



Notice of a public meeting of

Planning Committee

- To:** Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, D'Agorne, Dew, Doughty, Funnell, Richardson, Shepherd and Warters
- Date:** Thursday, 23 July 2015
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that the mini-bus for the Site Visits departs Memorial Gardens at 10am on Tuesday 21st July 2015.

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 3 - 8)

To approve and sign the minutes of the meeting of the Planning Committee held on 25th June 2015.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 22nd July 2015**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

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4. Plans List

This item invites Members to determine the following planning applications:

- a) **Deans Garden Centre, Stockton Lane, York, YO32 9UE (15/00234/FULM)** (Pages 9 - 24)

A major full application for a single storey extension to cafe, replacement storage shed, 2 new retail canopy areas and an additional car parking area. [Strensall Ward] *[Site Visit]*.

- b) **Roman House, 4-8 Rougier Street, York, YO1 6HZ (15/00581/FULM)** (Pages 25 - 48)

A major full application for five storey extensions, demolition of public toilets, external alterations, new roof storey and change of use of offices to hotel (use Class C1) with resited public toilets. Extension to rear of Cedar Court Grand Hotel to form a dining pavilion. [Micklegate Ward] *[Site Visit]*.

c) **Cedar Court Grand Hotel, Station Rise, York, YO1 6GD (15/00582/LBC)** (Pages 49 - 60)

A listed building consent application for internal alterations and an extension to rear to provide a dining pavilion. [Micklegate Ward] [Site Visit].

5. **Any other business which the Chair considers urgent under the Local Government Act 1972.**

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

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City of York Council

Committee Minutes

| | |
|-----------|--|
| Meeting | Planning Committee |
| Date | 25 June 2015 |
| Present | Councillors Reid (Chair), Derbyshire (Vice-Chair), Galvin, Ayre, S Barnes, Boyce, Cullwick, Cuthbertson, Dew, Doughty, Funnell, Kramm (Substitute), Richardson, Shepherd and Warters |
| Apologies | Councillors D'Agorne |

10. Site Visits

| | Reason for Visit | Members Attended |
|----------------------|--|--|
| RS Cockerills | To enable members to familiarise themselves with the site. | Councillors Reid, Galvin, Derbyshire, Shepherd, Dew, Richardson, Cuthbertson, Cullwick |
| Askham Bryan College | To enable members to familiarise themselves with the site. | Councillors Reid, Galvin, Derbyshire, Shepherd, Dew, Richardson, Cuthbertson, Cullwick |

11. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal, prejudicial or pecuniary interests they may have in the business on the agenda.

Councillor Warters declared a personal non-prejudicial interest in agenda item 4a as he knows the applicant through his membership on the Foss Internal Drainage Board.

Councillor Richardson declared a personal non-prejudicial interest in agenda item 4a as he also knows the applicant through his membership on the Foss Internal Drainage Board.

12. Minutes

Resolved: That the minutes of the last meeting held on 4th June 2015 be approved and signed by the Chair as a correct record.

13. Public Participation

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

14. Plans List

Members then considered reports of the Assistant Director (Development Services, Planning and Regeneration) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

15. R S Cockerill York Limited, Stamford Bridge Road, Dunnington, York (15/00871/FUL)

Consideration was given to a full application by Providence Holdings Ltd for the erection of a potato store.

Officers gave a brief update to confirm the following:

- Further details regarding drainage at the site had now been submitted and a condition was required to ensure a solution.
- It had been noted during a site visit the footprint of the building had been pegged out incorrectly and was too near to the trees at the boundary and a condition was recommended to protect those trees.
- February 1998 was the date of the first planning permission for this site.

Jenny Hubbard spoke as the agent on behalf of the applicant. She gave a brief history of the planning permission at the site and advised that in the 1990s, the Council Members at the time had visited the site and consequently approved an application for the facility as they considered it a suitable use in the Green Belt.

Members queried a number of points, in particular whether the applicant would be willing to consider the planting of evergreen trees in the shelter belt beside the proposed building. The applicant who was present at the meeting, confirmed he would be willing to do this.

Resolved: That the application be approved subject to the conditions outlined in the committee report and the additional conditions relating to drainage and the position of the building as reported by the officer in her update.

Reason:

It is considered that the other considerations put forward by the applicant, particularly in relation to the operational need and efficiency for the store at this particular location and the sustainability benefits of siting the building within the existing complex, together with the mitigation of other harm through the design and layout of the proposal and planning conditions, clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, and thereby amount to very special circumstances to allow the inappropriate development in the York Green Belt, even when substantial weight is given to any harm to the Green Belt.

16. Askham Bryan College, Askham Fields Lane, Askham Bryan, York, YO23 3PR (15/00378/FULM)

Consideration was given to a major full application for the erection of a silage clamp and relocation of existing silos at Askham Bryan College.

Kathryn Duke spoke as the agent on behalf of the applicant. She advised that the application was part of the overall master plan for the college as it develops its land based further education facilities. The new facilities are required to accommodate the growth in student numbers experienced by the college in recent years. The silage clamp would be for the storage of grass cuttings and would replace an existing silage clamp that is no longer fit for purpose.

Resolved: That the application be approved subject to referral to the secretary of state.

Reason: The proposed development is required for the college to expand and compete, and improve existing courses, this is supported by local and national planning policy. The proposed development is agricultural in function and appearance and would be required in proximity to the current campus and cannot reasonable be sited elsewhere. The proposed silage clamp is in the same position and of similar scale to that approved in planning permission 13/02946/FULM . The principle of a slightly larger silage clamp in this location has been agreed in planning permission 13/02946/FULM. As such, even when substantial weight is given to the harm to the Green Belt, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt and any other harm.

17. Askham Bryan College, Dairy Unit, Westfields Cottages Access, Askham Bryan, York (15/00425/FULM)

Consideration was given to a major full application for extensions to a dairy unit and heifer shed to create a calf and sheep shed and general purpose farm building.

Kathryn Duke spoke as the agent on behalf of the applicant to advise that the application was part of the expansion and modernisation of the existing dairy buildings. The aim was to facilitate access to the dairy for visitors and make the existing building more efficient.

Members queried whether there would be any disabled parking at the dairy to enable disabled visitors to access the site. The agent confirmed that a car park with disabled spaces was at the centre of the college site and that a mini-bus was available to transport disabled visitors to other areas of the college, including the dairy, as required.

Resolved: That the application be approved subject to the conditions outlined in the committee report.

Reason:

The proposed development is required for the college to expand and compete, and improve existing courses; this is supported by local and national planning policy. The proposed development would be required in proximity to the current campus and cannot reasonably be sited elsewhere. The proposal is unlikely to set a precedent for other development within the Green Belt. As such, even when substantial weight is given to the harm to the Green Belt, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt and any other harm.

Cllr A Reid, Chair

[The meeting started at 3.30 pm and finished at 4.00 pm].

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COMMITTEE REPORT

Date: 23 July 2015 **Ward:** Strensall
Team: Major and **Parish:** Stockton-on-the-Forest
 Commercial Team Parish Council

Reference: 15/00234/FULM
Application at: Deans Garden Centre Stockton Lane York YO32 9UE
For: Single storey extension to cafe, replacement storage shed, 2no.
 retail canopy areas and additional car parking area
By: Dean's Garden Centre
Application Type: Major Full Application (13 weeks)
Target Date: 26 May 2015
Recommendation: Approve

1.0 PROPOSAL

1.1. The application proposes the partial redevelopment of an existing garden centre located on the outskirts of Stockton-on-the-Forest. The site lies within the general extent of York's Green Belt, outside of the defined settlement limit of the village.

1.2. The proposal involves:

- an extension to the front of the existing building complex following the removal of the current conservatory to accommodate an enlarged cafe;
- the erection of a detached storage building to the rear of the existing centre complex to replace a collection of temporary storage structures;
- the erection of 2 no. Open-sided canopies adjacent to the south-western elevation of the existing building complex to provide additional covered retail sales areas; and,
- the creation of a hard-standing area in the northern corner of the site to provide 35 additional vehicle parking spaces.

1.3. The application is supported by a planning statement, Green Belt statement, Design and Access statement, and a flood risk/drainage assessment.

