPORT

**Date:** 11 September 2025      **Ward:** Micklegate  
**Team:** West Area      **Parish:** Micklegate Planning Panel  
**Reference:** 24/02021/FULM  
**Application at:** Northern House 1 - 9 Rougier Street York  
**For:** Erection of hotel comprising 140no. rooms including external terraces with associated car parking and vehicular drop off area, landscaping and highways works to existing access following demolition of existing building  
**By:** Evans Dakota Hotels Limited  
**Application Type:** Major Full Application  
**Target Date:** 18 September 2025  
**Recommendation:** Approve

## 1.0 PROPOSAL

1.1 Planning permission is sought for the demolition of the existing building at Northern House (7-9 Rougier Street) and construction of a 140no. room hotel including external terraces with ancillary bar and restaurant. Externally, there will be an associated car parking, vehicular drop-off area, landscaping and other infrastructure works.

### The Site

1.2 The site relates to the existing building known as Northern House, which is a 7-storey vacant office building. It was constructed in the 1970s and refurbished in 2006. It is located in the city centre on the south-western side of the River Ouse. The building is surrounded by built development; it fronts Rougier Street and adjoins No. 15 Rougier Street, which is a three-storey residential dwelling and a three-storey office building at No. 5 Rougier Street (known as Rougier House). The north-eastern boundary is formed by the Aviva buildings and Tanner Street.

1.3 Vehicular access is provided from Tanners Moat, via a ramp, which leads to a first-floor external car park for parking of approx. 24 cars. The building occupies almost the entire site at ground floor level, however the building narrows and occupies half of the site's footprint from the 2<sup>nd</sup> floor.

1.4 Rougier Street is heavily trafficked, it is one of the city centre bus interchanges. The site is located within the city centre boundary as defined on the Local Plan Policies Map; however, it is not within any primary or secondary shopping areas.

1.5 Northern House is an unlisted building located within Character Area 22: Railway Area of the York Central Historic Core Conservation Area (YCHCCA). The site falls within the Area of Archaeological Importance. The site is surrounded by a number of listed buildings including No's 15, 16 and 17 Rougier Street (Grade II), All Saints Church on North Street is Grade I; with other LB (Grade II and II\*) on Tanner Row and George Hudson Street.

1.6 The site is wholly located within Flood Zone 3 where there is a high risk of flooding.

### The Proposal

1.7 The proposal relates to the demolition of the existing building 'Northern House' and its replacement with a 140-bed hotel. The replacement building will have a ground floor providing reception and concierge, bar and restaurant as well as back of house functions. The above seven floors will provide bedrooms, with at least one accessible king (6no.) on every floor other than the seventh floor. There are a range of other bedroom types including classic double (30no.), classic king (80no.), large king (8no.), garden king (4no.) and suites (12no.).

1.8 Terraces will be provided on the Rougier Street elevation on the third floor. At sixth floor level recessed terraces will be provided on the Tanners Moat elevation with a further terrace of the Tanner Street elevation on the seventh floor.

1.9 There will be circulation cores providing lift and stairs and offices, housekeeping and back of house functions also provided on the first and second floors.

1.10 The building will have a dual-access lobby on the northwestern elevation of the building, which allows access from Rougier Street as well as via the courtyard via Tanners Moat. From Rougier Street, a concealed platform will be recessed into the steps to provide level access from the street. The existing access off Tanners Moat will be retained with works to lower the existing ramp. This will lead to a courtyard for taxi drop-off and valet parking. Two car parking spaces will be provided, with one as an accessible space with EV charging serving both spaces. Low rise stepped access and wheelchair platform lift will provide access to the lobby from the courtyard. The grill and terrace can be accessed from the courtyard as well as from within the building.

1.11 Cycle storage for 4no. short stay (visitor) bikes will be provided underneath the 'cigar; terrace. Long stay (staff) cycle parking will be provided in the back of house areas on the ground floor with access from Tanner Street. Servicing will continue from Tanner Street.

1.12 The applicant sets out that the hotel will employ 120 full and part time staff.

1.13 The application proposals have been updated following design objections. The amendments include:

- the building height has been reduced by 900mm by reducing floor-to-floor heights to reduce the gable ends of the building facing north-west
- the building has been pulled back from Rougier Street by 500mm and from Rougier House by 1m
- courtyard study provided
- updated elevations
  - podium intentionally designed to be more domestic in scale and character with bronze effect window details and surrounds
  - windows omitted from the lift core and vertical brick detailing introduced. The brick detailing repeated on both gable ends
  - rationalisation of building lighting
  - 'Dakota' branding removed from the northern elevation
  - proposed high level signage on western elevation (justification provided from the applicant citing that they consider it an invaluable wayfinding tool tools for those coming from the station, entering the City Walls from the north-west)

1.14 Further updates have been made to the elevation plans, which have subsequently removed all external lighting:

- 2019 Rev P01 Proposed elevations South and West
- 2120 Rev P01 Proposed elevations North and East

1.15 Additional documents/information have also been provided as part of the revised application and include:

- CEMP (Rev 002) (FM-ENV-04-01) including Logistics plan and demolition methodology
- CEMP – Protection of River Habitat – River Ouse
- Design response summary
- Adaptation and demolition statement (Jan 2025)
- Advice Note from Montagu Evans
- Daylight and Sunlight Report
- Outline Landscape Masterplan (Dwg No. PWP 922 001 Rev P04) including applicants response to landscaping comments
- Updated Archaeological Statement (Ver 1.03 May 20<sup>th</sup> 2025)
- General Arrangement of Foundations (Dwg No. 6272-JPG-BL-FN-DR-S-2101 S4 P03)
- Pile Schedule (Dwg No. 6272-JPG-BL-FN-DR-S-2106 S4 P03)
- Email from Agent (O'Neill's Associates) providing reasoning behind facilities within the hotel
- 'Response to Historic England' – letter dated 5 June 2025

- CMP Addendum No. 1 (Demolition) including Delivery Strategy (Opt.1), Delivery Strategy (Opt. 2) and Welfare Options by GMI
- Knight Frank brochure of 'Roman Quarter' and email from agent explaining the marketing of the site

## Planning History

1.16 The property was part of the proposals for the development known as 'Roman Quarter'. Under these proposals, Northern House (7-9 Rougier Street) would be demolished.

19/02672/FULM Demolition of 1 - 9 Rougier Street and erection of 10 storey building, with roof terraces, consisting of mixed use development including 211 apartments (Use Class C3), offices (Use Class B1), visitor attraction (Use Class D1), with associated landscaping and public realm improvements; Application refused 12.03.2021

22/00098/FULM Demolition of 1 - 9 Rougier Street and erection of mixed use development including 153 apartments (Use Class C3), offices (Use Class E), visitor attraction (Use Class F1), aparthotel with 88 rooms (Use Class C1) with associated landscaping and public realm improvements - (resubmission); Members resolved to grant planning permission (5 October 2022) subject to a S106 legal agreement, no decision has been issued and no further action will be taken on the application (04 June 2024), following the applicant Rougier Street Developments Limited entering receivership.

1.17 A planning application has been submitted, although at the time of the report is undetermined, relating to No. 5 Rougier Street (Rougier House):

24/01918/FULM Change of use of offices (use class E) to 32no. bed purpose-built student accommodation, installation of solar panels and mechanical plant to roof, and rooflights to front, rear and side roofslopes with associated cycle parking; Pending Consideration

## **2.0 POLICY & LEGISLATIVE CONTEXT**

### Planning (Listed Buildings and Conservation Areas) Act 1990

2.1 As the site is within the designated YCHCCA, in determining any planning application the Local Planning Authority has a statutory duty (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990) to pay special attention to the desirability of preserving or enhancing the character or appearance of designated conservation areas. Additionally, in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority has a statutory duty (under section 66 of this Act) to 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.

2.2 Case law has made clear that a finding of harm to a conservation area or to a listed building or its setting is a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise to give effect to its statutory duties under sections 66 and 72 of the 1990 Act. There is a "strong presumption" against the grant of planning permission in such cases.

## **Planning and Compulsory Purchase Act 2004**

2.3 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that an application is determined in accordance with the development plan unless material considerations indicated otherwise.

### City of York Local Plan

2.4 The Local Plan was adopted on 27 February 2025. Local Plan policies relevant to the determination of this application are:

SS3	York City Centre
EC2	Loss of Employment Land
EC4	Tourism
R1	Retail Hierarchy and Sequential Approach
R3	York City Centre Retailing
D1	Placemaking
D4	Conservation Areas
D5	Listed Buildings
D6	Archaeology
GI2	Biodiversity and Access to Nature
CC1	Renewable and Low Carbon Energy Generation and Storage
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV4	Flood Risk
ENV5	Sustainable Drainage
T1	Sustainable Access
T7	Minimising and Accommodating Generated Trips

### Neighbourhood Plan

2.5 There is no made Neighbourhood Plan relevant to this application site.

## National Planning Policy Framework (NPPF)

2.6 The NPPF sets out the government's planning policies for England and how these are expected to be applied. Its planning policies are material to the determination of planning applications. The NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development and supporting infrastructure in a sustainable manner (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives, which are interdependent and need to be pursued in mutually supportive ways (paragraph 8).

2.7 The sections of the NPPF that are considered to be of relevance to this planning application include: 6) Building a strong competitive economy 7) Ensuring the vitality of town centres, 9) Promoting sustainable transport, 12) Achieving well-designed places, 14) Meeting the challenge of climate change, flooding and coastal change, 15) Conserving and enhancing the natural environment and 16) Conserving and enhancing the historic environment.

### **3.0 CONSULTATIONS**

#### INTERNAL

#### City Development

3.1 Any response will be verbally reported.

#### Design and Conservation (Archaeology)

3.2 An evaluation report and updated archaeological statement (May 2025) and a detailed foundation design has now been submitted. Existing pile locations have been transposed onto the foundation plan and plotted using evidence from the extent structure. The below-ground impacts of the proposed development on the archaeological deposits on the site will be:

- foundations – insertion of new pile foundations including pile caps and ground beams
- drainage and attenuation
- electrical sub-station and connections
- deeper areas of disturbance within two circulation cores
- crane base
- potential impact on groundwater movement/drying out of deposits using piles through anoxic deposits

3.3 It is expected that formation levels for the new build will be similar in impact depth to the extant building. The finished floor levels will be raised in line with flood resilience policies. This will aid the protection of the medieval and older deposits.

3.4 The impact of piling and the harm to the longer-term preservation of organic archaeological deposits on the site remains uncertain. This is the case across all developments using piled foundations in waterlogged areas within the city. However, the site is known to contain Roman waterlogged archaeological deposits which area of the highest significance.

3.5 It has been stated that none of the existing piles can be reused and further tests on existing piles cannot be undertaken until demolition has taken place. Further investigation of the re-use of existing piles following demolition is encouraged.

3.6 The submitted foundation strategy proposes 183 bored-in-situ piles between 450-600mm in diameter. All impacts below 8.1m AOD are reported as having an impact of 4.18% on archaeological deposits. This has been further broken down as 4.18% destruction (area) in medieval, dry zone 8.1m-7.6m AOD to accommodate circulation cores and crane base. The potentially nationally significant, deeper, Roman, waterlogged deposits impacted by pile only, will be impacted by less than 2% based on area. The **total** impacts below 8.1m are just over 2% in terms of volume.

3.7 The foundation design presented is deemed acceptable in terms of Local Plan policy D6. Any changes to the foundation design will need to be re-submitted for approval. Amendments that increase the % of destruction will not be accepted.

3.8 The excavation of a portion of the medieval deposits and further deposit monitoring will add to the data set for future policy consideration are appropriate mitigation measures. Archaeological monitoring will take place on shallower areas of disturbance.

### **Design and Conservation (Team Manager)**

3.9 Updated comments have been provided following changes/updates to the proposal. In summary:

- the proposal is supported for the aspect of architectural design in isolation (i.e. when extracting immediate townscape impacts) and supported for its minor impacts on the wider city settings.
- the proposal would appear to create a more guaranteed future use and improvements to the street through more street animation than currently evident.
- immediate townscape impacts are still negative due to narrowing building separation on Rougier Street by 2.8m and gap to Aviva by 1.8m. The previous recommendation of removing floors (if this wider floorplate is a pragmatic necessity

of this use), is not taken up other than a modest 0.9m lowering, and the proposal since last time has got slightly wider impacting on Aviva separation.

- overall, design impacts are slightly negative and are minor in objection, in my position of the overall scheme on design grounds.

### **Design and Conservation (Ecologist)**

3.10 No objection; there's generally not a great deal of ecological concerns at the site. Given that the site doesn't include any habitats that would be lost it's not subject to statutory BNG. It is recommended that a scheme for ecological enhancements (bird/bat boxes) should be incorporated into the design of the building as well as lighting details to avoid unnecessary light spill to light sensitive species including bats. Both of which can be dealt with by condition.

### **Design and Conservation (Landscape Architect)**

3.11 Public realm and street scene landscape is extremely limited, but no objection overall given the current context. The level of detail for a planting plan is appropriate. Details for tree pits, planters and raised beds required under pre-commencement condition.

### **Economic Development**

3.12 Any response will be verbally reported.

### **Highways Network Management**

3.13 Cycle parking – we would prefer to see short stay cycle parking to be provided on the site frontage. Three Sheffield cycle stands will suffice. The rest of the spaces will have to be that of the staff and overnight guests. The standards are 1 space per 10 beds and the cycle parking must be easily accessible.

