

COMMITTEE REPORT

Date: 12 January 2012 **Ward:** Guildhall
Team: Major and **Parish:** Guildhall Planning Panel
Commercial Team

Reference: 11/01659/FULM
Application at: Catering Support Centre St Maurices Road York YO31 7JA
For: Part two part three storey 12 bedroom hotel with restaurant at ground floor following part demolition of existing building. Cafe use in retained existing building (amended scheme)
By: Mr Saleem Akhtar
Application Type: Major Full Application (13 weeks)
Target Date: 16 January 2012
Recommendation: Refuse

1.0 PROPOSAL

1.1 The application relates to land between the City Walls and St Maurices Road, to the SE of Monkbar. A road named Barker Hill previously connected Jewbury to Monkgate in this area. There was a terrace of buildings between Barker Hill and the city walls, which were cleared to accommodate the wider St Maurice's Road in the C20.

1.2 The application site presently accommodates a vacant row of predominantly single, part 2-storey brick buildings and a car park. The buildings onsite were constructed at the turn of the C20, when St Maurice's Road was introduced, and extended/altered after 1996, when permission was granted to use the buildings as a training centre.

1.3 The site is within the Central Historic Core Conservation Area and City Centre Area of Archaeological Importance. There are a row of Ash trees along the NE edge of the site, the Ice House, located on the rampart to the city walls is grade 2 listed and designated as a Scheduled Ancient Monument, the public house to the NW is also grade 2 listed.

1.4 The application is for planning permission to accommodate a cafe, restaurant and hotel on the site. The cafe would be situated within the retained single storey brick building at the NE end of the site (immediately behind the Keystones pub). There would then be a gap between the retained building and the proposed building. The open area would provide outside seating space and views through to the Ice House. The proposed building would have a ground floor restaurant and hotel reception. The building would be part 2, part 3 storey and provide 12 guestrooms and a hotel restaurant on the upper floors. A car park accommodating 8 vehicles would take up the remainder of the site at the SE end.

1.5 The application is a resubmission. An application for a restaurant and 26-bed hotel within a 3-storey building was withdrawn in September 2010 (reference 10/01391/FULM).

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest: City Centre Area

Conservation Area: Central Historic Core

Scheduled Ancient Monuments: SMR 30 City Walls Jewbury To Monk Bar

Schools: St. Wilfrid's RC Primary 0230

2.2 Policies:

CYGP1Design

- CYSP7 The sequential approach to development
- CYHE2 Development in historic locations
- CYHE3 Conservation Areas
- CYHE10 Archaeology
- CYV3 Criteria for hotels and guest houses

3.0 CONSULTATIONS

Design and Conservation

3.1 Officers object to the scheme. They are of the opinion the site cannot accommodate the amount of development proposed without a detrimental effect to the setting. The scheme would be contrary to advice established in the English Heritage Position Paper on the City Walls (Feb 2011), York Central Historic Core conservation area appraisal (Nov 2011) and York New City beautiful: towards an economic vision (Oct 2010).

3.2 Officers draw attention to the immense significance of the city walls in defining York - by reinforcing its compact medieval form and enclosing the central core with a strong linear form which also helps to create York's unique identity and sense of place. Although the setting of the walls has changed over time, the stretch along Lord Mayor's Walk and the section from Jewbury to Layerthorpe are specifically mentioned in the conservation area appraisal as being distinguished by their landscape setting, comprising of the wide rampart and ditch and the lines of mature

trees. These areas are appreciated for their townscape value. The city wall walk, as it curves between Monkgate and Layerthorpe, allows unfolding views of the walls in their landscape setting. It also enables one to appreciate the contrast between the dense inner core of the city and the open outer area.

3.3 The open landscaped setting would be eroded - the site would be less open as the mass of buildings on site would be increased substantially, the ash trees which continue the line of mature limes would be removed and the reduced car park area would remain exposed with waste bins added in a position open to being viewed from the city walls.

3.4 In places the building's roof would be of a similar height to the city walls. At its highest point it would be almost twice as high as the existing buildings on site. Views of the walls from St Maurice's Road would be curtailed.

3.5 The new footprint and height of building would appear to crowd the embankment and walls, not allowing sufficient space for them to be appreciated. The effect would be to challenge their dominance both on site and as seen within the wider environment.

3.6 The remaining section of existing building would lose its significance. Its architecture would be compromised by the loss of symmetry and the introduction of components which impose their own scale on the modest building. The loss of the taking in doors and loft would erode legibility. There would be merit in retaining the symmetrical building and developing a grain of small scale buildings along the site which recognize routes from Monkgate. This approach would demand a different use for the site.