2.0 POLICY CONTEXT

1. Yorkshire and Humber Regional Spatial Strategy - Green Belt policies YH9(C) and Y1 (C1 and C2))

2. National Planning Policy Framework (March 2012)

3. 2005 Draft York Local Plan (4th set of changes). Relevant policies include:

- CYGP1 - Design
- CYGP4A - Sustainability
- CGP15A - Development and Flood Risk
- CYT4 - Cycle parking standards
- CYGB1 - Development within the Green Belt
- CYGB11 - Employment devt outside settlement limits

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

- DP2 – Sustainable Development
- DP3 – Sustainable Communities
- SS1 – Delivering Sustainable Growth for York
- SS2 – The Role of York's Green Belt
- D1 – Landscape and Setting
- D2 – Placemaking
- D3 – Extensions and Alterations to Existing buildings
- G14 – Trees and Hedges
- GB1 – Development in the Green Belt
- CC2 – Sustainable Design and Construction
- ENV4 – Flood Risk
- T1 – Sustainable Access

3.0 CONSULTATIONS

3.1 The application was publicised by notice in the Press, the display of a site notice and notification letters to statutory consultees and adjacent owners/occupiers. The consultation period expired on 15.4.15.

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE ARCHITECT)

3.2 The trees do not constitute a significant woodland, nor do they provide significant public amenity value, therefore they are not worthy of a tree preservation order. The loss of trees to make space for car parking is always regrettable. The trees currently contribute to a suitable green boundary between the car park and the open fields beyond; nonetheless the impact of the development on the wider greenbelt landscape would be negligible.

FLOOD RISK MANAGEMENT TEAM

3.3 The development is predominantly in low risk flood zone 1 and should not suffer from river flooding. The small area of proposed car park is in flood zone 3 (high risk) but the risk to persons is considered to be low. No objections raised on basis of submitted flood risk assessment and drainage report, subject to this report being included in list of approved plans/details.

HIGHWAY NETWORK MANAGEMENT

3.4 No objections. The access remains as existing. A modest amount of extra parking is proposed, which will have an acceptable impact on the highway network. Request car and cycle parking conditions.

EXTERNAL

STOCKTON-ON-THE-FOREST PARISH COUNCIL

3.5 No response received.

FOSS INTERNAL DRAINAGE BOARD

3.6 No response received.

YORKSHIRE WATER

3.7 No response received.

4.0 APPRAISAL

4.1 The key considerations material to the determination of the application are:

- Principle of development
- Whether the development is appropriate in the Green Belt
- Openness and purposes of Green Belt
- Character and appearance
- Flood risk
- Highway safety
- Residential amenity
- Ecology
- Other considerations

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.3 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt and locations at risk of flooding. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt. 10 (Meeting the challenge of climate change, flooding and coastal change) and 12 (Conserving and enhancing the natural environment) are of relevance.

4.4 Section 3 of the NPPF 'Supporting a prosperous rural economy' states that planning policies should support economic growth in rural areas in order to create jobs and property by taking a positive approach to sustainable new development. To promote a strong rural economy, local plans should support, amongst other things, the sustainable growth and expansion of all types of business and enterprise in rural areas through conversion and well designed new buildings.

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

4.6 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.7 Section 10 'Meeting the challenge of climate change, flooding and coastal change offers advice on locating new development to avoid increased flood risk.

4.8 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.9 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are GP1 'Design' and GB1 'Development in the Green Belt'. Policy GB11 'Employment development outside settlement limits' is supportive of new development outside settlement limits where it is small scale, relates to an existing building and provides a direct benefit to the rural economy and the local residential workforce.

4.10 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF).

SITE AND HISTORY

4.11 The site is located within a cluster of agricultural, commercial and domestic properties, interspersed and surrounded by agricultural fields, approximately 460m south-west of Stockton-on-the-Forest village. It is bounded by Stockton Lane to the front and the Old Foss Beck to the rear. There are residential properties to the east and south. The Bull Commercial Centre lies to the north-east and there are agricultural buildings to the south-west. It lies within flood zone 1, with an area of land in the northern corner of the site falling within flood zone 3. It falls within the general extent of York's Green Belt.

4.12 The site comprises a collection of buildings, accessed from Stockton Lane. The site and its buildings, which are largely single storey with a two storey element, are in use as a garden centre. Planning permission was first approved in 1967 for the use of the land as a garden centre with the construction of a greenhouse and store. Further extensions were granted consent in 1971, 1973, 1980, 1982 and 1990. This most recent approval involved the creation of a coffee shop. There is an existing car park serving the complex adjacent to the site's entrance and to the rear of the neighbouring residential property, The Vern.

PRINCIPLE OF DEVELOPMENT

4.13 Whilst the RSS has otherwise been revoked, it's York Green Belt policies have been saved together with the key diagram which illustrates the general extent of the Green Belt around York. These policies comprise the S38 Development Plan for York. The site falls within the general extent of the Green Belt located between the main built up area of the city and Stockton-on-the-Forest. In accordance with the footnote referenced within paragraph 14 of the NPPF, the usual presumption in favour of sustainable development established by the NPPF, does not apply in Green Belt locations. Instead, the more restrictive policies in section 9 of the NPPF apply.

INAPPROPRIATE DEVELOPMENT IN THE GREEN BELT

4.14 Paragraph 79 of the NPPF emphasises the great importance the government attaches to Green Belts and their essential characteristics of openness and permanence. Openness is considered as meaning an absence of built development. Paragraph 87 of the NPPF establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF states that the construction of new buildings in Green Belts are inappropriate development unless they fall within one of the specified exceptions. One such exception is the complete or partial redevelopment of previously developed land, whether or not in use, providing it would not have a greater impact on openness of the Green Belt and the purpose of including land within it.

4.15 Whilst the proposal involves the partial redevelopment of an existing business, it would have a greater impact on the openness of the Green Belt than the existing development (albeit a limited additional impact). This is due to the replacement of small scale and temporary structures with a larger permanent storage building, the large extension to the front of the building in place of a smaller conservatory and temporary timber display stands, and the replacement of an area of trees with a hard-surfaced area. As such, the proposal constitutes inappropriate development that is, by definition, harmful to the Green Belt. In accordance with paragraph 88 of the NPPF, substantial weight must be attributed to this definitional harm by the decision maker.

IMPACT ON OPENNESS AND GREEN BELT PURPOSES

4.16 Officers consider that the proposal gives rise to limited harm on openness of the Green Belt, but such harm is not so significant as to undermine the purposes of Green Belt, set out in paragraph 80 of the NPPF and listed in 4.6 above particularly given the previous development of the site. However, the limited harm on openness should be afforded substantial weight by the decision maker.

4.17 In accordance with paragraph 88 of the NPPF, very special circumstances to justify this inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and this limited harm to openness, is clearly outweighed by other considerations.

CHARACTER AND APPEARANCE

4.18 The NPPF, at paragraph 64, advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.19 The proposal would extend the footprint of the existing building complex, which would be particularly visible at the front of the site. The extent of projection of the cafe extension has been reduced since the pre-application stage and a distance of approximately 13m would be retained between the front boundary and the nearest line of the extension. Furthermore, it has been designed to minimise its visual intrusion by incorporating a roof that slopes towards the front boundary with a low eaves and does not project above the height of the existing complex. The new storage building is higher than the existing structures within this part of the site and would be divorced from the rest of the centre's complex. However, its prominence is minimised by its location at the rear of the site, partly shielded by the existing buildings and vegetation. It is also noted that the location is dictated by operational arrangements on site and there is no alternative location that would have a lesser visual impact. The two covered canopies are small scale, lightweight and temporary in appearance and as such would not injure amenity.

4.20 The extension of the car park would result in the loss of 13 no. mostly coniferous trees, themselves not protected by a tree preservation order or considered worthy of protection by Officers. The loss of the trees and vegetation to create space for the car park extension is unfortunate, but the location at the rear of the site lessens the impact this has on the character and appearance of the area and some trees would be retained along the site boundaries and around the existing soakaway.

4.21 The new buildings would be contained within the existing site boundaries, which are clearly defined, and would be viewed in the context of an existing developed site within a cluster of agricultural, commercial and domestic properties. The presence of a hedges and vegetation along all boundaries helps to soften and shield the complex from public views along Stockton Lane. Officers consider the proposal, whilst being more visible, would not detract from the character and appearance of the countryside.

FLOOD RISK

4.22 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere. The majority of the site falls within flood zone 1, which is at lowest risk from flooding. Whilst the area proposed for the additional car parking lies within flood zone 3, the risk to users of this area is considered to be limited. The application is supported by a drainage assessment, which demonstrates that the site as extended by the proposed development can be adequately drained. The Council's Flood Risk Engineer raises no objections on the basis of the flood risk assessment and drainage report. The proposal is considered to be acceptable in flood risk terms and limited weight is attributed to harm from flood risk.