3.14 Vehicular access and parking – the standard bay exit swept path analysis should be revised as it is not clear how the vehicle will turn out of the bay. If they are proposing to use the existing vehicular access for multi-use, the cycle access should be segregated otherwise this raises highway safety concerns.

3.15 Street Lighting – no arrangements are indicated to replace the highway lighting that is currently fixed to the existing buildings. Street lighting columns are the preferred option in this location. Details are sought in respect to temporary lighting on Rougier Street during demolition and construction as this is a busy transport hub and visibility on this street is paramount.

3.16 Additional comments have been received, outlining that the highways officer has been liaising with the applicant's construction contractors regarding devising a



practical and adequate Method of Works Statement, and working towards addressing issues raised by highways including the traffic regulations team and transport planning team. This is not a finalised matter and therefore we recommend a condition so that a working document is provided prior to work commencing.

3.17 More details regarding funding and responsibility for the proposed Travel Plan, and commitment to work with iTravel York on its implementation and how it will convey sustainable travel information to staff is required in a revised Travel Plan, which can be conditioned.

3.18 Other highways conditions including a dilapidation survey have been recommended.

### **Lead Local Flood Authority (LLFA)**

3.19 In regard to flood risk, a condition requiring compliance with the submitted Flood Risk Assessment and Drainage Strategy as well as the mitigation measures (finished floor levels shall be set no lower than 11.35m above Ordnance Datum (AOD)), sleeping accommodation is located at first floor level and above and the applicants/owners sign up to the Environment Agency's Flood Warning System is recommended.

3.20 Foul and surface water – whilst there are some information missing from the applicant's assessment report, we are content that a suitable scheme can be developed via conditions, if planning permission was to be granted.

### **Public Protection Unit (PPU)**

3.21 Noise – sought clarification in respect of the submitted Noise Assessment by Dragonfly Acoustics. The nighttime plant noise is required to be reduced. Noise matters can be dealt with by conditions.

3.22 Land Contamination – The applicant has submitted a number of contamination assessments that demonstrates that there will be no risks of hazardous gas, groundwater or soil contamination and that the site is suitable for the proposed use. No further information is required and a conditions covering the reporting of unexpected contamination is advised.

3.23 Construction Management – The applicant has submitted a construction environmental management plan (CEMP) and this provides details of the controls that will be put in place to minimise disturbance from noise, vibration and dust. Provided all the controls within the CEMP are put in place and remain for the duration of the construction then there is no requirement for a construction management condition.

3.24 Odour – as a commercial kitchen would be included as part of the hotel operation, a condition requiring details of the adequate facilities for the treatment and extraction of cooking odours are requested.

3.25 Lighting – as the site is within an urban area it has been confirmed that the Environmental Zone for the area is the E4 zone. A lighting assessment undertaken by Orbis has been submitted however a condition is recommended requiring a full lighting impact assessment is undertaken. There is the expectation that other than required for emergency and security purposes, all external lighting shall be turned off by 23:00 on any day.

3.26 Air Quality – an air quality assessment has been carried out which considers the potential impact of both the construction and operational phases of the development. In line with DEFRA guidance, an exposure assessment for the development is not required. Certain design aspects of the scheme help to mitigate exposure of future guests of the hotel to pollution. Given the proposed hotel use and design aspects of the development, no specific additional exposure mitigation is required.

## EXTERNAL

### **Micklegate Planning Panel**

3.27 No objections but make the following comments:

- disappointed with the appeal of the building
- apparent lack of ramps for wheelchairs
- any high-level signage should not be illuminated

### **Active Travel England (ATE)**

3.28 Standing advice is issued and we encourage the LPA to consider this as part of its assessment.

### **Conservation Area Advisory Panel (CAAP)**

3.29 Comments made on the application in December 2024

3.30 The Panel are concerned about the height and bulk of the new building, particularly as the existing tendency towards a canyon effect on Rougier Street will be greatly exacerbated by the building. The building should be reduced by one storey.

3.31 The scheme does not identify the type or number of accessible rooms. There is mention of a platform lift to the main entrance, but this is not on the plans. The rear steps to the courtyard area are also not to regulations.

## **Environment Agency**

3.32 Will meet the NPPF requirement if a condition requiring compliance with the submitted Flood Risk Assessment and Drainage Strategy as well as the mitigation measures (finished floor levels shall be set no lower than 11.35m above Ordnance Datum (AOD)).

## **Historic England**

3.33 Comments made on the application in December 2024

3.34 Built Form – we have no concerns regarding the form, height or length of the proposed building, we consider that the proposed width would have a harmful impact on the character and appearance of the conservation area as a result. The proposed building is almost the same height and length as northern house.

3.35 However, it would be 5m deeper than the existing, creating a significantly bulkier overall form and potentially causing an uncharacteristic canyon effect along Rougier Street. We recommend that design modifications are sought to achieve a more elegant, narrower form, which would help improve the character of the street-scene and better maintain views through between heritage assets.

3.36 The historic warehouse design aesthetic proposed is not considered harmful in principle, as this can be seen to draw on the historic built character of the area, as are the proposed red brick elevations. However, we cannot see the assessment or analysis which has been used to substantiate that the built form responds to the distinctive historic character of York.

3.37 The most sustainable building is one which already exists. Therefore, you should be satisfied that it is not possible for the building to be adapted and reused, before being minded to accept the demolition and loss of the embodied carbon within the building.

3.38 Archaeology - Initial comments received in December 2024, and then subsequent comments received May and June 2025 following submission of revised/further information relating to archaeology.

3.39 December 2024 – The simple equation and the conclusion reached by the archaeological consultant to establish the percentage impact of the piles on these deposits is contrary to the published (Historic England) guidance on piling. Our guidance explains that different types of piles have different impacts and the proposed pile type has not been identified by the developer. In addition, there has been no assessment of the accumulative impact of successive redevelopment, and

we would expect to see some indication that the existing plans have been assessed for their re-use potential.

3.40 May 2025 – The evaluation report provides some aid in characterising the archaeological resource and refining the deposit model, but without detailed foundation designs it is not possible to assess the impact of the proposed scheme on the significance of the nationally important archaeological deposits. The application fails to take into account the cumulative impact of the 154 proposed new piles with the existing Northern House piles. Additionally, the figure of 3.2% has been calculated by area rather than volume (pile diameter and depth), so does not quantify the total impact. We consider that this is a fundamentally flawed approach to the nationally important archaeology on this site.

3.41 June 2025 – the additional information (plan ‘General arrangement of foundations’ showing both proposed and existing pile configurations) proposes a twenty per cent increase in the number of piles, thereby increasing the harm to significance, with no clear justification. There is no evidence in support of the statement that the existing pile arrangement cannot be re-used.

3.42 July 2025 – the additional information ‘Response to Historic England’ letter takes us no further forward; the proposal for demolition remains unjustified, and the requirement for piling is unsubstantiated. It fails to address any of our key concerns about the impact of the proposals on the significance of the archaeological deposits. The suggested archaeological strategy is inappropriate and harmful.

3.43 The application does not comply with national (NPPF) and local plan (D6) policy.

#### **Police Architectural Liaison Officer**

3.44 A Security Needs Assessment has been carried out as part of the BREEAM process. Therefore, we have no comments to make on the proposal.

#### **York Civic Trust**

3.45 Any response will be verbally reported.

#### **Yorkshire Water**

3.46 The submitted Flood Risk Assessment and Drainage Strategy is acceptable and recommend a condition requiring compliance with the strategy.

### **4.0 REPRESENTATIONS**

4.1 The application has been advertised by site and press notice, as well as neighbour notification. One letter of objection has been received citing the following concerns:

- aesthetic of the hotel proposal – its design is bland, severely lacking any artistic merit
- is only likely to further gentrify York city centre with yet another huge boring block of bricks
- Dakota - where is the imagination? – build something beautiful
- it does not reflect the heritage of the location or intend to conserve any meaningful architectural influence while being in a conservation area
- it's not sympathetic to the fabric of York's history
- the hotel risks oversaturating an arterial gateway of the town with temporary accommodation instead of long-term non-hospitality industries, which would guide the sustainability of York's economy away from tourism.

## **5.0 APPRAISAL**

### **5.1 Key Issues:**

- Principle of the development
- Design
- Heritage
- Archaeology
- Landscaping
- Ecology
- Highways and access
- Flood risk and drainage
- Environmental/amenity impacts
- Air Quality
- Climate change
- Contaminated land
- Public Sector Equality Duty
- Conclusion of harm to heritage assets (public benefits)

## **ASSESSMENT**

### **Principle of the development**

#### Employment use

5.2 Northern House is a vacant office building. Local Plan policy EC2 applies to the loss of any employment generating uses, however the proposed hotel use remains an employment use, as defined in the LP glossary. The LP glossary explains that employment generating uses includes development including those within the B2,

B8 and E(g) use classes, public and main town centre uses, excluding housing development. Local Plan policy SS1 explains that main town centre uses are those as defined by the NPPF and includes tourism development which specifies hotels.

5.3 The applicant states that expectations for this site relate to staffing demands of 125 employees, equivalent to 90 (gross) FTE. There is no loss of employment generating uses within this proposal and therefore LP policy EC2 is not applicable.

#### Principle of hotel development

5.4 The application site falls within the city centre boundary as defined on the Local Plan policies map.

5.5 Local Plan policy SS3 (York City Centre) identifies York City Centre as the economic, social and cultural heart of York. The city centre is identified as a priority area for a range of employment uses and is fundamental to delivering the plan's economic vision. It is the principal location in the City of York area for the delivery of economic growth in tourism, leisure and cultural sectors. Hotel (Class C1) developments are acceptable in principle within the city centre, as defined in the policies map. Policy SS3 seeks a number of principles to be taken into account when considering city centre development proposals, the principles relevant to this application include:

- i. Conserve and enhance the existing historic character of York City Centre whilst encouraging contemporary high-quality developments that add to the sense of place and create a prestigious and desirable location for thriving businesses
- ii. Enhance the quality of the city centre as a place and rediscover the outstanding heritage of the city with reanimated and revitalised streets, places and spaces
- v. create a strong evening economy by diversifying the current functions of the city centre to provide more for families and older people and encouraging activities to stay open later in the evening

5.6 An assessment of how the proposals will accord with sub sections i. and ii. of policy SS3 in respect of enhancing the built environment and public realm will be addressed in the heritage/design sections of this report.

5.7 The hotel proposes an ancillary bar and restaurant on the ground floor, which will be open to the public and is likely to generate activity throughout the day and into the evening.

5.8 Local Plan policy EC4 (Tourism) outlines that tourism in York will contribute to a diverse economy. Proposals that maintain and improve the choice and quality of visitor accommodation to encourage overnight stays will be supported.

5.9 The city centre, and particularly Rougier Street, is a sustainable location which is accessible by a range of transport modes.

5.10 The applicant's Economic Impact Assessment (Sept 2024) outlines that the hotel will appeal to international and first-time visitors as well as business conference visitors and domestic visitors, adding to the existing visitor accommodation offer at the higher end of the spectrum of provision. Policy EC4 encourages conferencing and events facilities to encourage business visitors, and whilst the applicant sets out that business conference visitors will be targeted, limited conference facilities will be provided for within the development. The applicant however does set out that there are private dining areas that can accommodate business visitor needs but no formal conference/meeting facilities will be provided, which are more suited to larger hotel provision.

5.11 Whilst located in York city centre, Rougier Street is not identified as a primary or secondary shopping area. Local plan policy R1 (Retail Hierarchy and sequential approach) directs main town centre uses (including hotels) to the city, district and local centres, and the development is appropriate in the city centre and will play a part in supporting the economic wellbeing and vibrancy of the city centre.

5.12 The site is located within the city centre, which is a sustainable and accessible location, and along with its ancillary bar and restaurant will likely generate activity though the day and into the evening, contributing to a strong evening economy. The proposal is considered to comply with the requirements of LP policies SS3 and EC4.

- Consideration of the re-use and adaption, and demolition of the building

5.13 The proposals involve the complete demolition of the existing building, however, officers have requested that the potential for re-use of the building is also considered, for sustainable construction reasons. Historic England have outlined that the most sustainable building is one which already exists, and that the LPA should be satisfied that it is not possible for the building to be adapted and reused, before being minded to accept the demolition and loss of the embodied carbon within the building.

5.14 Northern House is a vacant office building. It had been occupied primarily by companies involved in the rail sector. The last tenants left in June 2024. It was constructed in the 1960s and was subject to refurbishment in 2006. The primary structural frame for the building is a concrete beam and column arrangement. Internally it is predominately open plan layout with demountable partition walling. At seven storeys in height, it provides circa 6,000ml. The circulation core is positioned at one end of the building meaning that floor plates cannot be divided and are large.

5.15 The application is supported by an Adaptation and Demolition Statement (January 2023) prepared by KPP Architects and Structural Investigation Report by

JPG (October 2023). The marketing report assesses the office accommodation at the lower end of Grade B.