3.7 The proposed building expresses itself as 7 individual components, though it is one building with two interconnected uses. An assortment of materials has been used in a variety of ways and the roof is made up of diverse forms appearing to be placed at random along the length. To be successful architecturally, this degree of variety has to be appreciated within an ordered framework. The order is lacking. Similarly the combination of scales and types of component appears random. The parts could be jumbled up in a different combination to the same effect. To be recognized as architecture the parts need to be related to the whole and the building has to have a degree of integrity i.e. there should be a relationship between inside and outside and the building must achieve legibility. The proposal appears as an artificial disguise using a collection of post-modern styles. It is unrelated to context neither time (C21st) nor place. Generally buildings within the vicinity are of modest appearance, having rhythmic openings of human scale proportions with variety and use being expressed through subtle changes of scale and detail.

3.8 The bulky square section across the proposed building does not take account of the entirely different site conditions to either side. The emphasis in recreating a

street in this part of St Maurice's Road is wrong. In urban design terms the city walls are an edge-defining structure. Their historic, aesthetic and communal significance as heritage assets is almost synonymous with York's identity as a city, and their role would be greatly diminished if hidden by the proposed building.

Archaeology

3.9 The site lies within two statutory area designations, the Central Historic Core Conservation Area and the central Area of Archaeological Importance. An archaeological desk-based assessment of the site has been carried out which provides a comprehensive synthesis of the archaeological and historical background of the site. It notes that the site is immediately adjacent to the embankment of the City Walls and that the site will contain the now backfilled medieval ditch (an undesignated heritage asset). It comments that 'if archaeological remains are present on the site they would have the potential to be of national or possibly international significance'.

3.10 The site clearly contains heritage assets of archaeological interest; there is high archaeological potential for preservation of Roman and later deposits; and archaeological remains, if present, will be of the highest significance. The applicant has not carried out an archaeological field evaluation of the site to support this application. In the absence of a field evaluation it is therefore not possible to properly assess the archaeological interest of the site and to determine (a) what impact the development proposal will have on archaeological deposits (sub-surface heritage assets) (b) what loss of significance might occur as a consequence of these impacts and (c) if the loss of significance is acceptable, what response or measures should be put in place to record the deposits and their significance. Officers recommend therefore that in the absence of this critical information, this application is either withdrawn until an evaluation takes place and such information is submitted or that the application is refused.

Countryside officer

3.11 No objections. Officers concur with the submitted bat survey, which found no bat roosts within the buildings onsite. It is likely there is a bat roost nearby and there are records of a known roost site just to the north of the site. Furthermore, there is suitable foraging habitat near by, and the city wall embankments provide a good commuting link to further good quality habitat. Care will need to be taken during any demolition or conversion work here in case any bats take up residence in the future.

3.12 Bat friendly habitat features should be incorporated into the designs of the proposed new buildings in order to provide suitable roosting opportunities and to

ensure that any suitable habitat potentially lost through the demolition of the existing buildings on site is made available within any new development.

Highway Network Management

3.13 Response pending.

Drainage

3.14 Insufficient information has been provided to determine the potential impact the proposals may have on the existing drainage systems. Officers require:

- Details of the existing and proposed surface water system. Required to enable the impact of the proposals on the downstream watercourse to be assessed.
- To prevent runoff from the site affecting nearby properties a topographical survey showing the proposed ground and finished floor levels to ordnance datum for the site and adjacent properties is required.
- That additional surface water is not connected to any foul / combined sewer, if a suitable surface water sewer is available.
- That peak run-off from the developments is attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Officers note rainwater harvesting systems are not a suitable method of surface water attenuation as the amount of water entering during a storm event is far greater than that being used during that same period. Surface water should be attenuated and discharged at a controlled rate. Green roofs are not a suitable method of reducing surface water run-off as once they become saturated they become 100% impermeable.

Yorkshire Water

3.15 Object to the proposal as part of the proposed building would be over a Yorkshire Water sewer within the site. Construction would compromise Yorkshire Water's ability to manage and maintain the sewer. It is asked that the building footprint be amended so the building is at least 3m from the centre line of the sewer. It is also asked there be no increase in surface water run-off from the site.

Police Architectural Liaison Officer

3.16 Officers advise that with regards designing out crime there is no objection to the scheme. It is noted a security consultant would advise on the design. Officers

do have concerns regarding highway safety as servicing vehicles will only be able to access the site from the far side of St Maurice's Road.

Conservation Areas Advisory Panel

3.17 Object. The panel felt very strongly that this proposal was completely wrong in this location. The scheme takes no account of the heritage assets in the vicinity and has no regard to the policies in PPS5 particularly HE1. The proposal is also contrary to Local Plan Policy GP1. Any development higher than one storey is not appropriate in this location. There is no justification for the loss of the buildings or the trees. The panel also had concerns with regard to the ability to service the hotel in such a restricted location.