HIGHWAY SAFETY

4.23 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The application relates to an existing established use that has a predominantly car based custom, though a bus service into and out of York (Coastliner) passes the site. The operation has an existing car park that the application seeks to extend. No objections are raised by the Local Highway Authority. As such, the proposal is considered to be acceptable in highway terms and officers are satisfied that there would be no additional harm caused.

RESIDENTIAL AMENITY

4.24 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. There are residential properties adjacent to or opposite the site. However, the occupants of these properties will already experience disturbance from the operation of the garden

centre largely generated by the comings and goings of vehicles and movement within the site. The proposal does involve the extension of the car park, but it is considered that the additional movements that this would potentially generate would be barely noticeable in comparison to the current operation. Therefore, no objections are raised to the proposal on the grounds of residential amenity and there would be negligible harm caused in this respect.

ECOLOGY

4.25 The proposal would result in the removal of 13 no. trees in the northern corner of the site. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. The trees are part of a mix plantation of predominantly fir trees, which do not fall within any of the aforementioned designations and do not merit protection. Some of the trees in this area of the site, along with lower level vegetation, are being retained adjacent to the site boundaries and around the existing soakaway. This will retain some greenery within, and a green edge to, the site. The trees being retained include native species, such as Ash, Birch and Beech. As such, officers are satisfied that there is no significant harm to biodiversity.

OTHER CONSIDERATIONS

4.26 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development unless other considerations exist that clearly outweigh identified harm to the Green Belt, which would amount to very special circumstances. The applicant contends that the proposal does not give rise to a greater impact on the openness of the Green Belt, and therefore the new buildings fall within the exception to being "inappropriate development" so that very special circumstances are not required. However, the applicant has in any event submitted a Green Belt statement that sets out their very special circumstances case. In summary, the case is:

- that the level of harm is minimal and the proposal will have a positive impact on the Green Belt;
- the socio-economic benefits offered to this local business in terms of future viability and jobs;
- the improvements to health and safety within the site for staff and customers;
- the benefits offered in unifying the character and appearance of the site's public face and consequently to the street scene;
- the inability of this local family business to relocate to a non-Green Belt site.

4.27 The NPPF says that there are three dimensions to sustainable development: economic, social and environmental. An economic role in contributing to building a strong, responsive and competitive economy by ensuring that sufficient land is available to support growth and innovation; a social role in supporting vibrant and

healthy communities; and, an environmental role in contributing to protecting and enhancing the environment. One of the core principles is to proactively drive and support sustainable economic development. Section 3 'Supporting a prosperous rural economy' encourages support of economic growth in rural areas through planning policies in order to create jobs and prosperity by adopting a positive approach to sustainable new development (paragraph 28). It goes on to state that a strong rural economy should be promoted by supporting the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings.

4.28 The site is an existing and established garden centre that provides local employment in retail and catering. Officers accept that such sites need to expand and adapt and that some alterations or further development within them will be required to facilitate this. The additional built form proposed would be viewed within the context of the existing site, with clearly defined boundary enclosures and established boundary vegetation that helps to screen it and soften the visual impact of the existing complex. The land within the boundaries, with the exception of the group of trees in the northern corner, is hard surfaced and occupied by a range of physical structures, including timber sheds storage containers. The new buildings would be contained within the existing site boundaries and, as such, would safeguard the surrounding open countryside from encroachment.

4.29 The proposed cafe extension is well-designed and would have a positive impact on the appearance of the site when viewed from Stockton Lane compared to that of the current disjointed front elevation. Likewise, the rear storage building, whilst larger in size and scale, would consolidate a collection of temporary buildings along the side and rear of the existing building complex (these buildings are proposed to be removed). There is a clear locational need to site the storage building close to the retail element of the garden centre, albeit in the Green Belt.

4.30 The proposal is considered to conform to a very important element of the Government's policy, which is to promote the sustainable growth and expansion of all types of business and enterprise in rural areas as reflected in planning policy. Therefore, the expansion of this existing garden centre business, which is located in a semi-rural position compatible with the nature of its use, has weight afforded by the NPPF.

5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed development would cause some limited harm to the openness of the Green Belt, but is not considered to be significant enough to conflict with the purposes of Green Belt set out in paragraph 80 of the NPPF. The definitional harm and other limited harm to openness of the Green Belt must be afforded significant weight when applying the

NPPF policy test – namely, that very special circumstances will not exist unless the potential harm to Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations

5.2 It is considered that the other considerations put forward by the applicant, particularly in relation to the operational need and future viability of the business, the socio-economic benefits and the visual improvements to the site, when taken together in the context of the support in government policy for the expansion of such rural businesses, clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to openness, even when affording this harm considerable weight. The considerations therefore amount to very special circumstances to allow the inappropriate development in the York Green Belt.

5.3 Referral of proposed development in the Green Belt to the Secretary of State applies to development involving:-

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

5.4 It is not considered that these criteria apply to this development, and so referral is not required should Members be minded to approve the application.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing no. 612-P20 Rev.G 'Proposed Ground Floor Plan' dated 28.11.14;
Drawing no. 612-P21 Rev.E 'Proposed Cafe Roof Plan' dated 28.11.14;
Drawing no. 612-P26 Rev.G 'Proposed Ground floor Plan – Back area' dated 28.11.14;

Drawing no. 602-P22 'Proposed elevations south east and south west' dated April 2014;

Drawing no. 602-P23 'Proposed elevations north west north east' dated April 2014;
Drawing no. 602-P24 'Proposed sections and store elevations' dated April 2014;
Flood Risk Assessment and Drainage report ref. SGD/12643Y-01 dated 1st December 2014 by Dossor MCA;

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

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

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

Reason: So as to achieve a visually cohesive appearance.

4 The additional floorspace hereby approved shall not be brought into use until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

5 Prior to the additional floor space hereby approved coming into use, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

6 The buildings and structures shown as being demolished on drawing number 612-P03 revision B 'Existing Site Plan - Demolition' dated 28.11.14 shall be removed within one month of the completion of the replacement storage building hereby approved.

Reason: In the interests of the visual appearance of the site and to take account of the justification for the development put forward in the application to reduce harm to the openness of the Green Belt.

7.0 INFORMATIVES:

Notes to Applicant

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

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

- Pre-application advice and guidance;
- Imposition of conditions to address identified issues.

Contact details:

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Tel No: 01904 551325

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15/00234/FULM

Deans Garden Centre Stockton Lane



Scale : 1:1888

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|---------------------|--------------|
| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 14 July 2015 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 23 July 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
 Commercial Team Panel

Reference: 15/00581/FULM
Application at: Roman House 4 - 8 Rougier Street York YO1 6HZ
For: Five storey extensions, demolition of public toilets, external alterations, new roof storey and change of use of offices to hotel (use Class C1) with re-sited public toilets. Extension to rear of Cedar Court Grand Hotel to form dining pavilion
By: Splendid Hospitality Group
Application Type: Major Full Application (13 weeks)
Target Date: 19 June 2015
Recommendation: Approve

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application relates to multiple sites - the grade 2* listed Cedar Court Grand Hotel, which fronts onto Station Rise, Roman House which fronts onto Rougier Street, where the covered bus stop is located, and also the single storey former w/c block which sits between the buildings and fronts onto Tanner Row.

1.2 Roman House is 4-storey plus roof; it is clad in brick and dates from the 1970's. The building was last used as offices; it is currently vacant and the office fittings have been stripped out. A prior notification application was made in October 2013 for a change of use to residential and there was also a planning application approved in 2014 (14/01643/FUL) to demolish the w/c block and replace with housing. The councils understands that the scheme is not going ahead and the buildings have been acquired by the owners/operators of Cedar Court Grand.

1.3 The site is within the Central Historic Core Conservation Area and part of Roman House is within an area at high risk of flooding; Flood Zone 3.

PROPOSALS

1.4 The Cedar Court Grand has 108 rooms. The proposals are to provide a further 121 bedrooms and conference suite (3 meeting rooms / business centre) and improved restaurant/dining facilities. The proposal involves the following works

- External changes to Roman House, replacement of the existing roof structure, with two additional floors, and extensions at the rear of Roman House; overlooking the service yard
- A 5-storey extension to Roman House along Tanner Row, following demolition of the former w/c building.
- At the existing hotel it is proposed to add a restaurant/dining facility (single storey) on the deck above the existing kitchen at the rear. The deck was added when the building was first converted to a hotel and has previously accommodated temporary structures on a seasonal basis to cater for conferences and other events.
- The public toilets and the existing retail unit in Roman House are both re-provided within the building. The (lower) ground floor of Roman House would also accommodate back of house facilities, cycle and valet car parking.