5.16 The applicant sets out the following key points in respect to the general condition of the building:

- exposed concrete columns are showing signs of cracking/spalling in several areas. Given its age this type of defect will only get progressively worse
- patch repairs appear to be deteriorating and do not appear to rectify the underlying issue, only repair the damaged concrete
- building approaching, or already exceeded its original design life; would need extensive remedial repair to remain serviceable
- building is already overloaded beyond its capacity

5.17 In terms of its unsuitability for re-use, the adaption and demolition statement provide the following:

- raised ground floor likely needs removal of 1<sup>st</sup> floor to make suitable usable height
- existing down stand beams impeded service distribution for upper floors
- narrowing existing floorplate and awkward internal layout and negative impact on windows
- result in shortfall of 20 (bedroom) units compared to proposal (circa 14%)

5.18 Additionally, it is noted that any change of use would have to meet the requirements of current Building Regulations in the same way as a newly constructed building would. In terms of retrospectively introducing sufficient measures to achieve BR approval, the applicant states that that would not be practical.

5.19 Further, the applicant's Market Report (by CBRE) considers the building, in terms of market attractiveness of the building, including:

- EPC rating is C- falls below modern requirements; most office occupiers require EPC B rating as a minimum
- building is currently gas powered – office occupiers focus on all-electric buildings to achieve sustainability goals
- M&E is coming to the end of its lifecycle (typical lifecycle in offices is 15years – refurbishment undertaken in 2006 so over 19years ago); its maintenance will result in rising service costs to keep building operational
- workplace environment – emphasis on design quality, sustainability, amenities and wellness (key features which are not provided by Northern



House – reception/business lounge, shared meeting space, outdoor space/terraces, fitness facilities, zoom booths, high-end shower facilities, cycle storage)

5.20 Other matters regarding carbon impacts and heritage impacts arising from the demolition of the building are covered elsewhere in this report.

## Design

5.21 Policy D1 Placemaking outlines that development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significance of the historic environment. The policy outlines a number of detailed design points that development proposals should adhere to and include i. urban structure and grain; ii. density and massing; iii. streets and spaces; iv. building heights and views; v. character and design standards. Taking each detailed design point in turn, the development proposals have been assessed against each of these:

*- Urban structure and grain – development proposals are required to enhance, respect and complement the historic arrangement of streets blocks, plots and buildings.*

5.22 The application site is landlocked, occupying the full extent of the existing plot that sits between 15 Rougier Street, Rougier House (No. 5 Rougier Street) and the Aviva building, along with access via Tanners Moat and Tanner Street. The existing building primarily occupies the front part of the block, with the current building flush with Rougier Street. The rear part of the block is given to vehicular parking.

5.23 The building will predominately remain occupying a similar position within the block, although the building has been set back from Rougier Street by 0.5m and pulled away from Rougier House by 1m, to retain some separation with its neighbours. The proposed building is however wider than the existing ground floor of Northern House as well as providing a single storey annex that will form a grill and terrace that will occupy part of the rear of the site, which is currently undeveloped. The remaining area will be primarily used for taxi drop-off and valet parking.

5.24 A courtyard study has been provided which helps to demonstrate how the rear space is intended to be improved, to ensure that it provide a valued semi-private space. The courtyard will be set down 1.7m from ground floor level and softened by perimeter planting and trellis. A rooflight has been added to the single storey

annexe, meaning it will benefit from an animated roof from daylight, as well as adding architectural interest to the structure.

*- Density and massing – development proposals are required to demonstrate that the proposed massing and density of a development will be appropriate for its proposed use and neighbouring context. Consideration should also be given to the combined effect of development does not dominate the wider setting, including buildings and spaces, playing particular attention to those of historic significance.*

5.25 The proposed building's layout requires a plinth to set ground floor above flood level. The is visibly more pronounced on the western side of the building as the pavement dips.

5.26 The Design and Conservation Manager outlines that the proposed building positively recreates the podium design principle of the existing building, albeit less successfully than the existing because the main facade is less set back. The upper floors of the proposal are considerably wider than the existing building. It is made clear however that a proposal should normally be judged on its own merits, and normally existing buildings are not an absolute comparator when assessing suitability. However, in this case the street is sensitive to building width because the site is close to existing tall buildings on both sides. Any narrowing of street enclosure would quickly have negative impacts on the general oppressiveness of the street and impact on daylight and possibly wind, if replacement proposals are of similar height.

5.27 The proposed building successfully adds massing projections and recesses into the ends of the building to reduce a blunt end appearance.

5.28 There has been some work undertaken by the applicants to address matters regarding how the building feels negatively bulkier and more oppressive than existing. The applicants have updated the elevations with the building height reduced overall by 900mm by reducing the floor-to-floor heights. The number of floors remain the same. It is noted that the building width is governed in some respects by the hotel use, which generally requires a central corridor and is difficult to alter.

*- Streets and Spaces – development proposals shall seek to promote ease of public pedestrian and cyclist movement, are designed to improve the quality of the public realm and wider environment for all. Development proposals that provide opportunities to promote the enhancement of, or creation of, public space will be supported.*

5.29 It has been outlined above that there will be a semi-private courtyard area, which is an improvement on the existing building. The applicant also indicates that the restaurant/bar areas within the building are not exclusive areas for overnight

guests. This will complement private terrace areas located within the upper floors of the building.

5.30 Given the position of the building within the street and wider block, it is acknowledged that there are limited opportunities to create public spaces, however there will be improvements to the animation of the street and pedestrian environment along Rougier Street; further assessment is provided below, in this regard.

*- Building heights and views – development proposals should respect York’s skyline by ensuring that development does not detract from the visual dominance of the Minster or harm the city centre roofspace. Additionally, development proposal should respect and enhance the views of landmark buildings and important vistas.*

5.31 Part Two (Management Strategy) of the YCHCCA (Section 5.8 Views and Building Heights) identifies that York has a skyline that has been little altered by the 20<sup>th</sup> century, which makes it special and fragile. The challenge for its management is to safeguard its key characteristics without hindering development and economic growth. The YCHCCA appraisal outlines that within the historic core the vast majority of buildings are no higher than four storeys and to conserve this, any future development that exceeds the prevailing height of buildings in the Conservation Area should be exceptional. However, there are two exceptions to this and one exception which relates to this proposed development includes existing clusters of taller buildings north of Tanner Row. The Tanner Row cluster ranges from six to eight storeys of commercial property and does not detract significantly from any key view.

5.32 Additionally, within the Character Area 22: Railway Area appraisal (p421) it identifies this character area as potentially accommodating taller buildings because they are already part of the existing character and relatively rare in the city. The main issues are the height, design and relationship to the street of buildings in sensitive locations (e.g. next to the wall or river) and the impact on views.

5.33 With the above in mind, the building is designed broadly in line with the height of the existing Northern House building. This includes a plinth level, which is otherwise not provided and is to accommodate flood levels. The elevations have been further updated with the building height reduced overall by 900mm by reducing the floor-to-floor height. The number of floors remain the same.

5.34 The application is supported by a Townscape and Visual Impact Assessment (TIVA) by Montagu Evans (Nov 2024). In distant views, the similarity of the building height results in the impact of the building being largely neutral in the wider vista.

5.35 In regard to more main views (identified as 5 (from the City Walls towards Rougier Street), 6 (Station Road, to All Saints), 7 (towards the City Walls from

Rougier Street) and 8 (Wellington Row)) in the TVIA the impacts of the revised design changes are similar, which is assessed as the building feeling negatively bulkier and more oppressive than the existing. The Design and Conservation Manager outlines that the immediate townscape impacts are slightly negative and result in a minor objection on design grounds. Officers note that the wider floorplate is a pragmatic necessity of this use, with the requirement for a central hotel corridor.

5.36 The single storey annexe and the alterations to the rear has resulted in view (no. 6 of the TIVA) to All Saints Church from Tanners Moat/Station Road is slightly reduced and more impactful as the building has got wider, although this is limited to ground floor only and no objections have been raised to this from the Council's Design and Conservation Manager.

- Character and Design Standards

- *Not a pale imitation of past architectural styles*
- *Appropriate building materials*

5.37 The proposed building intentionally replicates the podium design of the existing Northern House building, as this approach is successful because of the close proximity to existing tall buildings on both sides.

5.38 The design reflects the industrial look of the Dakota brand, although adapted to complement the York setting. The proposed building will be constructed with external materials comprising of red brick piers and decorative panels. Metal clad frieze bronze panels window details and surrounds, with a banding along the top parapet.

5.39 Historic England have outlined that the historic design aesthetic proposed is not considered harmful in principle, as this can be seen to draw on the historic built character of the area, as are the proposed red brick elevations. The applicant states that the industrial warehouse brand has been adapted to complement the York setting (Planning Statement, para. 4.2), however Historic England raise that they are unable to see the assessment or analysis which has been used to substantiate this statement.

5.40 The applicant's assertion in this regard relates to the evolution of the design through pre-application engagement and subsequently into the planning application. The Dakota Hotel brand has a specific trademark, which in part is dictated by the palette of materials, which include a more anthracite/coal colour scheme. The conservation area character appraisal relating to the Railway Area outlines that the area has a variety of building ages, architectural styles and materials. There are 19<sup>th</sup> century railway buildings in both red and buff brick, post war buildings in a modernist style with combinations of buff brick, limestone ashlar, concrete and glass. Beyond this, there is no further assessment or analysis to ascertain or dictate what the York setting would comprise of, however it is agreed that anthracite brick would not be it.

The red brick elevations along with the industrial warehouse aesthetic is considered appropriate in this setting.

5.41 In addition, the Council's Design and Conservation Team Manager has welcomed the architectural bay study drawing that has been submitted, although recommends a greater window reveal steps of up to 200mm, rather than the 20mm – 100mm shown. A condition is recommended requiring details of a greater window reveal steps.

- *Highest standards of accessibility and inclusion*

5.42 The applicant has addressed matters concerning accessibility and safe and inclusive use of the building by all users, particularly those with disabilities with an access statement (November 2024).

5.43 From Rougier Street the building can be accessed via steps which will also contain a recessed concealed platform into the steps. To the rear, from the courtyard there is a wheelchair platform lift and low-rise stepped access. The back-to-back entrances helpfully arrive the visitor at the same place and disabled access is provided for on both building approaches. The courtyard will provide an accessible parking space (with EV charging), although a valet parking will be operated.

5.44 Within the building consideration has been given to accessible reception areas, toilets and 6 accessible bedrooms arranged over floors 1-6.

- *Integrate car parking and servicing within the design of development so as not to dominate the street scene*

5.45 Limited parking (2no. spaces) are to be provided in the courtyard area, with access utilising an existing access off Tanners Moat. Servicing will be undertaken from Tanner Street, in the same manner as existing. Further assessment is provided below within the relevant highway section of the report.

- *Create active frontages to public streets, spaces and waterways*

5.46 The current Northern House building is flush with the pavement, with a stallriser with large expanse windows running along the full length of the frontage (58m approx.). There is no break from the glass other than pilasters at regular intervals, nor is there any variation or staggered nature of the frontage. As an office use, there is no further animation of the street.

5.47 The current proposal seeks to provide a more staggered and animated frontage. To the west, the building seeks to part visually animate the street thorough a set back at ground floor level, with hotel visitor experience, including reception/lounge, lift lobby and bar and associated external terrace area (which is

enclosed to the street). The upper floors of these areas at first and second floors provide a projection over the ground floor. Beyond there is an open area (free from overhead structures), providing tree planting which will be level with the pavement (subject to soil / soft bed levels). On the eastern side, the building then projects, with a two-storey projection, that meets the pavement, in a similar manner to the existing building. The projection will provide BOH staff facilities at ground floor level. This will partly be adjacent to the bus shelter currently positioned on Rougier Street.

5.48 Whilst the ground floor is not fully animated at street level, it is much improved from the existing arrangement, taking account the increase to set the ground floor above flood level and how the uses are to be provided and arranged within the building.

- *Create buildings and spaces that are fit for purpose but are adaptable to respond to change*

5.49 The building has been designed primarily to accommodate a hotel use, which has certain requirements it needs to provide, such as servicing/BOH, bar/restaurant, core/ central corridor areas. It is acknowledged that these would make it difficult to alter the use of the building. However, some elements, cores and central corridors are interchangeable with residential (flatted) schemes.

- *Design considers residential amenity*

5.50 The site is predominately within a commercial area, however No. 15 Rougier Street which adjoins the application site is a residential property. The arrangement of the building with the application site is such that there would be limited impact on residential amenity, given its position and orientation. The applicant has submitted a daylight and sunlight assessment (by Amstey Horne) which assesses the impact of the proposed building on existing residential properties and concludes that any losses would not be significant.

- *Other design matters – advertisements*

5.51 The elevations include 'Dakota' branding on the Rougier Street (southern) and Tanners Moat (western) elevations. On the Rougier Street elevation the 'Dakota' branding will be positioned on the bronze cladding above the main entrance.

5.52 On the Tanners Moat elevation, the Dakota branding is positioned at high level on the bronze cladding. The applicant's design update (Feb 2025) provides an argument that the high-level signage is based on historic precedent and required for wayfinding, particularly for those coming from the Station. High level branding is not normally permitted, because of future cumulative impacts and it is not typical of the current character of the area. Branding is usually only used for low level wayfinding and entrances.

5.53 The Council's Design and Conservation Manager has outlined that high level sign could be supported for architectural decorative purposes, as it is quite small compared to the bulk of the building, rather than wayfinding, which as a reasoning is not accepted here. If it was needed then by extension all other buildings in the city centre that aren't tall have irreconcilable wayfinding problems, which isn't the case.

- *Other design matters - lighting*

5.55 Previous elevations included external lighting, which generally comprised of a mix of up and down lighters on three facades of the building; the Rougier Street (southern), Tanners Moat (western) and northern elevations and were positioned at first and third floor levels. Only building lighting for pavement wayfinding is generally accepted (i.e. usually ground and first floor). It is welcomed that the lighting has been removed from the proposals, with consideration that this matter can be dealt with through conditions, where the environmental and ecological impact of the proposed lighting can also be considered.