Guildhall Planning Panel

3.18 Object. The proposed development would be out of scale with the area, and remove views from the city walls. The building does not respect its context and is not of its time.

Publicity

3.19 Two letters of objection have been received. Objections are on the following grounds -

- Development is too high and would restrict views of the city walls. It would be out of character with the area.
- Loss of views of the townscape from the city walls.
- St Maurices Road is busy and used by emergency services. Additional traffic would have an adverse impact on highway safety.
- The proposed use would lead to noise disturbance.

4.0 APPRAISAL

4.1 Key issues

- Principle of the proposed development
- Impact on the historic setting
- Sustainability
- Highway network management
- Biodiversity / Protected Species
- Crime prevention

– Drainage

Principle of the proposed development

4.2 The buildings at the application site were formally used as a training centre and are within the city centre area, as defined in the Draft Local Plan. The former use is (under the use classes order) classed as a 'non-residential institution'. The buildings onsite are presently vacant. The site is not designated for a particular use in the Local Plan. In sequential terms a hotel on the site would be compliant with policies SP6: Location Strategy and SP7: Sequential Approach to Development which steer commercial and leisure developments to previously developed land within the city centre, and V3: Hotels, which asks that hotels are either located within the city centre or well-connected to it.

4.3 The proposed use fits with the thrust of national policy contained in PPS4: Planning for Economic Growth which encourages sustainable economic growth which enhances the vitality and viability of existing centres. However PPS4 advises that sustainable economic growth also involves the conservation of historic, archaeological and architectural heritage and policy EC10 of the PPS advises that in determining applications for economic development, a material consideration is whether 'the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions'.

Impact on the historic setting

4.4 The site is to the immediate NE of the Grade 1 listed City Walls. The City Walls and the grade 2 listed Ice House are Scheduled Monuments. The site is within the Central Historic Core Conservation Area and City Centre Area of Archaeological Importance.

4.5 PPS5: Planning for the Historic Environment advises that the Government's overarching objective is that heritage assets should be conserved. To deliver sustainable development, policies and decisions affecting heritage assets are to be informed by the importance of the heritage asset affected. Policy HE9 of the PSS advises that the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. In order to allow harm, there must be clear and convincing justification, and significant loss, or harm to grade 1 or grade 2 star listed buildings should be wholly exceptional. PPS5 advises that LPA's should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use.

4.6 PPS1: Delivering Sustainable Development states that it is the Government's objective to "ensure high quality development through good and inclusive design" and "design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted". Relevant companion guidance to an historic site such as this would be the CABE / English Heritage Design in Context document. The guidance advises that a successful project will: respect the geography and history of the place, and lie of the land; sit happily in the pattern of the existing development; respect important views; respect the scale of surrounding buildings; use materials that are of as high a quality as those used in existing buildings; create new views and juxtapositions which add to the variety and texture of the setting.

4.7 Policy SP3 of the DLP: Safeguarding the Historic Character and Setting of York advises a high priority will be given to the protection of the historic character and setting of York. When considering planning applications the Council will seek to protect key historic townscape features, particularly in the city centre, that contribute to the unique historic character and setting of the city.

4.8 Policy HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area. The Central Historic Core Conservation Area Appraisal advises any re-development of this particular site should achieve the following;

- Enhancement through landscaping. Specifically the appearance of the car park should be improved.
- Redevelopment on existing footprints.
- Only single storey development should be considered if the existing buildings cannot be converted for reuse.
- New building should be of the highest quality design.

4.9 The scheme fails to meet the above criteria. It is contrary to policy and cannot be supported for the following reasons:

- Whilst the area of car parking is reduced due to the larger building footprint, there is no soft landscaping of the area, it is all identified as hardstanding and would accommodate a bin store. This is an unacceptable visual arrangement.
- The buildings onsite would be taller and closer to the city walls. The open aspect and enjoyment of this section of the walls, including views of the townscape,

would be eroded due to the height and location of the building. Views of the walls from the street would also be lost.

- The development would appear as a series of buildings, the shape, design and materials of which would be completely random. The building would have no integrity or identity, and it would not relate to its setting. The development would appear out of keeping and the architectural style/design approach would not enhance the setting.

Archaeology

4.10 The site is within the city centre area of archaeological importance. Policy HE10 of the DLP seeks to preserve important archaeological remains and requires that applications demonstrate no more than 5% of archaeological deposits are disturbed or destroyed during works.