1.5 At pre-application stage the applicants informed neighbours by letter about the scheme. The only feedback was from the York Blind Society (who are based on the opposite side of Rougier Street) who asked whether bus services would be disrupted during construction.

2.0 LEGISLATIVE AND POLICY CONTEXT

2.1 Legislation and National Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 66 Statutory duty 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.
- Section 72 Statutory duty that within a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework

- Chapter 1 Building a strong competitive economy
- Chapter 2 Ensuring the viability of town centres
- Chapter 4 Promoting sustainable transport
- Chapter 7 Requiring good design
- Chapter 12 Conserving and enhancing the historic environment

2.2 Draft 2005 Local Plan (4th set of changes) Policies:

| | |
|--------|--|
| CYGP1 | Design |
| CYGP4A | Sustainability |
| CYHE2 | Development in historic locations |
| CYHE3 | Conservation Areas |
| CYHE4 | Listed Buildings |
| CYHE10 | Archaeology |
| CYT4 | Cycle parking standards |
| CYE3B | Existing and Proposed Employment Sites |
| CYV1 | Criteria for visitor related development |
| CYV3 | Criteria for hotels and guest houses |

3.0 CONSULTATIONS

INTERNAL

ENVIRONMENTAL MANAGEMENT CONSERVATION ARCHITECT

3.1 In summary officers support the application. The scheme would have very little impact on the interior character of the listed building. The main elevations would remain unaltered. There would be some enhancement of the setting, with improvements in street views from Tanner Row, Station Road and from the city walls. Full comment is contained in the companion listed building consent application 15/00582/LBC.

ARCHAEOLOGY

3.2 The site lies in an area of known Roman to medieval archaeological remains. Excavations carried out in the late C20 revealed up to 7m depth of archaeological deposits, the most significant of which dated to the Roman period. The Roman deposits included evidence for timber and masonry buildings.

3.3 The Roman deposits included evidence for timber and masonry buildings. These were overlain by medieval deposits suggestive of open ground. The top of the recorded medieval sequence of deposits lay at a depth of c.2.5m below the modern ground surface (below 9.00m AOD). Excavations for a hydrotherapy pool carried out in the adjacent hotel in 2009, recorded medieval structural remains at a height of c. 11.00m AOD. This significant difference in levels appears to reflect the much

steeper slope down towards the river that existed in the medieval period.

3.4 The proposal will involve significant but localised groundworks for the new extension, for lift-pits and for new foundations. Although these interventions will impact on non-designated heritage assets of national importance, this impact will be confined to limited areas of the site. The impact can be mitigated through limited archaeological excavations in areas of deep groundworks such as for lift-pits, pile-caps (where these intrude into archaeological deposits) and attenuation tanks (if the latter are required); an archaeological watching brief on all service connections and level reductions; and submission of details of the foundations for the new structure.

ECONOMIC DEVELOPMENT

3.5 No response

ENVIRONMENTAL PROTECTION

Noise

3.6 Given the location of the development, officers have concerns over the potential for noise from traffic, pubs, clubs and people during the daytime and night time. Under the provisions of the Environmental Protection Act 1990 City of York Council would be unable to take any enforcement action in the event of noise nuisance affecting hotel guests.

3.7 The submitted noise assessment details glazing specifications to achieve satisfactory internal noise levels in line with the requirements of BS8233. Officers are satisfied that providing this minimum specification is used then it is unlikely that there would be any loss of amenity to hotel occupants. A condition is recommended to secure adequate attenuation from noise.

3.8 There are no details of noise from proposed plant/machinery. A condition is required to ensure such installations do not cause disturbance.

3.9 Conditions are recommended to manage the construction. A management plan (CEMP) is requested, for minimising the creation of noise, vibration, dust and lighting. It is also asked that construction be restricted to standard daytime hours.

Contaminated Land

3.10 The site is in an historic part of York where a number of former uses in the area may have given rise to contamination of the site. Such former uses include an iron and brass foundry, brewery, lime merchants, sheet metal works and engineers. A condition is requested regarding procedure should contamination be found during works.

Air Quality

3.11 Due to the proposed use, the hourly mean (rather than annual) nitrogen dioxide objective is relevant. City of York Council monitoring of nitrogen dioxide at a number of locations in the vicinity of the site is currently demonstrating that whilst levels of nitrogen dioxide are breaching the annual mean objective, they are not breaching the hourly mean objective. This has been the case since 2012.

3.12 It is proposed to install a mechanical ventilation system which sources clean air away from the Rougier Street facade. A ventilation strategy for this building will prevent exposure of future patrons of the hotel to elevated level of pollution in this general area of the city and is considered a welcome addition to the scheme.

3.13 In line with the NPPF and to be consistent with York's low emission approach to air quality action planning the development is required to demonstrate that it is taking all possible steps to minimise emissions arising from its use. In line with the council's adopted Low Emission Strategy any aspect of development that includes parking should include facilities for the recharging of electric vehicles. An electric vehicle charging point is requested and this could be secured through a planning condition.

FLOOD RISK MANAGEMENT

3.14 Officers do not object to the application. They require that the development occurs in accordance with the submitted FRA (Flood Risk Assessment). Officers have also for planning conditions to agree drainage details.

HIGHWAY NETWORK MANAGEMENT

3.15 No response

EXTERNAL

CONSERVATION AREAS ADVISORY PANEL

3.16 The original/now revised scheme was presented to Conservation Areas Advisory Panel. Comments were as follows -

Dining pavilion

3.17 The principle of a modern glazed construction linked to an existing opening in the rear of the Cedar Court was welcomed. The only comment related to the amount of solid construction facing onto the Aviva building, the Panel felt the elevation could be improved by cutting back the solid section so the full height glazing extended around the corner.

Roman House

3.18 The addition of an additional floor should be resisted both on the grounds of increasing the height of the building and also the consequent shading to Rougier Street - an already dark and dismal street.

3.19 The structure over the top level deck adjacent to the Cedar Court on Tanner Row was considered unnecessary. The relationship to the Cedar Court would be improved by difference in height of the two structures.

ENVIRONMENT AGENCY

3.20 Have asked for sequential and exception tests to be passed.

- Recommend reducing the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials. The extension should not have lower ground levels compared to the existing building(s).
- Recommend the applicants have a flood evacuation plan.
- Recommend that surface water run-off from the proposed development site is managed using sustainable drainage techniques to ensure that flood risk is not increased either on-site or elsewhere.

HISTORIC ENGLAND (HE)

3.21 Officers were content with the proposals in principle. It was regarded that photomontages should be provided to show the dining pavilion from the City Walls. HE consider views of the dining pavilion and the extended Roman House behind it from the City Wall is highly sensitive and needs to be carefully checked by the council in order to ensure that the proposal sustains and enhances the Grade II* listed Cedar Court Grand Hotel, the setting of the Scheduled City Walls and the Conservation Area.

Dining pavilion

3.22 It was recommended that a simple, well detailed horizontal canopy is extended out to cover the terrace rather than the fabric canopies. The material should be robust and high quality. HE envisage that the canopy could be visually supported by timber stanchions in the same way as the fabric canopies would have been, in order to provide a vertical rhythm which would assist in the harmonious placement of the pavilion within its proposed location.

Roman House

3.23 It is considered the proposed changes will present a neater appearance than at present. HE has some concern that there appears to be no active frontage onto Tanner Row and little to Rougier Street and suggest this might be developed - for example some windows might be introduced.

MICKLEGATE PLANNING PANEL

3.24 No objection.

YORKSHIRE WATER

3.25 YW has asked for drainage details to be agreed and for a decrease on existing surface water run off rates.

PUBLICITY

3.26 Deadline for comment was 14 May. One comment has been made, that it is important that the planned alterations are sympathetic with this Grade II* Listed Building and the Central Historic Core Conservation Area.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed use and loss of employment land
- Flood Risk
- Impact on heritage assets; application of statutory duties (Listed Building Act 1990), the Grade II* listed Cedar Court Grand, the setting of the Grade 1 listed City Walls and the character and appearance of the Central Historic Core Conservation Area
- Amenity
- Highway Network Management
- Sustainable design and construction
- Archaeology

PRINCIPLE OF THE PROPOSED USE AND LOSS OF EMPLOYMENT LAND

Hotel Development

4.2 Draft Local Plan 2005 policy V1: Visitor related development advises that visitor related development will be encouraged provided; there are adequate servicing arrangements, the site is accessible by public transport, whether highway safety would not be compromised, where development would improve the prosperity of the cities tourism industry and economy, and when there is no adverse impact on amenity and the setting.