- Conclusion on design

5.56 Having considered the detailed design points that development proposals are assessed against, it is clear that, on balance, the proposal will improve the existing urban environment; there will be a more staggered and animated frontage which will help to animate the street and to complement and enhance the activity that is likely to be generated throughout the day and into the evening, contributing to the sense of place. The amendments have seen the building pulled back from Rougier Street and away from Rougier House (No. 5 Rougier Street) which respects the historic arrangement of the street and block that the site sits within. The design positively recreates the podium design, which works well in this location on a sensitive street where existing tall buildings are in close proximity. The building is similar in height to the existing buildings, with a further reduction to its height overall by 900mm by reducing the floor-to-floor height. The building also incorporates a plinth to accommodate flood levels.

5.57 An assessment of the proposed building in views has been undertaken, and it is not considered that it will detract from the visual dominance of the Minster nor the wider city centre roofscape. However, despite the positives identified above, the increase in the width of the building, particularly at the ground floor level with the single storey extension and annexe, and the wider floorplate being somewhat of a necessity of the hotel use, creates immediate townscape impacts due to the narrowing building separation on Rougier Street. There are minor design impacts but overall, the application is considered to generally accord with Local Plan policy D1 and SS3, particularly parts i. and ii.

## Heritage

5.58 There are a number of relevant Local Plan policies that consider heritage impacts, including D1 (Placemaking), D4 (Conservation Areas), D5 Listed Buildings. Consideration is also given to the NPPF, Section 16 Conserving and enhancing the historic environment.

5.59 Local Plan policy D5 (Listed Buildings) states that proposals affecting a Listed Building, or its setting will be supported where they i. preserve, enhance or better reveal those elements which contribute to the significance of the building or its setting, ii. help to secure a sustainable future for a building at risk. Harm to the significance of a Listed Building or its setting will be permitted only where this is outweighed by the public benefits of the proposal.

5.60 Local Plan policy D4 (Conservation Areas) sets out that development proposals within or affecting the setting of a conservation area will be supported where they: i. are designed to preserve or enhance those elements which contribute to the character or appearance of the conservation area; ii. would enhance or better reveal its significance; and iii. safeguard important views guided by existing evidence, including in the YCHCCA appraisal, and other local views.

5.61 Paragraph 210 of the NPPF sets out that LPAs should take account of the following when determining applications:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

5.62 Further paragraph 219 of the NPPF outlines that LPAs should look for opportunities for new development within conservation areas and within the setting of heritage assets, to better reveal their significance. Proposals that preserve those elements of the setting which make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

5.63 The NPPF makes a distinction between proposals which cause 'substantial harm' to a designated heritage asset (para.214) and those which lead to 'less than substantial harm' (para. 215). Different public benefit tests are applied accordingly.

### - Listed Buildings

5.64 NPPF paragraph 208 outlines that LPAs should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking into



account the available evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage's asset's conservation and any aspect of the proposal.

5.65 Northern House is an unlisted building. The site abuts No. 15-17 Rougier Street which are Grade II listed buildings. There are additional Grade II and II\* listed buildings on Tanner Row and George Hudson Street. All Saints Church on North Street is Grade I listed.

5.66 No's 15-17 Rougier Street derive historical value from being the last surviving remnants of a once larger area of terraced houses, built around the same time as York's first railway station in 1842/43. These buildings appeared to be constructed in a style indicative of high status, contrasting to the Leeman Road area, where more basic housing was built for railway workers. Rougier Street was mostly demolished by the 1960s, leaving only these properties standing. The buildings are recorded in the York report from the Royal Commission on the Historic Monuments of England. No. 15 remains as a house which contributes historical significance.

5.67 The proposal includes a mews style covered/bridged opening as building entrance at ground level to handle dramatic scale transitions between old and new. This is architecturally better than the current more direct attachment and gives some domestic scale and textured articulation, albeit it is not a historic pattern. The setting however has been mostly lost for these buildings although they would still be read as terraced houses, and therefore no further harm would result, and the relationship is arguably architecturally better.

5.68 In terms of the impacts upon the other listed buildings arising from the proposed development, will be assessed primarily in terms of its impacts in views, particularly from/to the City Walls, Clifford's Tower and the Church of All Saints. The application is supported by a supported by a Townscape and Visual Impact Assessment (TIVA) by Montagu Evans (Nov 2024), which provides an Accurate Visual Representation (AVRs) and some of those views have been discussed in the design section of this report.

5.69 Historic England advise that if design modifications were sought to achieve a more elegant, narrower form this also help to maintain views between heritage assets, for example from the City Walls and Clifford's Tower to the spire of the Grade I listed Church of All Saints.

5.70 Taking the views from the City Walls, views no. 5 (City Walls/Rougier Street) and 6 (Station Road) have been provided by the applicant. View 5 is a more southern position, and in both existing and proposed views, the view to the spire of Church of All Saints is not visible. Moving northwards, along Station Road and

following the City Walls, view 6 demonstrates that the spire comes into view, via Tanners Moat.

5.71 It has already been highlighted that the single storey annexe and the alterations to the rear has resulted in the view to All Saints Church to be slightly reduced and more impactful as the building has got wider, but there is also a potential improvement by the removal of the existing vehicle ramp. The impact however is limited to the ground floor only.

5.72 In respect to the second view from Clifford's Tower to the Church of All Saints, views from Clifford's Tower are identified in section 5.8 (Views and Building Heights) of the YCHCCA appraisal (key reference 16: Clifford's Tower), however it does not specifically highlight the particular direction to All Saints Church. The proposed building would sit behind the church, and with the increase in the width of the building, the building would be more prominent as it directly sits behind the spire within this view albeit the church spire would still be at the foreground. There are also other larger/taller buildings within this view, given the cluster of larger buildings within this part of the conservation area.

#### - Conservation Area

5.73 Northern House is located within Character Area 22: Railway Area of the York Central Historic Core Conservation Area (YCHCCA), where the railway has had a major impact upon the character of the area. It abuts character area 21: Micklegate to the west, with Tanner Row appearing to form the boundary between the two areas.

5.74 The YCHCCA highlights that the 1960s was a defining era for the area, with the removal of the railway sidings from the old station in 1965 and the demolition of buildings along North Street. Additionally, it outlines that Rougier Street is busy with workers and polluted throughout the day because of the many bus stands. The significance of this part of the conservation area lies in its historical, aesthetic and communal values generated from the impact of the railway in this part of the city.

5.75 The appraisal specifically references Northern House as a detractor in the conservation area appraisal explaining that it 'detracts from the area for reasons of design, mass, material or position....Northern House on Rougier Street is rather bleak. Its design is not orientated to the take into account the visitor approach from the station'.

5.76 The Design and Conservation Manager explains that the comment made about visitor experience is interpreted here as relating to the anonymous nature of building entrances on Rougier St that don't capitalise on the importance of the station to city visitor route. This facade anonymity plus impacts of heavy vehicle traffic on Rougier

St, makes a poor pedestrian experience for those passing the building on Rougier St.

5.77 However, the existing building on site does have some positive design features that could inform the design of a potential replacement. These are identified here as:

- i. The incorporation of a genuine podium as part of massing strategy providing a well-proportioned street level component that is meaningfully comparable to the scale of adjacent remaining fragments of an older street type including listed 15 – 17 Rougier St.
- ii. The tower above it is set back about 6m from the podium facing Rougier St and is slim and relatively elegant.
- iii. In being set back from both sides of the plot it aids daylight onto Rougier St and its height is less apparent in the street scene. Without this strategy Rougier St would appear more oppressive.
- iv. The building is also relatively modest in expression, so whilst relatively large it is not disproportionately attracting attention to its height.

5.78 Whilst these features are identified, the proposed demolition of the building is not objected to on architectural merit grounds.

5.79 In terms of the replacement building, its design qualities have been identified above in the former section of report. The YCHCCA character area 22 (Railway Area) appraisal identifies that large buildings can be accommodated in this area as it is at a lower level than the commercial centre. The appraisal also states that they are already part of the existing character; the main issues however are the height, design and relationship to the street of the buildings in sensitive locations (e.g. next to the wall or river) and the impact on views.

5.80 The proposed new building is similar in height and length to Northern House, the building that it will replace. It is deeper (about approx. 5m) and is assessed by Historic England that this creates a significantly bulkier overall form and potentially causing an uncharacteristic canyon effect along Rougier Street. A wider building, in Historic England's view, would have a harmful impact on the character and appearance of the conservation area.

5.81 Historic England outline that the proposed building attempts to replicate the podium elements of the current building, but they are much shallower in form and fail to achieve the important definition of the existing elements. They suggest that modifications are sought to achieve a more elegant, narrower form to help improve the character of the street scene and better maintain views between heritage assets.

5.82 Officers consider that the proposed building positively recreates the podium design principle of the existing building, which serve to transition the building down and lower levels to a more domestic scale. The upper floors of the proposed building are wider than the existing building. The building however has been further set back

from the street and a canyon effect would be avoided, thus having no harmful impact upon the character and appearance of the conservation area.

5.83 Consideration, particularly in regard to the impact on this part of the conservation area is given to the relationship of the building to the street; there will be an improvement through the creation of an active frontage, which will assist in improving the visitor approach from the station, and encourage family and late-night activities, that complement those already within area.

5.84 Given the character (Railway Area) of this part of the YCHCCA and the revisions made to the design of the replacement building, the proposal is assessed as achieving the opportunities presented in conservation areas, in respect of accommodating a larger building and providing in part at least, an active frontage. As such, the proposal is considered to preserve or enhance those elements which contribute to the character or appearance of the conservation area.

#### - Conclusion of harm to heritage assets

5.85 The proposal is therefore considered to result in a neutral impact on the character and appearance of the conservation area. In respect to the adjacent and surrounding listed buildings, namely No. 15 Rougier Street and All Saints Church, the proposal will preserve their features of special architectural or historic interest which they possess. As such, given the neutral impact to the significance of the designated heritage assets, in this instance the YCHCCA and the listed buildings, there is no harm arising from the proposed development and the harm does not need to be weighed against the public benefits of the proposal in line with paras. 214 or 215 of the NPPF.

### **Archaeology**

5.86 Northern House lies within the York Central Area of Archaeological Importance. It occupies part of the Roman Colonia, the civilian settlement of Roman York. The Colonia status was the highest level of administrative position with the Roman Empire.

5.87 Paragraph 213 of the NPPF includes footnote 75 which states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to policies for designated heritage assets. Paragraph 213 b) states that substantial harm to or loss of assets of the highest significance (including scheduled monuments) should be wholly exceptional. Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.88 Local Plan policy D6 (Archaeology) will support development proposals where ii. they will not result in harm to an element which contributes to the significance or setting of a Schedule Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled monument or other nationally important remains will be permitted only where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

5.89 The sub-surface archaeological features and deposits within the historic core of the City of York Council are designated as an Area of Archaeological Importance; the vast majority of these archaeological deposits are of equivalent significance to scheduled monuments. Within the historic core, substantial harm is defined as greater than 5% disturbance to buried archaeological deposits through foundation design and infrastructure development (York Development and Archaeology Study, 1990).

#### Previous archaeological investigations

5.90 There have been a number of excavations in the immediate environs in the 1960s, 80 and 90s which demonstrate the potential for well-preserved, stratified archaeological deposits dating from the Roman-Post-medieval period. Many of the deposits here are waterlogged.

5.91 Further recent investigations when the building was still in use (comprising of a desk-based assessment, borehole survey and hydrological monitoring) took place in 2018-19. Latterly, in Dec 2024/January 2025 York Archaeology carried out a borehole survey and programme of trenching within the vacant building.

#### - Archaeological resource results

5.92 The evaluation has helped to understand more clearly the character and state of preservation of the archaeological resource is across the footprint of Rougier House:

- a zone of post-medieval garden soil and the remains of 19<sup>th</sup> century buildings beneath the concrete floor to a depth of c.2m 8.10m AOD)
- this sits on top of a 13<sup>th</sup> -15<sup>th</sup> century occupation layer 6.75-8.10m AOD previously characterised as rear tenement plots including rubbish pits
- this zone does contain saturated deposits as it is within the capillary zone of the water table
- the fully waterlogged layer (c.6m AOD) is largely within Roman levels but it has now been proved that it does not extend into later deposits

- Roman archaeology was not reached in the trenches but presented itself in the boreholes as highly organic silt including pottery and very well-preserved leather cut-offs. Glacial deposits lay beneath this level – below 6.5 AOD.

5.93 Hydrological monitoring (2019) – Throughout the 8-month monitoring period the water table remained at c.6m AOD (in line with data collected in 1981). The deposits are hydrologically connected to the River Ouse.

### Impact of proposals

5.94 This application is accompanied by an evaluation report and updated archaeological statement (May 2025), and a detailed foundation design has now been submitted. This summarises all works and outlines the anticipated impacts of the proposed scheme. The below-ground impacts of the proposed development on the archaeological deposits on the site will be:

- foundations – insertion of new pile foundations including pile caps and ground beams
- drainage and attenuation
- electrical sub-station and connections
- deeper areas of disturbance within two circulation cores
- crane base
- potential impact on groundwater movement/drying out of deposits using piles through anoxic deposits

5.95 It is expected that formation levels for the new build will be similar in impact depth to the extant building. The finished floor levels will be raised in line with flood resilience policies. This will aid the protection of the medieval and older deposits.