4.11 No information has been provided as to how the applicants propose to deal with archaeology onsite. It is known that there will be remains of significant importance at the site. However it is unknown what loss might occur, if the loss of significance is acceptable, and what response or measures should be put in place to record the deposits and their significance. In the absence of an archaeological evaluation, the scheme cannot be supported

Sustainability

4.12 Developments are expected to meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction and those within the Core Strategy. This development would be required to achieve a BREEAM rating of 'very good' and provide at least 10% of its energy demand from on-site renewable resources. The development could achieve BREEAM V-good as required. It is proposed pv panels will be mounted to the roof to provide renewable energy. The sustainable construction requirements could be secured through a condition.

Highway Safety

4.13 Policy SP8 of the DLP seeks to reduce dependence upon the car. It is suggested this occurs through locating large scale development close to bus routes and pedestrian and cycle networks and through the provision of cycle parking. The objectives of the DLP and PPG13: Transport (national planning policy) are to promote accessibility to jobs by public transport, walking and cycling and to reduce the need to travel, especially by car. Policy T4 of the DLP requires appropriate cycle parking provision, T5 asks that developments do not have an adverse effect

on road safety and T13a requires developments to adopt a travel plan when over 30 employees are likely to be employed.

4.14 There is concern that due to the car park arrangement shown and width of the access service vehicles would be unable to turn into the site from the closest lane of St Maurices Road. As such the proposed means of servicing the proposed development would have an adverse effect on highway safety.

4.15 Preference is that cycle parking is covered and secure. It would preferably be within the proposed building rather than isolated in the car park where it would not be overlooked.

Biodiversity

4.16 Local Plan policy NE6 relates to species protected by law. It states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating proposed mitigation measures. Planning permission will not be granted where developments will cause demonstrable harm to species protected by law or their habitats. Policy NE7 asks that existing habitats are enhanced or supplemented where possible. It could be secured through a condition that facilities for bats be integrated within the building fabric.

Drainage

4.17 Policy GP15a of the Local Plan advises that in new development, discharges should not exceed the capacity of the sewer system and surface water run-off should not exceed the existing rate. The 2011 Strategic Flood Risk Assessment requires surface water flows from all sites should, where practicable, be restricted to 70%.

4.18 The site as existing is all hard-standing. Parts of the building are proposed to have a green roof to reduce surface water run-off. Whilst this approach is commended; it is a sustainable means of reducing surface water run-off, and enhances biodiversity, the concern is that in times of heavy rainfall the roof would become saturated and thus when a run-off reduction is most needed, to prevent increased flood risk elsewhere, this would not be achieved. As such further information is required to demonstrate surface water run-off could be suitably reduced. An attenuation tank could achieve the required reduction although the archaeological implications of such would also be required. Officers understand discussions are being undertaken with Yorkshire Water as to the location of a sewer that runs through the site. Yorkshire Water require that development is not within 3m of a sewer to allow maintenance.

5.0 CONCLUSION

5.1 The scheme is unacceptable on design grounds; it would have an adverse impact on the setting and status of the grade 1 listed city walls and the proposed buildings would appear out of place, and detrimental to the character and appearance of the conservation area. In addition there is inadequate information as to how nationally important archaeological remains will be preserved. Overall there would be an undue adverse effect upon heritage assets, and there are no mitigating factors which outweigh the identified harm. There are inadequate details also on how surface water drainage will be reduced and on how servicing would not compromise highway safety.

6.0 RECOMMENDATION: REFUSE

1 The proposed development due to its location and height would appear over-dominant over the City Walls and there would be a loss of views of and from the City Walls. The scheme would have an undue adverse impact on the setting of the Grade 1 Listed City Walls.

As such the scheme is contrary to national policy established in PPS5, The Central Historic Core Conservation Area Appraisal and Local Plan policies HE2, HE4 and SP3.

2 Due to the design approach, the proposed massing, materials and lack of soft landscaping, the proposed development would fail to respect its context and the proposed building would not be of the adequate architectural quality required to allow the development to preserve the character and appearance of the Central Historic Core Conservation Area.

As such the scheme is contrary to national policy established in PPS1 and PPS5, The Central Historic Core Conservation Area Appraisal and Local Plan policies GP1, HE2, HE3, HE4 and SP3.

3 The site is within the City Centre Area of Archaeological Importance. No archaeological field evaluation of the site to support the proposals has been submitted and as such it has not been demonstrated that the scheme would not have an unacceptable impact on archaeological assets of national importance. The scheme is contrary to PPS5, in particular HE6, and Local Plan policy HE10.

4 Due to the proposed servicing arrangements and configuration of the servicing/car parking area, the manoeuvring service vehicles would need to perform would have an undue adverse impact on highway safety. As such the proposals are contrary to Local Plan policy T5.

5 The proposals do not demonstrate that surface water run-off will be attenuated to 70% of the existing rate, and that there would not be an increased level of flood

risk elsewhere as a consequence of the proposed development. As such the scheme is contrary to the requirements of the York 2011 Strategic Flood Risk Assessment.

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