4.3 Draft Local Plan 2005 policy V3 relates to new hotels in the city. V3 states planning permission for hotels will be granted provided the proposal:

- Is compatible with its surroundings in terms of siting, scale and design;
- Would not result in the loss of residential accommodation;
- Would not have an adverse effect on the residential character of the area;
- Is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions

4.4 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel in location terms. The area is commercial and there would be no loss of dwellings. In this respect there is no conflict with Local Plan policies V1 and V3. The visual impact of the development, servicing and amenity are assessed in the other sections of the report.

Loss of Office Space

4.5 Draft Local Plan 2005 policy E3b requires demonstration that the offices formerly at Roman House are demonstrably no longer required, in order to permit the change of use. If there is compelling evidence there is no reasonable prospect of the building being comprehensibly occupied as offices, as the alternative use proposed would create employment, then the change of use proposed would not conflict E3b or the National Planning Policy Framework (paragraph 22), the latter states that planning should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

4.6 The office block was vacated in 2010 and has been empty since. Initially it was unsuccessfully marketed for 3 years, with the only interest being from parties wanting smaller spaces, of around 150-350 sq m. The offices were again marketed in 2013, and this led to the prior notification proposal to convert the building to flats. At this time all office fittings were removed and the building was stripped out.

4.7 The initial marketing is adequate to demonstrate a lack of comprehensive need for the office space. There are other similar large office spaces in the city centre, which are difficult to let due, to their size and as they do not provide grade A (top of the range) office space. At such a point the National Planning Policy Framework recommends that consideration be given to suitable alternative uses. This scheme allows the extension of a successful high quality hotel business, which is well located very close to the train station. The proposed use is in a sector which is expanding and creates employment. The literature supporting the application advises that the existing hotel had to reject over £145,000 in the last 6 months due to lack of capacity, that 30 jobs would be directly created by the extension, and that the business would grow further with the planned improved business and leisure facilities. To promote such an operation would accord with the core principle of the National Planning Policy Framework which is to be proactive and respond positively to opportunities for growth.

FLOOD RISK

4.8 Much of the Roman House, apart from at the corner of Tanner Row and Rougier Street, is within Flood Zone 3 - where flood risk is high. The toilet block is within Flood Zone 2. The existing hotel is at a higher ground level and not in a flood risk area.

4.9 According to national policy the proposed use is acceptable in Flood Zone 2, subject to a suitable Flood Risk Assessment (FRA) and the sequential test being passed. Most vulnerable elements of a development should be in areas of lowest flood risk.

4.10 In undertaking the sequential test, the NPPG advises *“a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere”*. The Tanner Row toilet block, where new development is proposed, is in flood zone 2. This part of the scheme is required to enable the overall development and provide a safe means of escape from Roman House. The addition at Roman House is only on upper floor levels and is therefore suitable. This is the only practical site for the expansion of the existing hotel to occur. In conclusion, the sequential test is passed as there is not an alternative location for the development.

4.11 The site specific FRA submitted demonstrates that the development would be safe from flooding and would not increase flood risk elsewhere.

- There will be no sleeping accommodation at ground floor level. The lower ground floor will be used as meeting space, for parking and back of house facilities. Sleeping accommodation will be at a higher level, safe from flooding, and there would be a safe means of escape via the existing hotel. The operators can be required to sign up to the EA's flood warning service; a recommendation within the submitted FRA. Flood resilient construction would be incorporated within the design.
- The existing site is all hard-standing; there would be no increase in surface water run-off rates. In this respect there would be no increase in flood risk elsewhere. A planning condition is proposed to agree the drainage details.

HERITAGE ASSETS

4.12 The site is within the Central Historic Core Conservation Area and the hotel building is grade 2* listed. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining planning applications the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, any features of special architectural or historic interest. It

must also pay special attention to the desirability of preserving or enhancing the character and appearance of any conservation area.

4.13 The National Planning Policy Guidance advises that in assessment of design, consideration should be given to layout, form, scale, detailing and materials. It advises that a well designed space has a distinctive character. Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:

- the local pattern of street blocks and plots
- building forms
- details and materials
- style and vernacular

4.14 Draft Local Plan 20058 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.

4.15 The site is within area 22 of the Central Historic Core Conservation Area. The appraisal acknowledges that the area contains large blocks of (sometimes secluded) buildings, typically more than 4-storey in height, and that some of which have a poor relationship with the street. The appraisal states *“Large buildings can be accommodated in this area as it is at a lower level than the commercial centre. 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”*.

4.16 The alterations proposed would enhance the appearance of the conservation area, and have no harm to listed buildings or their setting. The scheme is compliant with design guidance referenced above and additionally the recommendations for design in the National Planning Policy Framework; that development is functional, establishes a strong sense of place and relates to local character and is attractive in its own right.

ROMAN HOUSE

4.17 The scheme has been revised and reduced in scale. The eaves/parapet is lower than that at the grade 2* listed Grand Hotel. The scale and form of the building would be appropriate to this part of the conservation area, which is dominated by large scale office buildings. The building would not dominate, or compete with surrounding listed buildings; 2-20 George Hudson Street, Historic England Offices and The Grand Hotel.

4.18 The building's existing glazed roof, due to its prominence materials and design, and the toilet block due to its squat scale, currently detract from the appearance of the conservation area. The extensions and replacement top floor would be in matching materials to the existing facade and enhance the distinctiveness of the building, using harmonious materials to the setting.

4.19 Window proportions would be improved throughout the building - windows will be made larger and with a strong vertical emphasis. These changes give consistency to the building; the scale and proportions of the buildings as proposed relate well to historic buildings in the area of merit and are appropriate to the locality.

4.20 The corner of Tanner Row/Rougier Street will be opened up; improving public movement and a bay window will be added above. Along Tanner row there will be external amenity space introduced on the upper ground floor. These changes give a more active and interesting frontage in this area. This constitutes an improvement to the setting and follows recommendations made by Historic England within their consultation response.

4.21 The development will introduce new views which will enhance the appearance of the conservation area. The upper floor will be recessed; the key to its success will be in the quality of the detailing and this can be covered by a condition. The side/rear of Roman House is currently seen in views from the City Walls, between the Grand Hotel and the Aviva Offices. The view will be significantly improved by replacing a blank brick elevation with a cohesive elevation, with fenestration and more visual interest.

DINING PAVILION

4.22 The terrace deck above the kitchen at the hotel has previously accommodated temporary structures to host events, due to the lack of adequate floor space within the hotel. The temporary structures were allowed on the basis that in future there would be finance for a permanent structure which would be appropriate to the setting; complementary to the host building, which is grade 2 star and appropriate in views from the grade 1 City Walls.

4.23 The structure proposed is single storey with flat roof, connected to the hotel by a glazed lobby. It would be subtle and not detract from outlook from the hotel or its architectural interest. The height is set so that it would be comparable with eye level from the walls and therefore it would not be looked down upon; the elevation and roof edge detail being the prominent features. The back of house area is recessed from the end elevation and so visually will appear subordinate. The area will be clad in cedar, designed so it can be covered with climbing plants.

4.24 The design will be contemporary, and read deliberately as a modern addition to the host building. The plans have been revised and refined following feedback from the Conservation Areas Advisory Panel, Historic England and council officers. The form and materials are appropriate and the design will be of acceptable quality. The structure will add interest and distinctiveness to the setting and the host building. There would not be harm the conservation area.

AMENITY

4.25 The National Planning Policy Framework (NPPF) asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Draft Local Plan 2005 policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.26 Rougier Street is within the Air Quality Management Area. The NPPF advises that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. Draft Local Plan 2005 policy GP4b: Air Quality details measures to improve air quality i.e. reducing the need to travel and encouraging sustainable travel options, and ensuring adequate mitigation measures to limit public exposure to air pollutants. The background text to the policy advises that the council may reject, or require amendments, to proposals which are considered likely to result in a significant deterioration in air quality and/or which are likely to introduce new opportunities for exposure in existing areas of poor air quality.

4.27 The National Planning Policy Guidance advises that local authorities may wish to apply noise standards. However it notes that care should be taken to avoid these being implemented as fixed thresholds as specific circumstances may justify some variation being allowed. CYC rely on national standards established within British Standard (BS8233) and World Health Organisation Guidelines on Community Noise, to ascertain reasonable noise levels within developments.