5.96 The sub-station appears on the proposed plan to be in the same location as the existing which will limit its archaeological impact. The ground beams, pile caps, attenuation tanks and sub-station will be constructed within the 2m of low archaeological significance.

5.97 The greatest impacts of the scheme will relate to excavation of circulation cores, crane base and creation of new piled foundations which will penetrate the dry medieval occupation layers.

5.98 Piling and preservation – The Council's Archaeologist advises that the impact of piling and the harm to the longer-term preservation of organic archaeological deposits on the site remains uncertain. This is the case across all developments using piled foundations in waterlogged areas within the city. However, the site is known to contain Roman waterlogged archaeological deposits which are of the highest significance.

5.99 Piling as part of this development will penetrate any surviving archaeology dating from the medieval- Roman periods, impacting levels of high archaeological importance.

5.100 Historic England in their initial consultation response (December 24) outlined that their guidance explains that different types of piles have different impacts, and the proposed pile type has not been identified by the developer. They would also expect an assessment of the accumulative impact of successive redevelopment and would expect to see some indication that the existing plans have been assessed for their re-use potential. A further consultation response (June 25) from Historic England, which follows the submission of the Updated Archaeological Statement, general arrangement of foundations drawing and a pile schedule, argues that the existing and proposed pile arrangements shows a 20% increase in the number of piles, thereby increasing the harm to significance, with no clear justification. Additionally, they continue to outline that in their opinion, there is no evidence in support of the statement that the existing pile arrangement cannot be re-used.

5.101 The applicant has outlined (para. 3.7 of the Updated Archaeological Statement Ver 1.03 May 25) that consideration has been given to the re-use of the existing piles. The re-use of the existing piles has been discounted because the structural integrity and future load-bearing capacity of the piles is unknown. It is not possible at this stage to physically test the integrity of the piles until demolition has taken place. The application concerns development involving demolition as well as the construction of a replacement building, and it would be unreasonable to withhold the construction of the replacement hotel, where it achieves sustainable development, and the impact of the new piles accords with policy requirements. Additionally, the applicant cites that the above ground building clearly exhibits structural issues; the current building/structure is not suitable for a change of use and has exceeded its original design life and thus the combination of the unknown condition of the piles means that the piles cannot be re-used for the new development. The applicant further outlines that the use of the piles in the new development could potentially have an adverse impact on funding and warranties for the applicants ('Consideration of Adaption of Northern House, York into a Dakota hotel', by KPP (undated)).

5.102 It is the applicant's intention to leave the piles in situ to prevent further disturbance. The existing pile locations have been transposed onto the foundation plan and plotted using evidence from the extant structure. The foundation design does not cut off the site from the river.

5.103 Whilst the above justification has been provided in relation to the existing piles, the Council's Archaeologist has recommended that they would still encourage further investigation of the existing piles to take place following demolition, although this is not reiterated in any suggested conditions. However, the applicant outlines that the pile design has been produced for tender purposes and represents the final

version and indicates that there will be no further substantive revision of the pile design and that the plan constitutes a fixed foundation plan.

5.104 Early archaeological statements/evaluations outlined that foundation design consisted of approximately 154 new piles. The latest Updated Archaeological Statement (Ver 1.03, May 25) which contains a more detailed foundation design, pile layout details and pile schedule outlines that the foundation design will consist of 183 new bored-in-situ piles between 450 – 600mm. The applicant outlines that the additional piles on the that are required for the tower crane, reflecting optimised load-bearing needs.

5.105 The intrusive elements, which are assessed as impacting below 8.1m AOD have been calculated as having an impact of 4.18% on archaeological deposits. This has been further broken down as 4.18% destruction (area) in medieval, dry zone 8.1m-7.6m AOD to accommodate circulation cores and crane base. The potentially nationally significant, deeper, Roman, waterlogged deposits impacted by pile only, will be impacted by less than 2% based on area. As such, it is assessed that the total impacts below 8.1m to be just over 2% in terms of volume. Overall, no more than 95% of significant deposits remain undisturbed.

5.106 Whilst the significance of the archaeological interests is high, it is concluded that the impact of the foundations will not lead to a greater than 5% disturbance, in line with Local Plan policy D6. Further harmful impacts upon archaeological deposits could be mitigated, through the use of planning conditions requiring, adding to the data set for future policy consideration. In addition, where any impact is deeper than 8.1m AOD archaeological excavation is required with archaeological monitoring taking place on shallower areas of disturbance.

5.107 The scale of harm to the significance on archaeological features and deposits is considered to result in less than substantial. NPPF paragraph 215 states 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 benefits of the proposal, including securing its optimum viable use. The assessment of the harm to the significance of a designated heritage asset weighed against the public benefits of the proposal is considered towards the end of this report.

## **Landscaping**

5.108 Local Plan paragraph 8.15 of the explanation to policy D2 (Landscape and Setting) outlines that the term 'landscape' includes both the built and open landscapes of the urban, suburban, and rural environment, streetscapes and roofscapes. Development proposals will be encouraged and supported whey they

- ii. protect and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities.



iv. create or utilise opportunities to enhance the public use and enjoyment of existing proposed streets and open spaces.

5.109 Local Plan policy G14 (Trees and Hedgerows) covers the retention of hedgerows, trees and overall tree cover where they are of significant landscape, amenity, nature conservation or cultural value. Of particular note, sub section v. requires development to supplement the city's tree stock with new tree planting where an integrated landscape scheme is required.

5.110 The proposed development offers no additional public realm and the landscaping is perfunctory to the main development proposal. The proposed hotel development occupies the majority of the site, following the occupation of the site by the current building, Northern House. No objections have been raised from the Council's Landscape Architect to the revised landscaping proposals noting that the public realm and street scene is extremely limited and overall, the planting plan is appropriate.

5.111 The current proposal seeks to provide a more staggered frontage and in doing so there is an open area (free from overhead structures) in a central position, providing three street trees planted within a soft bed and would be generally level with the pavement (subject to soil / soft bed levels). The applicants have followed the Landscape Architect's advice to provide these trees as tall fastigate trees so that they will have a bigger impact on the street scene, have a looser form, in contrast to the clipped topiary hedges and building façade and a variety that would not require regular clipping, without detrimentally impacting the formality of the overall design intention.

5.112 Three other trees are shown to be planted within a pavement and located below the projection of first and second floors. This arrangement will facilitate them being effectively maintained like indoor plants with restricted light and water, limiting their size and contribution to the street scene. It has been clarified that these trees are identified as clipped dome topiary intended as sculptural elements suitable under the overhead canopy. The applicant has outlined that planting in this location is unviable and unsustainable option with any trees in this location would be unable to thrive to their full potential due to restricted height, light and irrigation and could ultimately lead to a lower quality streetscape which has guided the applicant's strategy.

5.113 Officers note that highways officers have suggested that cycle parking is provided in this area, under the projection, in expense of the trees. Officers consider that whilst this location offers an undercover area for bike storage and directly off the public highway, it would not be fully observed from within the building. Additionally, given the enhancements to the urban streetscape from the provision of these trees and landscape features, this provision weighs more heavily in favour, noting that there are suitable alternatives for bike storage within the development and further

compensatory trees/landscape enhancements could not be achieved due to the constrained nature of the site and the proposed development.

5.114 In respect to the growing medium available to the proposed trees/shrubs around the perimeter of the rear parking courtyard, the applicant has set out that the vehicle tracking analysis demonstrates that this is a tight space for vehicle manoeuvrability, resulting in little room for any in-ground planting. The strategy of having small pots with topiary trees is therefore accepted.

5.115 The proposed building has a number of roof terraces; however, these are generally quite small so would not accommodate much greenery. Raised planter beds for the terraces will be used to accommodate ornamental grasses and clipped evergreen hedge.

5.116 The Landscape Architect has recommended that details for tree pits, planters and raised beds are to be required under pre-commencement condition.

5.117 Given the existing building occupies the full extent of the site and contains no landscape features. The proposed development that incorporates street trees, other appropriate plants will be incorporated in planters and positioned in appropriate locations to fully take advantage of the features of the proposed development. The proposed development is considered to make a positive contribution to the landscape quality of this urban streetscape. As such, the proposal satisfies with policy D2 of the Local Plan.

## **Ecology**

5.118 Local Plan policy GI2 (Biodiversity and Access to Nature) seeks to conserve and enhance all sites and areas of biodiversity value. During pre-application discussions the Council's Ecologist outlined that they did not anticipate a significant amount of ecological constraints associated with this proposal, however the building should be subject to ecological assessments to ensure that protected species, including bats and nesting birds are given due consideration.

### **- Protected Species**

5.119 The application is supported by a Preliminary Ecological Appraisal (PEA) undertaken by Envirotech (dated October 2024). The report concludes that bats were not recorded roosting on or near the site and it has a very low foraging and negligible roosting potential. Low numbers of common bat species may forage near the site to the river corridor adjacent. No nesting birds were recorded and the potential for use of the site for nesting is negligible. There were no plant species assemblages recorded at the site. It was outlined that there were no other notable or protected species recorded on the site.

5.120 However, despite the above conclusions of the PEA, the Council's Ecologist recommends that ecological enhancements are provided, which shall be in the form of bird/bat boxes installed on the building. It is noted that the lighting proposals have been removed from the proposed elevations and these matters can be dealt with through a planning condition. The Council's Ecologist has requested that any condition relating to lighting details also considers the lighting details in respect to preventing unnecessary light spill to light sensitive species including bats.

- Site of Interest for Nature Conservation (SINC) candidate

5.121 The site does not sit within or alongside any statutory or non-statutory wildlife sites. Northern House however is located approximately 80m to the southwest of the River Ouse candidate Site of Interest for Nature Conservation (SINC).

5.122 A Construction Environmental Management Plan (CEMP: Biodiversity) has been provided and shall be used to safeguard the river habitat during the construction phase of the development.

- Biodiversity Net Gain (BNG)

5.123 The site does not support any 'green' habitat and as such it is classified as a 'sealed surface' within the BNG metric and the application has a baseline value of zero. Given this, the application site has been assessed as falling within one of the exemptions from the statutory requirement to provide 10% BNG under the Environment Act 2021.

## **Highways and access**

5.124 Local Plan policy T1 (Sustainable Access) seeks to minimise the need to travel and provide a safe, suitable and attractive access for all users to it and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.

5.125 Paragraph 117 of the NPPF provide further details that development proposals should consider, and include:

*a) Give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas, and second, as far as possible facilitate access to high quality public transport, with layouts that maximise the catchment area for bus and other public transport services, and appropriate facilities that encourage public transport use;*

5.126 The site is located within the city centre, with Rougier Street having been the subject to highway improvement works to provide bus stop improvements to create a central bus interchange, particularly on the northern bound carriageway.

Additionally, the site is within 800m walking distance of York railway station. As such, it is considered that pedestrian and cycle movements are well catered for by the development, along with facilitating access to high quality public transport facilities.

5.127 Cycle parking for staff and visitors are provided, and 14 spaces in total will be provided, achieving a ratio of 1 space per 10 bedrooms (as recommended by Appendix E Parking Standards given that LTN1/20 doesn't provide recommended parking standards for a hotel use). The applicant has set out that these will be arranged with 4no. short stay spaces located beneath the terrace in the courtyard with 10no. long stay spaces located internally. These long stay spaces will be provided in the BOH areas, in a dedicated cycle store, accessed via Tanner Street and thus it is likely that these spaces will be primarily used by staff.

*b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

5.128 From Rougier Street the building can be accessed via steps which will also contain a recessed concealed platform into the steps. To the rear, from the courtyard there is a wheelchair platform lift and low-rise stepped access. The back-to-back entrances helpfully arrive the visitor at the same place and disabled access is provided for on both building approaches. The courtyard will provide an accessible parking space (with EV charging), although a valet parking will be operated.

*c) Create places that are safe, secure and attractive- which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

5.129 The prospective hotel will be manned 24hours with concierge and a valet service. There is no through routes for the public, and the building and its external areas will be contained wholly within the application site and would not spill onto the public highway.

5.130 Highway officers have outlined that they seek segregated cycle access to the vehicular access ramp from Tanners Moat. The vehicular access ramp is existing, albeit works are proposed to lower the ramp and currently provides vehicular and cycle access to the car/cycle parking to the rear of the existing Northern House building. There is currently no segregated access. The existing ramp has been measured to be 3m wide (at its widest point). LTN1/20 guidelines set out a minimum width of 1.5m required for protected space cycling such as light segregation.

5.131 The proposals will result in the rear of the building being accessed for taxi drop-off and valet parking, with only two parking spaces available, one of those being an accessible space. This is alongside the provision of limited levels of short stay cycle parking provided to the rear. As such, it is considered that there will be relatively low levels of vehicular and cycle usage accessing the ramp via Tanners

Moat at any one time, along with reduced speed limits, avoiding potential conflict between motorists and cyclists and this would not justify segregated cycle access on the ramp. Officers therefore do not consider that this arrangement would give rise to highway safety concerns. It is also noted that there would be no space to be able to provide this, given the existing width (the proposals don't increase the width of the access ramp) of the access ramp and the width required of any protected cycle space.

*d) Allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

5.132 The proposals retain the existing arrangement with service access to be retained from Tanner Street, as is currently the case and does not raise any concerns in this respect.

*e) Be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

5.133 The provision of 2no. electric vehicle recharging points will be provided, which will be located in a safe, accessible and convenient location, to the rear of the site.