Air Quality

4.28 As part of the proposals in 2013 to convert Roman House to dwellings, air quality testing demonstrated that to suit a residential use, the majority of windows on the Rougier Street elevation would need to be non-opening due to nitrogen dioxide levels. The strategy for the hotel is that typical guest-room windows will not open and fresh air provided mechanically from areas where air quality is acceptable. External balconies are proposed along Tanner Row, which is outside the air quality management area; the approach is therefore acceptable. By design future occupants of the building would not be unduly exposed to air pollutants.

4.29 The development would provide a further 121 guestrooms. The plans show 10 car parking spaces at lower ground floor level, which is a low amount overall, significantly below the maximum levels established in the Local Plan (30 in this instance). The central location of the hotel and limited parking encourages sustainable travel. Furthermore a planning condition can require electric vehicle charging facilities within the building.

Noise

4.30 A noise assessment of the external environment has been carried out at the site. Noise levels are highest along Rougier Street; at around 68 dB daytime, 62 dB night-time. The report recommends specific specification of double glazing which would ensure noise levels within rooms met the relevant British Standard (BS8233). These measures can be required through a planning condition.

Amenity of Neighbours

4.31 Roman House is currently T-shaped in plan, apart from a 3-storey section by the service yard. There proposed additions/extensions on the service yard side and along Tanner Row (the latter where the public toilets are) are up to 5 storey; comparable to the height of the existing building. The glazed top floor of the building is to be replaced with brickwork and there will be an additional floor added above. The top floor accommodation would be in a lightweight addition setback from the edges of the roof and then a mansard roof addition at the rear of the t-form. Elevation drawings have been provided showing the change in scale. The maximum height of the building would be increased by around 2.5m.

4.32 Roman House is surrounded by buildings of a comparable or larger scale. Next door are the offices at Aviva and the Grand Hotel; both of which are taller structures. There is a drinking establishment and multi-storey car park on the opposite side of Tanner Row.

4.33 Due to the recessive scale of the roof extension, it would not have an effect on neighbouring buildings.

4.34 The extension on the north side of the building would be no closer to the Aviva offices than the existing side elevation of Roman House. The south elevation of the Aviva offices looks towards the service yard, its entrance road, and what is a rear elevation of Roman House. Other elevations of the Aviva building have a superior outlook.

4.35 The extension would add 1.5 storeys to the north side of the building. Given the overall scale of the Aviva building, as it is in office use and given the existing context of this immediate area, the juxtaposition of buildings of such a scale would not be atypical, and the addition would not be over-bearing or over-dominant. Due to the uses, and the context, there would not be undue overlooking or loss of outlook.

4.36 On the south side, the end elevation would sit next to the Grand hotel. Both sites are in control of the applicants and are being designed so to be inter-connected. The windows affected by the proposed building are at the end of the corridors or are not primary windows to guestrooms. There would be no harm to the amenity of the existing hotel building.

4.37 The dining pavilion would be a single storey structure with flat roof. Due to its scale and position, it would not be over-bearing

4.38 It is not necessary to restrict the hours of construction, because the immediate neighbours are the hotel; the applicants, and offices, which would be occupied during daytime only.

HIGHWAY NETWORK MANAGEMENT

4.39 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.40 The development does not raise any highway safety concerns and is well located for access from public transport by virtue of its location. Planning conditions can establish additional extra measures to promote sustainable travel.

4.41 Servicing will be via and within the rear yard and there is no change in situation in this respect. There is also no change in car parking; a valet service is used whereby guests arrive/park and the front entrance on Station Rise, otherwise guests would use public car parks in the locality.

4.42 The Local Plan requires at least 1 cycle space per 10 bedrooms; therefore a minimum of approx 23 spaces for the hotel with its proposed expansion. 30 covered and secure cycle parking spaces at lower ground level are proposed. The provision is policy compliant and can be secured through a planning condition. A condition is also proposed to secure an electric vehicle charging point.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.43 Due to the scale of the development, according to York's Supplementary Planning Document on Sustainable Design and Construction, it would be a requirement that the extension achieved a BREEAM rating of Very Good.

4.44 A BREEAM (non-domestic refurbishment) pre-construction assessment has been undertaken which shows that the refurbishment of Roman House can achieve very good, and this can be secured using a planning condition. The strategy includes re-use of the building, with enhanced thermal performance, improved energy and water efficiency, considerate construction. The principle of the development has sustainable credentials in that an existing, dated, building will be re-used and refurbished to modern standards and the bricks from demolition works will be saved and re-used on the extensions proposed.

ARCHAEOLOGY

4.45 The site is within the City Centre Area of Archaeological importance. Local Plan policy HE10: Archaeology requires that either 95% of archaeology is retained in situ, or excavated.

4.46 Planning conditions are proposed to agree the foundation design, for a report on archaeology affected and a watching brief on groundworks. The mitigation makes the scheme compliant with Local Plan policy HE10.

5.0 CONCLUSION

5.1 The additions and alterations to Roman House will modify and re-enforce its distinctiveness. The scale and form of the development would be appropriate to the setting. The dining pavilion would be a contemporary addition, which will add visual interest. Overall the development would provide significantly enhanced facilities for the 5 star hotel and would be in the interest of the local economy.

5.2 The development is acceptable in principle; the loss of office space would not conflict with planning policy in this instance and the scheme would bring welcome regeneration to this part of Rougier Street.

5.3 There would be no harm to heritage assets, and planning conditions can enable a suitable impact with regards highway safety, flood risk and amenity.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

1243-102 Block Plan as Proposed

1243-109 D Combined Lower Ground Floor Plan as Proposed
1243-110 C Combined Upper Ground Floor Plan as Proposed

1243-119 Roman House - Public WC Plan as Proposed
1243-120 F Roman House - Ground Floor Plan as Proposed
1243-121 E Roman House - First Floor Plan as Proposed
1243-122 D Roman House - Second Floor Plan as Proposed
1243-123 D Roman House - Third Floor Plan as Proposed
1243-124 D Roman House - Fourth Floor Plan as Proposed
1243-125 D Roman House - Fifth Floor Plan as Proposed
1243-126 C Roman House - Roof Plan as Proposed

1243-127 C Dining Pavilion - Lower Ground Floor Plan as Proposed
1243-128 D Dining Pavilion - Upper Ground Floor Plan as Proposed
1243-129 D Dining Pavilion - Roof Plan as Proposed

1243-150 F Roman House - Section A - A as Proposed
1243-151 E Roman House - Section B - B as Proposed
1243-152 E Roman House - Section C - C as Proposed
1243-153 E Roman House - Section D - D as Proposed
1243-154 C Roman House - Section E - E as Proposed
1243-155 B Roman House - Section F - F as Proposed

1243-158 Dining Pavilion Sections as Proposed - Sheet 1
1243-159 C Dining Pavilion Sections as Proposed - Sheet 2

1243-160 H Roman House - South Elevation as Proposed
1243-161 G Roman House - East Elevation as Proposed
1243-162 F Roman House - North Elevation as Proposed

1243-163 C Dining Pavilion - East Elevation as Proposed
1243-164 D Dining Pavilion - North Elevation as Proposed
1243-165 A Dining Pavilion - South Elevation as Proposed

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

3 Materials

Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the envelopes of each building. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the

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

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.

INFORMATIVE: Existing bricks should be carefully dismantled for reuse in the extended structure to ensure compatibility of brickwork in the revised elevations.

4 Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the building envelope and the works shall be carried out in accordance with the approved details.

Details for Roman House and its extensions -

- a) Section drawings through the elevation of the building (to show typical details, including shop-front/toilets on Rougier Street elevation).
- b) Roof extensions
- c) Bay window on the corner of Rougier Street and Tanner Row
- d) Balustrades / glazed screens and planting to external terrace and roof
- e) Parapets / eaves
- f) Glass enclosure to lift
- g) Dormers and their surrounds

Reason: In the interests of the character and appearance of the conservation area.

5 Construction Management

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

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

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

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

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

The CEMP shall include a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Reason: To protect the amenity of occupants of surrounding occupants during construction.

6 Programme of archaeological work

The applicant shall secure the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before the commencement of any groundworks and development shall occur in accordance with the approved details.

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

7 Watching brief on groundworks

The applicant shall secure the implementation of a programme of archaeological work

(a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before the commencement of any groundworks and development shall occur in accordance with the approved details.

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

8 Foundation design required

No development shall take place until the applicant has submitted a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, to, and secured the approved in writing of, the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

9 Drainage

No construction shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been approved by the local planning authority. The details shall include the means of attenuating the volume of surface water draining from the site to the existing volume plus an agreed reduction of up to 30% volume to allow for climate change.