#### - Street lighting

5.134 The existing building, Northern House, has 3no. streetlights fixed to it. Discussions have been undertaken and are continuing between the applicants and highway officers regarding the arrangement to replace the street lighting within the public highway. The proposed building has been set back from the edge of Rougier Street, and it is outlined that street lighting columns are a preferred option for this location, rather than street lighting being affixed to the new building. Highway officers have requested that details of the streetlighting are provided covering the construction period as well as permanent provision once the building is constructed. Highway officers outline that the removal and lack of replacement proposals for street lighting along this stretch of Rougier Street, which is a busy transport hub, would have an unacceptable impact on highway safety, contrary to para. 116 of the NPPF.

5.135 Officers note that Rougier Street has a 3m wide public footpath and is generally devoid of street furniture, other than single pole bus flag and a bus stop on the eastern end, adjacent to the existing building. Additional street lighting columns in the public highway in this location is not considered to be significantly problematic nor that there would be issues in its delivery. Highway officers have indicated that current discussions involve permanent lighting on the opposite side of Rougier Street. Officers also assert that based on the above, the replacement of the street lighting (both temporary and permanent) are within the public highway and would be covered under consents/agreements under the Highway Acts, therefore further

details have not been sought under this planning application and a refusal, as recommended by highway officers, could not be sustained. Highway officers have further requested a planning condition, seeking a finalised lighting scheme prior to the demolition of the building. Officers remain of the opinion that the replacement street lighting would be covered under the Highway Acts and note that in other respects, the timescale for this as suggested, would be unreasonable, failing the tests of a planning condition.

- Traffic/Construction impacts

5.136 The application site is landlocked, albeit with existing vehicular access from Tanner's Moat and Tanner Street. Rougier Street is heavily trafficked and there are a number of local businesses and residential properties within the immediate locality, with pedestrian and cycle access on surrounding streets, namely Tanners Moat. The works are considered to be substantial, in terms of the demolition of the existing Northern House and the construction of the proposed building, given the constrained site may impact users of the surrounding highway network. In order to mitigate some of these impacts, a demolition construction management plan has been negotiated with the applicant.

5.139 Subject to these mitigations, and any outstanding highway matters being dealt with through the Highway Acts and outside of the Planning Acts, as necessary, it is not considered that there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network that would be severe, and thus a refusal on these grounds, as outlined by NPPF para. 116, could not be substantiated.

5.140 In terms of construction, these mitigation measures may change, and it is considered appropriate that a Construction Traffic Management Plan (CTMP) which can be secured via planning condition, ensuring that a safe means of access for highway users is maintained at all times during the construction phases of the development.

- Travel Plan

5.141 Local Plan policy T7 states that proposals that can be reasonably expected to have a significant impact on the transport network must be supported by a Transport Statement (TS) or a Transport Assessment (TA) and Travel Plan (TP), as appropriate depending on the scope and scale of the development.

5.142 Paragraph 14.49 of the explanation to policy T7 outlines that a TP is a strategy for reducing travel demand in order to minimise the number of motor vehicles visiting a development. A TP will be required for all development subject to a full transport assessment where there are high trip generating characteristics (typically 30 or more peak hour trips).

5.143 The applicant has provided a Transport Statement and Travel Plan to accompany the application. Highway officers have sought the TP to be updated so as to provide further details in respect of funding and responsibilities for the TP as well as a commitment to working with iTravel York, on the implementation of the TP and conveying sustainable travel information to staff. The TS sets out that the development is likely to have high generating characteristics, with peak hour trips marginally above 30 or more (41 AM weekday peak hour trips by vehicle occupants). Officers therefore recommend an updated TP to be secured via condition.

## **Flood risk and drainage**

5.144 The NPPF (para. 170) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

5.145 Local Plan policy ENV4 (Flood Risk) is in accordance with NPPF para's. 173 and 177 which states that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding, and if required, having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

5.146 As the site is in Flood Zone 3a, the development requires the Sequential Test as well as the Exception Test.

### **- Sequential Test**

5.147 The aim of the sequential test (in the context of a sequential risk-based approach taken to individual applications) is to steer new development to areas with the lowest risk of flooding from any sources. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (NPPF para. 174).

5.148 In this case, the York city centre area has been used given that a hotel is a main town centre use. Three sites were identified in the search area which were suitable to accommodate development of this scale – Piccadilly, Hungate and York Central. Piccadilly was discounted as most sites in this area already have planning consent; the area is also prone to flooding. Hungate is nearing completion and has flooding constraints. Finally, York Central has planning consent but development of the site relies on major infrastructure works that are still in progress.

5.149 The proposal as a would result in an increase in the flood risk vulnerability classification from 'Less Vulnerable' to 'More Vulnerable' as it seeks a change of use from offices to hotel. The site has historically been developed; the existing building covers the majority of the site.

5.150 For these reasons, it is demonstrated that there are no other reasonably available alternative sites in areas of lower flood risk and the proposal passes the sequential test.

#### - Exception Test

5.151 Para. 178 of the NPPF sets out that for the exception test to be passed it should be demonstrated that a) the development would provide wider sustainability benefits to the community that would outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The wider sustainability benefit provided by the scheme relate to the provision of an energy efficient building, meeting BREEAM 'excellent', the redevelopment of the site, supporting economic growth and employment benefits along with public realm enhancements.

5.152 Flood risk is from the River Ouse and a site-specific flood risk assessment has been provided with the application. The River Ouse in this location (North Street) is subject to flood defences. No sleeping accommodation will be provided on the ground floor, which contains reception areas, bar and restaurant and back of house facilities. Floor levels are to be raised in the development, above the existing finished floor level of the existing office building which is 10.51mAOD.

5.153 The EA states that the crest level for the flood defences at this location is 10.48mAOD and provides a 1 in 100-year standard of protection. The design flood level for the development is 11.05mAOD which includes 1%AEP +30% climate change. EA standing advice requires finished floor levels should be 600mm above the design flood level, except in situations where there is a high level of certainty about the estimated flood level, in which case, it may be appropriate to reduce this to 300mm. As agreed with the EA and the LLFA finished floor levels shall be 11.35mAOD. The proposed finished floor level is thus approximately 1.7m above the existing threshold level on Rougier Street and stepped access is required to access the development from Rougier Street.

5.154 The proposed development is not considered to increase flood risk elsewhere. There is an existing building on site of a similar footprint so compensatory flood storage measures is not required.



5.155 The applicant sets out that they will sign up to the EA's flood warning service. In addition, mitigation includes, in part a Flood Warning and Evacuation Plan.

5.156 In view of the above it is considered that the proposed development passes the exception test; parts a) and b) of NPPF para 178. There is adequate evidence that the proposed development passes the sequential and exception test. The measures within the FRA can be secured through a planning condition, as recommended by the LLFA and the EA.

#### - Drainage

5.157 The LLFA has outlined that there are a number of omissions from the drainage strategy section of the Flood Risk Assessment and Drainage Strategy, however despite this, a suitable drainage strategy/scheme can be sought by planning conditions.

### **Environmental/amenity impacts**

5.158 The Council will give considerable weight to ensuring that development proposals do not give rise to unacceptable environmental impacts or human health impacts. Local Plan policy ENV2 requires development proposals to consider how environmental impacts have been considered in relation to both the construction and life of the development.

#### - Noise

5.159 Noise and vibration present in the existing environment or from the proposed development itself must be considered as part of a planning application. The site is located within the city centre and within an area where the prevailing land use includes offices and bars/nightclubs, although there are pockets of residential uses including No's 15-17 Rougier Street, which directly abuts the application site. The proposed hotel includes a ground floor bar and restaurant. The application is supported by a noise assessment by Dragonfly (Ref: DC4309-NR1). The noise assessment has been reviewed and the Council's Public Protection officer has sought clarification regarding locations of external noise sources. Additionally, it is recommended that the rated level identified at night is required to be reduced. Officers are satisfied, following confirmation from the Council's Public Protection officer that both these matters can be dealt with by planning conditions.

#### - Construction Impacts

5.160 Whilst located in an urban environment, the site is close to noise sensitive properties. The applicant has already set out in a Construction Environmental Management Plan (CEMP) the controls that they will put in place to minimise disturbance from noise, vibration and dust during construction phases of the

development. These controls have been assessed as acceptable, subject to being in place and remaining for the duration of the construction, and a compliance condition is recommended.

#### - Lighting

5.161 Previous iterations of the proposed building included external lighting. The elevations have been updated, firstly the applicant setting out that the proposed lighting has been rationalised and further, the external lighting has been removed in totality. Matters concerning the design implications relating to the external lighting of the building have already been discussed previously.

5.162 The site is located within the urban area and therefore following ILP (Institute of Lighting Professionals) guidance it would fall within zone E4 'Urban – high district brightness'. The Council's Public Protection officer recommended a full lighting assessment to be provided so that light levels at neighbouring residential properties and within 100m of the boundary of the site can be predicated and ensure compliance with the guidance for reduction of obtrusive lighting by the ILP. This can be dealt with through a planning condition.

#### - Odour

5.163 The hotel will incorporate a commercial kitchen within the hotel operation. The applicant details that extract ventilation provided to the ground floor kitchen will be via an extract unit at roof level. Further details of the proposed facilities for the treatment and extraction of cooking odours are required and can be secured by planning condition.

### **Air Quality**

5.164 Local Plan policy ENV1 (Air Quality) sets out that to reduce emissions to air and improve air quality the impact on air quality must be acceptable. The application is supported by an air quality assessment which considers the potential impact of both the construction and operational phases of the development.

5.165 In terms of the construction phases of the development, a specific risk assessment has been undertaken to consider the proposed earthworks, demolition, construction and track-out activities on the site during construction phases. Through good site practice and the implementation of the recommended mitigation measures (Construction Environmental Management Plan (CEMP)), the effects of dust and PM<sub>10</sub> associated with the construction phases of the proposed development are not considered to be significant.

5.166 During the operational phases, the development is not expected to generate additional traffic movement in excess of thresholds outlined in local and national

planning guidance. The standard and accessible parking space within the courtyard area will be provided with electric vehicle (EV) charging points. It is a city centre location and limited parking provision will maximise opportunities for sustainable transport to and from the site.

5.167 The Council's Air Quality officer has outlined that an exposure assessment for the development is not required, citing that line with DEFRA guidance, a hotel (unless someone lives there as their permanent residence) would not be classed as 'relevant location' in terms of the health-based annual mean nitrogen objective. The applicant has chosen to undertake a site suitability assessment to consider air quality levels at the façade of the development. Certain design aspects of the scheme help to mitigate exposure of future guests of the hotel to pollution, including:

- no guest rooms located on the ground floor, allowing a greater distance for dispersion of pollutants from road traffic emissions (pollutant concentrations generally reduce with height)
- the building to be set back from the roadside, with the ground floor elevated, providing a greater distance for traffic-borne pollution to disperse
- intrinsic design includes a sealed façade with mechanical ventilation on Rougier Street, where pollutant concentrations are likely to be highest, thereby reducing occupant exposure to emissions.

5.168 On the basis of the above and the proposed hotel use, no specific additional exposure mitigation is required.

## **Climate change**

5.169 Local Plan policy CC2 (Sustainable design and construction of new development) requires developments to achieve high standards of sustainable design and construction by demonstrating energy and carbon dioxide savings in accordance with the energy hierarchy, water efficiency and consideration of good practice adaption principles for climate resistance. An Energy and Sustainability Statement accompanies the application, which demonstrates how the requirements will be met and how the development appropriately follows the energy hierarchy.

5.170 The statement sets out that the development will follow the principles of the energy hierarchy through the use of low or zero carbon technologies to be used for heating, hot water and on-site energy which will be air source heat pumps and photovoltaics. The development will be 'all electric'.

5.171 It is also required by Local Plan policy CC2 that non-residential development (with a total internal floor area of 1000m<sup>2</sup> or greater) should achieve BREEAM 'Excellent' or equivalent. BREEAM is a recognised sustainability assessment method for master-planning projects, infrastructure and buildings. The applicant has

set out that they will meet and undertake BREEAM certification, aiming for 'excellent' rating. A planning condition shall ensure that this is achieved.

5.172 Local Plan policy CC3 requires all major development to assess the feasibility and viability of connecting to an existing decentralised network, or where this is not possible, identified future network opportunities.

5.173 As detailed above, there have been a number of consultees who have outlined that the application should also consider the impacts of embedded carbon within the building arising from its demolition. Historic England outline that the most sustainable building is the one which already exists. The Council's Design and Conservation Team manager also considers that the potential reuse of the building should also be considered to a degree for sustainable construction reasons, citing that it is unclear whether there are policy grounds to require a carbon impact assessment.

5.174 An assessment in respect to the potential reuse of the building has been outlined above in the principle of development section in this report, where the applicant has addressed matters concerning the adaptation and re-use of the building. Alongside matters concerning the condition/structure of the building which requires extensive remedial repair, the narrow floorplate and internal layout as well as internal adaptation including raising the ground floor and removal of the 1st floor to make suitable useable height which would have an impact upon the ability to deliver a hotel use within the existing building.

5.175 The Local Plan policy CC2 aims to ensure that all new developments achieve high standards of sustainable design and construction by minimising greenhouse gas emissions using resources efficiently, enhancing climate change resilience and promoting health and wellbeing. As noted above, the proposal will follow the energy hierarchy and will comply with policy CC2 (part B). There is no further detail in the Local Plan policies that cover embodied carbon.

5.176 The NPPF also covers meeting the challenge of climate change within Section 14, and in para. 161 outlines that the planning system should support the transition to net zero by 2025 and take full account of all climate impacts. It outlines that it should encourage the reuse of existing resources, including the conversion of existing buildings. There is no further consideration given to embodied carbon in the NPPF and this should be balanced against the applicant's assertion that the residual CO2 emissions will be reduced through low or zero carbon technologies to be used for heating, hot water and on-site energy, with the development being 'all electric'.

5.177 It is important to note, following the Marks and Spencer High Court decision [Marks and Spencer PLC v Secretary of State for Levelling Up, Housing and Communities & Ors [2024] EWHC 452 (Admin)] the NPPF does not have a 'strong presumption in favour of repurposing buildings'. On balance therefore and taking

into account the requirements and policy expectations of the Local Plan and NPPF, the applicant has sufficiently demonstrated that the building could not be reused for the intended hotel use, and it would be unreasonable to refuse consent due to embodied carbon resulting from the existing building's demolition.

## **Contaminated land**

5.178 Local Plan policy ENV3 (Land Contamination) seek appropriate contamination assessments for sites that are identified as potentially contaminated or for sites where the proposed use would be particularly vulnerable to contamination.

5.179 The applicant has submitted several documents including a JPG Geoenvironmental desk top study (May 2024), a JPG Geoenvironmental ground investigation (February 2024) and a JPG Interpretative report on the Geo-environmental and Geotechnical ground investigation (April 2025). The reports demonstrate that there will be no risks of hazardous gas, groundwater or soil contamination. It is concluded that the site is suitable for the proposed use. Public Protection officers also do not consider that further information is required, and no conditions are required other than one covering the reporting of unexpected contamination.

## **Public Sector Equalities Duty**

5.180 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.181 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic.
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.182 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications.

5.183 Officers have given due regard to the equality implications of the proposals in making this recommendation. There is no indication or evidence (including from consultation on this application) that any equality matters are raised that would outweigh the material planning considerations.

### **Conclusion of harm to heritage assets (public benefits)**

5.184 As outlined in para. 5.108 above, the scale of harm to the significance on archaeological features and deposits is considered to result in less than substantial harm. NPPF paragraph 215 states 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 benefits of the proposal, including securing its optimum viable use. Whilst the degree of harm would be less than substantial, nevertheless paragraph 212 of the NPPF requires this harm to be given considerable importance and weight.

5.185 The applicant has set out the public benefit of the proposal, which includes:

#### Economic

- retention of the site as an employment use and support 120 jobs
- contribute over £80m GVA (Gross Value Added) in the period to 2054 (officers note that this figure has not been verified)
- the proposals make more efficient use of land
- introduce a town centre use that will contribute to diversifying the city centre and support a vibrant evening economy
- provide high quality visitor accommodation, increasing visitor numbers who stay longer (due to better facilities)

#### Social

- provision of ancillary bar and restaurant, which will be open to the public, provide outdoor eating, and is likely to generate family-friendly activity throughout the day and into the evening
- will add to the vibrancy of Rougier Street and compliment other restaurants and pubs in the area
- bring civic pride and image value from improvements to the streetscene

#### Environmental

- re-use of a brownfield site
- its location promotes sustainable transport; it's close proximity to public transport, jobs, goods and services which reduce the need to travel
- removal of a building that is identified as a 'detractor' within the YCHCCA

- achieve high standards of sustainable design and construction and also BREEAM excellent

5.186 The proposal will provide a hotel (and employment) use within the city centre, which is a highly sustainable location, including in close proximity to the railway station and Rougier Street itself, which is a public transport interchange. Facilities will be provided within the hotel including a range of bedroom accommodation including accessible bedrooms, as well as an ancillary bar and restaurant, which will be open to the public. In addition, the proposals will provide the highest standards of accessibility and inclusion, with back-to-back entrances on both building approaches, where access particularly those with disabilities, has been considered. The building's layout has incorporated a plinth to set the ground floor above flood level, improving the existing situation in regard to flood measure prevention.

5.187 Northern House is identified as a detractor in the YCHCCA appraisal (Character Area 22: Railway Area). Its design is not orientated to take into account the visitor approach from the station. Due to the anonymous nature of building entrances on Rougier St, it doesn't capitalise on the importance of the station to city visitor route. This is in addition to the impacts of heavy vehicle traffic on Rougier St, which makes a poor pedestrian experience for those passing the building on Rougier St. However, just because there is a loss of a detractor building, this would not amount to public benefits if the replacement building wasn't suitable in design and heritage terms. It is outlined in para 5.77 that the existing building on site does has some positive design features that could inform the design of a potential replacement. One of those key features that has been incorporated into the building's design is the recreation of a podium design principle, which serves to transition the building down and lower levels to a more domestic scale. The effect being that the terraced houses at No's 15 – 17 Rougier Street would still be read as such, albeit that their setting has mostly already been lost. Conversely, the building will have an improved relationship to the street, there will in part be an active frontage, more so than the existing arrangement and will assist in improving the visitor approach from the station. On the whole, the proposed building will protect the historic environment, preserving the features of special architectural or historic interest which adjacent and surrounding listed building possess.

5.188 It is therefore considered that these are considered to represent a public benefit that justifies this harm. The proposals are not considered to conflict with paragraphs 213 and 215 as well as footnote 75 of the NPPF and Local Plan policy D6.

## **6.0 CONCLUSION**

6.1 This application seeks the demolition of the existing building 'Northern House' and its replacement with a 140-bed hotel (Class C1). Along with external terraces

and ancillary bar and restaurant. The existing building is a vacant office building. The proposed hotel use remains an employment use, as defined in the LP glossary and thus there is no loss of employment generating uses within this proposal. The hotel development is located within the city centre, which is a priority area for a range of employment uses and the principal location for the delivery of economic growth in tourism, leisure and cultural sectors. The city centre location is also a sustainable and accessible location, by a range of transport modes. The ancillary bar and restaurant will likely generate activity thorough the day and into the evening, contributing to a strong evening economy and will encourage overnight stays. The hotel use remains an employment use. The proposals therefore comply with policies SS3 and EC4.

6.2 The rear space of the site will be improved to provide a semi-private courtyard area, to complement the internal restaurant/bar areas within the building. This will be shared with areas for limited car parking (2no. spaces including an accessible parking space and EV charging) with the hotel operating a valet service, and short stay cycle parking. The proposal has been designed with back-to-back entrances, from both the courtyard and Rougier Street. Disabled access is provided for on both building approaches.

6.3 The application site is located within Flood Zone 3a, though the building will benefit from a plinth to set ground floor above flood level. There will be no sleeping accommodation provided on the ground floor and the River Ouse in this location benefits from flood defences. There would be an increase in the flood risk vulnerability classification from 'Less Vulnerable' to 'More Vulnerable'. The sequential test demonstrated that there are no other reasonably available alternative sites in areas of lower flood risk. In addition, given the agreement and ability to provide finished floors levels to 11.35AOD in line with EA and LLFA advice, the development is not considered to increase flood risk elsewhere, as passes the sequential and exception tests.

6.4 In respect to environmental impacts, the amendments forthcoming during the course of the application along with the imposition of suggested conditions, the impacts from noise, lighting, odour and air quality are acceptable. The applicant has set out that the development will follow the principles of the 'energy hierarchy' and have agreed to meet and undertake BREEAM certification for 'excellent' rating (or equivalent) in respect of sustainability assessment. Objections have been raised in respect to sustainability, and the resulting loss of embodied carbon within the building, from its demolition. The adaption and reuse of the building have been addressed, and alongside matters concerning the condition and structure of the extant building and the internal layout of the building, these would individually, and cumulatively have an impact upon the ability to deliver a hotel use within the existing building. Policy CC2 of the LP and section 14 of the NPPF set out the requirements for sustainability, including following the energy hierarchy and climate impacts and supporting the transition to net zero, however beyond this, neither the Local Plan nor



NPPF provide further detail in respect to embodied carbon resulting from the building's demolition.

6.5 The proposed building intentionally and positively replicates the podium design of the existing Northern House building, as this approach is successful because of the close proximity to existing tall buildings on both sides. The upper floors of the proposal are however considerably wider than the existing building, resulting in a slightly negative and minor objection on design grounds. The replacement building is broadly designed in line with the height of the extant building, although includes a plinth level, which is otherwise not provided, to accommodate flood levels. The impact of its height is assessed as being largely neutral in the wider vista. The applicant has provided a proposal which provides a more staggered and visually animated frontage to Rougier Street, which is a significant improvement from the existing and an open area (free from overhead projections) allows for three appropriate/suitable street trees to be planted, generally level with the pavement, and will assist in making a positive contribution to the landscape quality of this urban streetscape. On the whole, the proposed building will protect the historic environment, preserving the features of special architectural or historic interest which adjacent and surrounding listed buildings possess whilst also resulting in neutral harm to the character and appearance of the conservation area.

6.6 The application site lies within the York Central Area of Archaeological Importance, where sub-surface archaeological features and deposits are of equivalent significance to scheduled monuments. Historic England have objected to the proposals citing that the general arrangement of the foundations showing both proposed and existing pile configurations increases the harm to significance, with no clear justification and that there is no evidence in support of the statement that the existing pile arrangement cannot be re-used. The re-use of the existing piles has been discounted because the structural integrity and future load-bearing capacity of the piles is unknown. The above ground building clearly exhibits structural issues; the current building/structure is not suitable for a change of use and has exceeded its original design life and thus the combination of the unknown condition of the piles means that the piles cannot be re-used for the new development. The intrusive elements, which are assessed as impacting below 8.1m AOD have been calculated as having an impact of 4.18% on archaeological deposits. Whilst the significance of the archaeological interests is high, it is concluded that the impact of the foundations will not lead to a greater than 5% disturbance, in line with Local Plan policy D6. Further harmful impacts upon archaeological deposits could be mitigated, through the use of planning conditions requiring, adding to the data set for future policy consideration and archaeological monitoring taking place on shallower areas of disturbance. In line with the requirements of the NPPF (para. 215), 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 benefits of the proposal, including securing its optimum viable use. The public benefits

outlined in para's 5.185 – 5.187 are considered to represent a public benefit that justifies this harm.

6.7 As such, the proposal is found to be in accordance with policies ss3, ss2, EC4, D1, D4, D5, D6, CC2, ENV1, ENV2, ENV3, ENV4, ENV5, T1 of the Local Plan along with the NPPF, in particular Section 12 (particularly para's. 135 and 136), Section 14 and 15 and Section 16 (particularly para. 213 and 215 as well as footnote 75.

## **7.0 RECOMMENDATION:** Approve

1      TIME2      Development start within three years

### **2      PLANS**

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

- site location plan 2109 Rev A
- proposed ground floor plan 2110B
- proposed first floor plan 2111 Rev P01
- proposed second floor plan 2112 rev P01
- proposed third floor plan 2113 Rev P01
- proposed fourth floor plan 2114 Rev P01
- proposed fifth floor plan 2115 Rev P01
- proposed sixth floor plan 2116 Rev P01
- proposed seventh floor plan 2117 Rev P01
- proposed roof plans 2126
- proposed context elevations sheet 1 2121 Rev P01
- proposed context elevations sheet 2 2122 Rev P01
- proposed sections A and B 2123 Rev P01
- proposed elevations North and East 2120 Rev P01
- proposed elevations South and West 2119 Rev P01
- Outline Landscape Masterplan PWP 922 001 Rev P04
  
- Construction Environmental Management Plan Ref: FM-ENV-04-01 Rev 002
- Logistics plan dated 21st October 2024
- Demolition bullet point methodology (undated/un-numbered)
- CEMP - Protection of River Habitat - River Ouse
- CMP Addendum No. 1 (Demolition) including Delivery Strategy (Opt.1), Delivery Strategy (Opt. 2) and Welfare Options by GMI
- Updated Archaeological Statement Ver 1.03 May 20th 2025
- General Arrangement of Foundations Dwg No. 6272-JPG-BL-FN-DR-S-2101 S4 P03

- Pile Schedule Dwg No. 6272-JPG-BL-FN-DR-S-2106 S4 P03
- Factual Report on Geoenvironmental Ground Investigation Ref: 6272-JPG-XX-XX-RP-G-0604-S2- P01 Dated 25 February 2024
- Flood Risk Assessment & Drainage Strategy - Re: 23264-DCE-XX-XX-T-C-003-P03 Dated 20th November 2024
- Flood Warning & Evacuation Plan - Re: 23264-DCE-XX-XX-T-C-004-P02 dated 4th November 2024

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

### 3 ARCHAEOLOGY - MONITORING AND EXCAVATION

A programme of post-determination archaeological mitigation is required, specifically archaeological monitoring on upper deposits and excavation on deposits impacted below 8.1m (or at shallower depths if deemed necessary during monitoring).

Each stage shall be completed and agreed in writing by the Local Planning Authority (LPA) before it can be discharged/approved.

A) No development other than demolition to floorslab shall take place until a written scheme of investigation (WSI) for monitoring and excavation has been submitted to and approved by the local planning authority in writing. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and any post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of fieldwork completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction, in accordance with Local Plan policy D6 and the NPPF, specifically Section 16.

### 4 ARCHAEOLOGY - ORGANIC DEPOSIT MONITORING

An archaeological programme of hydrological and water quality monitoring is

required on this site to assess continued in-situ preservation of wet, organic archaeological deposits.