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development hereby approved prior to the completion of the approved surface water drainage works.

Reason: To ensure proper and sustainable drainage of the site and to prevent increased flood risk in accordance with section 10 of the National Planning Policy Framework.

10 BREEAM

The Roman House extension and refurbishment shall be constructed to a BREEAM standard of 'very good'. 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 occupation (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

11 Plant and machinery

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

REASON: To protect the amenities of nearby residents and businesses

12 Unexpected contamination

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

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

13 Flood Risk

The operators of the hotel hereby approved shall sign up to the Environment Agencies Flood Warning Service, there shall be no sleeping accommodation at lower ground floor level and demountable barriers shall be provided for external doors which are within flood zone 3.

Reason: To mitigate against flood risk, in accordance with the NPPF, paragraph 103.

14 Glazing Specification

Glazing to bedroom windows within Roman House (and its extension) shall be installed to at least the specification recommended in section 5 of the Dragonfly report DC1671-R1v2 dated March 2015 prior to first use of the building.

Reason: To ensure that noise does not have an undue effect on the amenity of guests, in accordance with paragraphs 17 and 123 of the National Planning Policy Framework.

15 Electric vehicle charging points

Before the occupation of the development an electric vehicle recharging point shall be provided on-site in the car parking area and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority.

REASON: To promote and facilitate the uptake of electric vehicles in accordance with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (paragraph 39).

INFORMATIVE: Electric Vehicle Recharging Point means a recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

16 Cycle parking

Prior to first use of the development hereby permitted the cycle storage area (for 30 cycles) shown on the lower ground floor plan, shall be installed and made available for use. Secure cycle parking shall be provided, using Sheffield type stands or similar. Such facilities shall be retained for the lifetime of the development.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans and agreed an extension of time for determination and through the use of planning conditions.

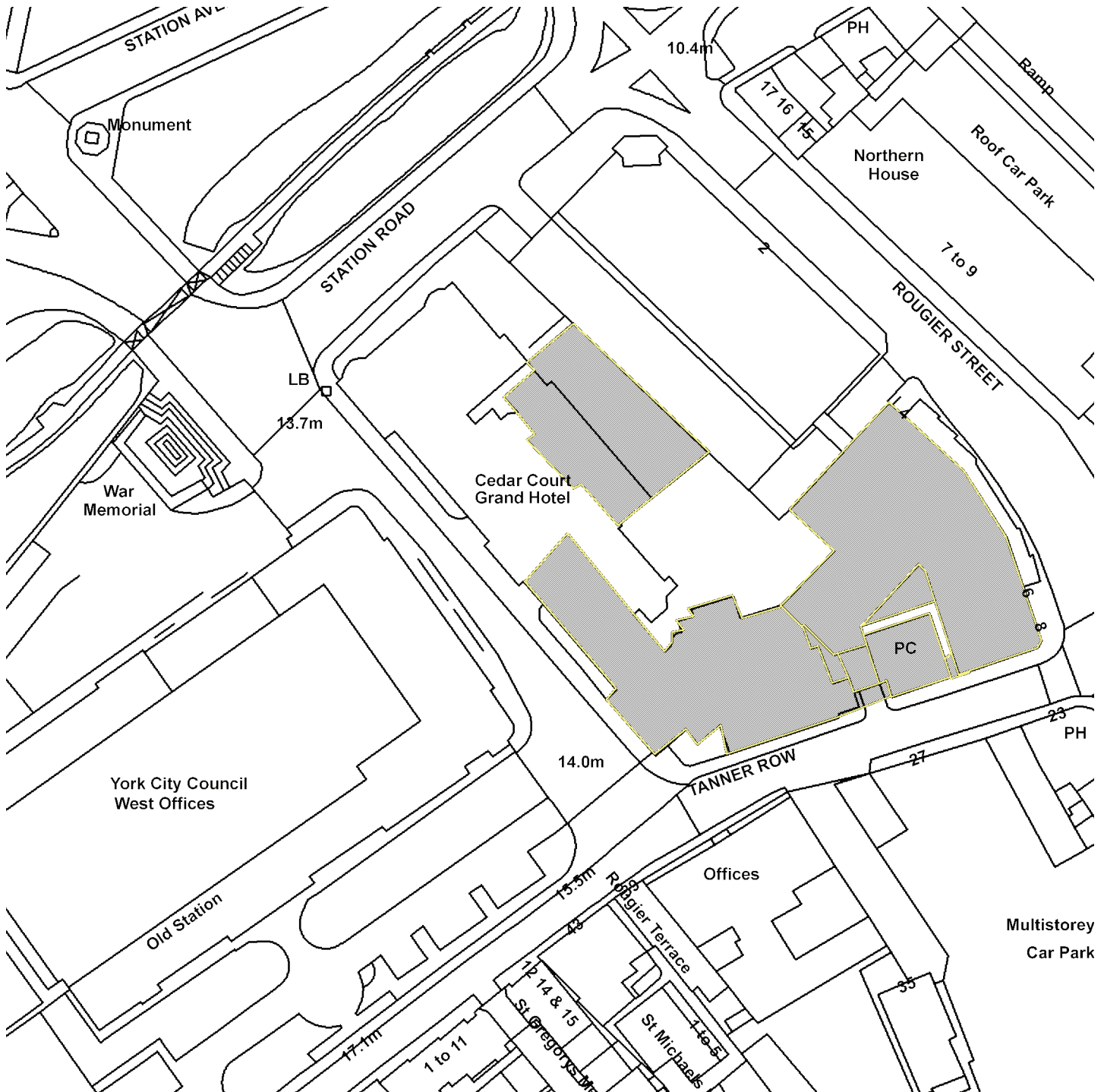
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

15/00581/FULM

Roman House 4 - 8 Rougier Street



Scale : 1:980

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| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 14 July 2015 |
| SLA Number | Not Set |

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COMMITTEE REPORT

Date: 23 July 2015 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
 Commercial Team Panel

Reference: 15/00582/LBC
Application at: Cedar Court Grand Hotel Station Rise York YO1 6GD
For: Internal alterations and extension to rear provide a dining pavilion
By: Splendid Hospitality Group
Application Type: Listed Building Consent
Target Date: 15 May 2015
Recommendation: Approve

1.0 PROPOSAL

1.1 The host building is the grade II star listed Cedar Court Grand Hotel, which fronts onto Station Rise. The operators have acquired Roman House, which fronts onto Rougier Street, and the now vacant toilet block on Tanner Row. The proposals are to extend the hotel into Roman House, adding a further 121 bedrooms and conference suite (3 meeting rooms / business centre). The scheme is also to add a dining pavilion on the deck above the kitchen; at the back of the hotel and for internal alterations at ground floor level; to improve the spa facilities.

1.2 There is a companion planning application for the works - 15/00581/FULM.

2.0 LEGISLATIVE AND POLICY CONTEXT**2.1 Legislation and National policy**

Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 16 – statutory duty that the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses in considering works requiring listed building consent..
- Section 72 Statutory duty that within a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

National Planning Policy Framework

- Chapter 12 Conserving and enhancing the historic environment

2.2 Draft 2005 Local Plan (4th set of changes) Policies:

CYHE4 Listed Buildings

3.0 CONSULTATIONS

DESIGN & CONSERVATION

3.1 Officers support the scheme. The proposal would have very little impact on the interior character of the historic building. The main elevations would remain unaltered. There would be some enhancement of the rear setting of the historic building causing improvements in street views from Tanner Row, Station Road and from the city walls.

The Link

3.2 The link to Roman House would be formed at first floor level through the large window terminating the spine corridor of the SW wing of the hotel. Internally the architrave should be retained and taken to ground level; otherwise there would be no further alteration at first floor level. A condition will be required to govern the detailed handling of the junction between new and existing work. No other windows would be affected by forming the link. The elevation affected overlooks a small service yard and public WCs. From Tanner Row it is partly obscured.

Roman House extension

3.3 The service yard and WCs would be replaced by a new building facing Tanner Row. This new building would appear as a four storey brick structure sitting on a deep plinth with its main elevation separated from the historic building by 2.5m and set back by over a meter, with the link being recessed to 7.5m. The height of the new building would be below the third floor cornice and gable of the hotel building. The presence of the separation gap, the sloping ground levels, the relative scale and height of the new building and its modest vertical expression in brick, are all factors which enable the new building to respect the setting of the existing building and enhance the street environment.