Each stage shall be completed and agreed in writing by the Local Planning Authority before it can be discharged/approved.

A) No development other than demolition to floorslab shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority setting out how appropriate hydrological and water quality monitoring will be maintained prior to construction through an existing instrument and re-introduced on site post construction. The WSI shall also set out how the monitoring results shall be assessed and reported at suitable intervals. The WSI should conform to standards outlined in guidance from Chartered Institute for Archaeologists.

B) Evidence of provision for monitoring of and analysis and reporting on data from the hydrological and water quality monitoring devices for a period of 3 years shall be submitted in the form of an annual interim report in accordance with the approved WSI and approved in writing by the Local Planning Authority. This must include written agreement and provision for a final interpretative report and archive which will be submitted to the Historic Environment Record and Archaeology Data Service (ADS).

Reason: The site lies within an Area of Archaeological Importance which contains nationally significant undesignated heritage asset (waterlogged organic archaeological deposits) which will be affected by development. The archaeological deposits merit preservation in-situ and monitoring, in accordance with policy D6 of the Local Plan, Section 16 of the NPPF and guidance from Historic England.

## 5 DRAINAGE - SURFACE WATER

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority, prior to the construction of the hotel hereby permitted above foundation level. If discharge to public sewer is proposed, the information shall include, but not be limited to:

- evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical,
- evidence of existing positive drainage to public sewer and the current points of connection,
- the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change,
- 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 30% 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.

- all manholes shall have sealed covers and outlets to have non-return valves fitted

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

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage, and to accord with policy ENV5 of Local Plan.

## 6 LANDSCAPE - TREE PIT AND RAISED BED DETAILS

Full construction details of tree pits and raised areas of planting shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the hotel hereby permitted above foundation level. The construction details shall include:

- the depth and area or volume of growing media;
- proprietary structures to support paving over extended sub-surface rooting areas (where applicable);
- means of support;
- means of passive and active irrigation;
- maintenance regime and responsibilities, and;
- locations and compatibility with underground utilities.

All tree planting should aim to achieve the highest volume of growing medium practically possible and suitable for the tree species.

All tree pits and raised areas of planting shall be constructed in accordance with these details and implemented within a period of six months of the practical completion of the development.

Reason: Suitable detailing and maintenance will encourage the trees to establish and thrive. The trees are a critical element of the approved landscape scheme which is integral to the amenity and setting of the development and to accord with policies D2 and GI4 of the Local Plan.

## 7 BIODIVERSITY ENHANCEMENTS

A biodiversity enhancement plan showing the specification/type, position and location of 1no. bird and 1no. bat boxes to be installed/erected on the building hereby permitted, shall be submitted to and approved in writing by the Local

Planning Authority prior to the construction of the building hereby permitted above foundation level.

The biodiversity enhancement measures shall be installed/undertaken in accordance with the approved biodiversity enhancement plan prior to first use of the hotel hereby permitted.

Reason: To conserve and enhance the biodiversity and wildlife interest of the area in accordance with policy GI2 of the Local Plan.

## 8 PLANT AND MACHINERY

Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. 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 representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, associated inclusive of any acoustic feature corrections with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area, in accordance with policy ENV2 of the Local Plan.

## 9 ODOUR

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 in accordance with the approved details and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance

with Appendix 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m<sup>3</sup>/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area, in accordance with policy ENV2 of the Local Plan.

## 10 EXTERNAL MATERIALS

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 for the new residential building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development beyond foundation level. The development shall be carried out using the approved materials and thereafter retained.

This is to include manufacturers reference, and to be submitted together where appropriate (i.e. where built adjacent to each other) so they can be judged together.

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

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location and to protect the character and appearance of the York Central Historic Core Conservation Area, in accordance with policy D1 and D4 of the Local Plan.

## 11 EXTERNAL MATERIALS - BRICK SAMPLE PANEL

Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, brick sample panels (measuring at least 2x2m) should be constructed on site for all brick types, and bonding patterns in the proposed mortar and pointing shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development beyond foundation level. The development shall be carried out using the approved materials.

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 and to protect the character and appearance of the York Central Historic Core Conservation Area, in accordance with policy D1 and D4 of the Local Plan.

## 12 WINDOW REVEAL STEPS

Notwithstanding what is shown on the approved plans and drawings, details including elevations (extract) showing a greater window reveal steps of up to 200mm shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development beyond foundation level. The development shall be constructed in accordance with these approved details.

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 and to protect the character and appearance of the York Central Historic Core Conservation Area, in accordance with policy D1 and D4 of the Local Plan.

## 13 BREEAM

The proposed hotel building hereby permitted shall be constructed to a BREEAM standard of 'Excellent' (or equivalent). A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed in writing). Should the development fail to achieve an 'Excellent' BREEAM rating, a report demonstrating what remedial measures shall be undertaken to achieve an 'Excellent' rating shall be submitted to the Local Planning Authority within six months of the date of assessment for approval in writing. The remedial measures shall then be undertaken as approved within a timescale to be approved in writing by the Local Planning Authority.

Reason: To ensure that the development achieve high standards of sustainable design and construction, in accordance with policy CC2 of the Local Plan.

## 14 ELECTRIC VEHICLE RECHARGING POINTS

Prior to the hotel hereby permitted being brought into use, 2no. electric vehicle charging points (to serve the 2no. car parking spaces, one being an accessible space) as shown on approved plan ref: 2110B 'Proposed ground floor plan' shall be provided. Within three months of installation of the electric vehicle charging points, a scheme outlining the management, maintenance, servicing and access arrangements for all electric vehicle charging points for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The management scheme as so approved shall be implemented and adhered to at all times.



Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and para. 117 of the National Planning Policy Framework (NPPF).

Notes:

The EV charging strategy shall confirm that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address charge point fault resolution.

## 15 LIGHTING

A detailed lighting scheme for the illumination of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, prior to the use of the hotel hereby permitted being first operational. All external lighting shall be installed as per the approved scheme and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

The external lighting scheme shall include, but not limited to the following details:

- a full Lighting Impact Assessment, which shall be undertaken by an independent assessor which shall include:
  - i. a description of the proposed external lighting including technical specifications
  - ii. how and where all external lighting shall be installed on the building
  - iii. lighting design plans including:
    - lighting contour plans showing where lightspill will occur, both within and outside the site boundary
    - predicted light levels at neighbouring residential properties and all buildings within 100metres of the edge of the site boundary
    - vertical illuminance levels (Ev)

The external lighting scheme shall have regard to the following requirements:

- all external lighting, other than that required for emergency or security purposes, shall be turned off by 23:00 on any day
- specified lighting shall be made in-line with current guidance, namely the Bat Conservation Trust (2023) Bats and Artificial Lighting at Night:  
<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>
- Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E4 'Urban- high district brightness' contained within the guidance from the Institute of Light Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Lighting.

Reason: In order to maintain the favourable conservation status of bats and other light sensitive species likely to be present by avoiding unnecessary lightspill on sensitive retained habitats (i.e. hedgerows and watercourses), and to protect the

amenities of nearby properties and the environmental qualities of the area particularly in this sensitive location (York Central Historic Core Conservation Area) and to accord with policies ENV2, D1, D4 and GI2 of the Local Plan.

Notes:

High level building lighting is generally not permitted; only building lighting for pavement wayfinding is generally accepted (i.e. usually ground and first floor).

## 16 ADVERTISEMENT

Notwithstanding what is shown on the approved elevations (Dwg no. 2119 Rev P01 'Proposed elevations South and West') the advertisements as shown on the building elevations (southern and western) are not permitted.

Reason: The advertisement, particularly the high-level advertisement is not supported on this building, in this sensitive location and to the benefit of protecting the character and appearance of the York Central Historic Core Conservation Area. The wayfinding justification is also not accepted. The advertisements would not comply with policies D1 and D4 of the Local Plan.

Note:

Other advertisements that may be required on the building may be subject to separate control under The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

## 17 CONSTRUCTION MANAGEMENT (compliance)

Unless otherwise approved in advance in writing by the Local Planning Authority, at all times during the demolition, site preparation and construction phases of the development, the works shall be undertaken in accordance with the following submitted plans and information:

- Construction Environmental Management Plan Ref: FM-ENV-04-01 Rev 002
- Logistics plan dated 21st October 2024
- Demolition bullet point methodology (undated/un-numbered)
- CEMP - Protection of River Habitat - River Ouse

The following plans shall be adhered to during the demolition stages of the existing building:

- CMP Addendum No. 1 (Demolition) including Delivery Strategy (Opt.1), Delivery Strategy (Opt. 2) and Welfare Options by GMI

Reason: To ensure that construction methods will safeguard the amenities of neighbouring properties and to ensure that a safe means of access for highway

users is maintained at all times during the demolition, site preparation and construction phases of the development in accordance with policies ENV2 and T1 of the Local Plan.

## 18 DRAINAGE - COMPLIANCE

The development shall be carried out in accordance with the submitted Flood Risk Assessment & Drainage Strategy - Re: 23264-DCE-XX-XX-T-C-003-P03 Dated 20th November 2024 and the Flood Warning & Evacuation Plan - Re: 23264-DCE-XX-XX-T-C-004-P02 dated 4th November 2024, and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 11.35 metres above Ordnance Datum (AOD),
- Sleeping accommodation is located at first floor level and above, and
- The occupants/owners sign up to the Environment Agencies Flood Warning System.

These mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and to protect future occupants of the development, and to accord with policy ENV4 of the Local Plan.

## 19 ARCHAEOLOGY - COMPLIANCE

The construction of the building hereby approved shall in all respects be carried out in accordance with drawing no. 6272-JPG-BL-FN-DR-S-2101 S4 P03 General Arrangement of Foundations.

Reason: The site lies within an Area of Archaeological Importance. Construction to this plan is to ensure that disturbance of archaeological deposits by foundation design is minimised, in accordance with Local Plan policy D6 and the NPPF.

## 20 LANDSCAPE - COMPLIANCE

The development shall be carried out in accordance with the approved landscape scheme, as shown on drawing no. PWP 922 001 Rev P04 Outline Landscape Masterplan, which shall be implemented within a period of six months of the practical completion of the development.

Any trees or plants which die, are removed or in the opinion of the local authority

become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the amenity of the development, in accordance with policies D2 and GI4 of the Local Plan.

## 21 CYCLE PARKING

Prior to the hotel use hereby permitted coming into use, the cycle parking shall be installed in the locations as shown on plan ref: 2110B 'Proposed ground floor plan'. 14no. cycle spaces shall be provided in total. The cycle parking shall be in the form shown for the lifetime of the development and shall be used for this and no other purpose, unless otherwise agreed in advance in writing by the Local Planning Authority.

Reason: To promote the use of cycles thereby reducing congestion on the adjacent roads in order to comply with policy T1 of the Local Plan.

Notes: the cycle parking spaces shall be arranged with 4no. short stay spaces located beneath the terrace in the courtyard, with 10no. long stay spaces located internally.

## 22 LC4 Land contamination - unexpected contam

## 23 CONSTRUCTION TRAFFIC MANAGEMENT PLAN

Prior to the construction phases of the proposed building (including the laying of foundations), a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CTMP shall cover the following matters:

- plan/details setting out the relocation of cycle and car parking bays with the Tanner's Moat area, the provision of a pedestrian and cycle route through the site and surrounding area, and how access will be maintained (including for deliveries) to local businesses and residential properties on Tanner's Moat/Rougier Street
- routing of construction traffic and deliveries in and out of the site (delivery route to be accompanied by a swept path analysis), and measures as to how this will be communicated to staff and suppliers
- if located off-site, the storage location and accessibility of material storage area
- details of contractor parking and promotion of sustainable travel options for

workers to travel to the site by non-car modes

- details of welfare areas within the construction site
- details in respect of any large-scale machinery (cranes, for example) including its location(s) on site, delivery route and any associated road closures required.

The construction phases of the development shall be undertaken in accordance with the approved CTMP.

Reason: To ensure that construction methods will ensure that a safe means of access for highway users is maintained at all times during the construction phases of the development in accordance with policies ENV2 and T1 of the Local Plan.

## 24 Travel Plan

Notwithstanding the submitted Travel Plan (November 2024 (Ref: 31183) by Hydrock Fore), the development hereby approved shall not be occupied until a full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan shall include, but not limited to the following:

- Setting targets for travel by means other than the private car (for both staff and guests);
- Incentivising the use of more sustainable forms of transport;
- Measures to support walking, cycling and the use of public transport;
- Outlining the funding and responsibility measures;
- Commitment to working with iTravel York.

The Travel Plan shall be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved Travel Plan.

Within 12 months of occupation of the site, a first-year travel survey shall be submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To help reduce travel demand in order to minimise the number of motor vehicles visiting the site, and to comply with policy T7 of the Local Plan.

## 8.0 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 (paragraph 39) 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:

- Additional Archaeology information - Statement and Foundations and Pile Schedule
- CEMP (including protection of River Habitat)
- Updated Landscape Masterplan
- Revised elevations, removing external lighting

## 2. 1. Drainage Notes

- 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, and,
- ii. The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network.

## 3. INFORMATIVE:

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

Streetworks for:

Works in the highway - Section 171 and Vehicle Crossings - Section 184 (01904) 551550 - [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

For Pavement Cafe Licence:

Pavement Cafe Licence - Section 115 (01904) 551550 - [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

## Contact details:

**Case Officer:** Lindsay Jenkins

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