3.4 As seen from the city walls (over 100m away) and from Station Rise this extension would be one storey higher than the existing office building, though a separation gap would be maintained above the existing connection level which terminates at third floor height of the six floor hotel. The glass box would be replaced in brick and the roof would terminate in a mansard structure clad in lead or zinc panels. The existing blank rear wall of Roman House would receive vertical windows. The relatively low height and improved design of Roman House would enhance the backcloth forming the immediate rear setting of the historic building.

The Dining Extension

3.5 Increased capacity is required for dining and there is a proven need for extra accommodation to serve specific functions. This follows on from the granting of temporary permissions from 2010 to erect a marquee on the external terrace.

3.6 The new extension would be single storey, expressed as a contemporary glass garden pavilion, with a slim "floating" flat roof over-sailing the terrace and replacing the umbrella like structures and slanted roof originally proposed. Service facilities would wrap around the side and rear in a lower cedar clad structure, and there would be a lower glass link to the existing hotel. Timber louvres would add shade and interest and planting would be enhanced, especially in the fore-ground. The pavilion would be 4.5m high, partially obscured at low level by the terrace wall, and set back from the front edge of the terrace by 5m. As such it would be below first floor window height and the set back would increase its recessive appearance. It would be over 50m from the city wall walk from where views onto the roof should not be possible due to relative height of the structures and the inward fall of the roof-slope. The glass link would be a lower smaller lobby and this would meet the existing building just above lintels of ground floor window. The dining extension has been justified. It has an elegant design to compliment and contrast with the existing hotel. Large scale details will be required, together with the new planting and any external lighting scheme.

Alterations to spa and treatment area

3.7 There would be minor adjustments to the existing layout in the spa zone of the lower ground floor to enhance facilities and improve circulation. On the whole these changes would affect partitions introduced from 2008 onwards i.e. of no heritage significance. The existing historic structure, doorways and the arch-vault ceiling would be retained in place. A minor revision has been made to retain an original safe door in place which would be along the newly proposed inner corridor. Where possible the brick arch ceilings should be left exposed, though we appreciate this would be difficult where there are exposed service runs.

CONSERVATION AREAS ADVISORY PANEL

3.8 The original/now revised scheme was presented to Conservation Areas Advisory Panel. Comments on the dining pavilion were as follows -

- The principle of a modern glazed construction linked to an existing opening in the rear of the Cedar Court was welcomed. The only comment related to the amount of solid construction facing onto the Aviva building, the Panel felt the elevation could be improved by cutting back the solid section so the full height glazing extended around the corner.

HISTORIC ENGLAND (HE)

3.9 Historic England is content in principle with the proposal to extend and link Roman House to the Cedar Court Hotel and for a dining pavilion to be added in the courtyard. It was asked that photomontages be provided to show the dining pavilion and the extension of Roman House from the City Walls.

3.10 HE consider views of the dining pavilion and the extended Roman House behind it from the City Wall is highly sensitive and needs to be carefully checked by the council in order to ensure that the proposal sustains and enhances the Grade II* listed Cedar Court Grand Hotel, the setting of the Scheduled City Walls and the Conservation Area.

3.11 It was recommended that a simple, well detailed horizontal canopy is extended out to cover the terrace rather than the fabric canopies. HE were concerned that the proposed fabric roofs to the open area on the north side of the pavilion, facing the City Wall, introduce a 'fussy' detail which does not have the quality they would seek in a prominent location of this kind and which will have the potential to become run down in appearance in the short to medium term. HE suggested that a simple, well detailed horizontal canopy is extended out to cover the terrace at the same level as the fabric canopies now proposed but in more permanent materials. HE envisage that this could be visually supported by timber stanchions in the same way as the fabric canopies would have been, in order to provide a vertical rhythm which we consider will assist in the harmonious placement of the pavilion within its proposed location.

MICKLEGATE PLANNING PANEL

3.12 The panel does not object to the application, but echoes the comments made by Heritage England about the proposed visual aspects along Tanner Row and Rougier Street. And also about the dining pavilion materials.

PUBLICITY

3.13 One comment has been made - that it is important that the planned alterations are sympathetic with this Grade II* Listed Building and the Central Historic Core Conservation Area.

4.0 APPRAISAL

KEY ISSUES

4.1 Impact on the historic and architectural importance of the host building which is grade 2 star listed

RELEVANT PLANNING POLICY

4.2 Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 advises that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Where there is any harm, such harm must be afforded considerable weight and importance in the planning balance.

4.3 The NPPF in paragraph 131 states that in determining planning applications, local planning authorities should take account of:

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

4.4 Paragraph 134 explains where schemes can be allowed if they do not sustain or enhance. It 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.

ASSESSMENT

4.5 The scheme has been revised since comment from Historic England and the Conservation Areas Advisory Panel. The proposals for external works; at Roman House and for the Dining Pavilion will enhance the setting and appearance of the listed building and are therefore NPPF compliant.

EXTERNAL ALTERATIONS

4.6 Views from the City Walls are currently towards the terrace deck at the back of the hotel. The deck has a sparse amount of soft landscaping and accommodates tables and chairs. A temporary marquee type structure has been erected here on occasions to allow the hotel to accommodate exhibitions. The temporary structure was allowed on the basis that in future a permanent solution would be realised that

could add interest, enhance the setting, and improve the viability of the hotel. Beyond the terrace deck is the rear elevation of Roman House; largely a blank brick elevation and the dated roof above.

4.7 The dining pavilion has been refined in design, the fabric canopies initially proposed for the outside area have been replaced by extending the pavilions' roof structure over this area. The design is refined and improved in this respect. The back of house area has been moved back from the elevation facing the City Walls; allowing the glazed elevations to dominate. The building would be single storey and with a lobby sized lightweight glazed link to the main building. It would not compete with, or detract from, the architectural interest of the host building.

4.8 The pavilion represents an elegant contemporary building, of interest in its own right. By virtue of its scale and form it complements the host building. The pavilion will enhance the economic viability of the listed building and make a positive contribution to local character and distinctiveness; views from the City Walls will be enhanced. The extension therefore is NPPF compliant with regards dealing with heritage assets.

4.9 The extension at Roman House will connect into and become part of the hotel. The elevation at the rear seen from the walls is currently a blank elevation. Guest-rooms will be added to this area. The photomontage provided by the applicants demonstrates the enhancement to the setting that would result; the new building is of appropriate massing, compared to the hotel, and the windows add interest. The modernisation of Roman House is of appropriate massing overall to the hotel; the scheme has been revised and Roman House (as proposed) reduced in scale, so the listed building remains dominant. The works would continue the existing brickwork, improve the window detailing and add activity/interest to the Tanner Row elevation, by the insertion of windows and an outside amenity space. The works do not cause harm to the listed building.

4.10 The connection point would require adapting an existing external window, to allow continuation of the existing corridor. The connection is a necessary part of the scheme and the approach proposed is acceptable. The alteration would respect the original plan form and integrity of the building; compliant with Historic England guidance within their conservation principles and policies guidance document. The windows on this end elevation were altered in 2009 to provide extra ventilation and satisfy building regulations. The impact of this intervention would be low and far outweighed by the overall benefits of the scheme.

INTERNAL WORKS

4.11 The internal changes are at basement level and affect only partitions which were added when the building was first converted to a hotel in 2008. There would be no harm to the historic and architectural importance of the building.

5.0 CONCLUSION

5.1 The scheme would enable the existing five star hotel to achieve its potential for tourists and business customers.

5.2 The only alteration to the host building that would impact on historic fabric would be the removal of one corridor window to form a necessary link to the expanded area in Roman House. The approach is sympathetic to the original layout and the detail in this area will be covered by condition. The amount of harm will be low and outweighed by the overall benefits of the scheme.

5.3 The external works would enhance the listed building and its setting. The design of the dining extension as an elegant contemporary pavilion of contrasting light-weight appearance would enhance terrace located in the former service yard and provide a much needed facility. The new extension facing Tanner Row would replace the poor quality service yard and WC building with what appears to be a modest infill building separated from the decorative SW gable of the hotel. The much improved articulation and detail of Roman House itself would enhance views from the surrounding streets and improve the experience at street level.

5.4 The proposals comply with policy in the NPPF which establishes a positive approach towards dealing with heritage assets. The proposals would sustain and enhance the significance of the listed building and assist in putting it to a viable use, consistent with its conservation. The new external development would make a positive contribution to local character and distinctiveness. The historic and architectural significance of the hotel building - the former North Eastern Railway Co. head office - would not be affected by the proposals.

5.5 The proposals constitute an enhancement to the listed building and cause no harm. Considering the requirements of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, the scheme is acceptable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIMEL2 Development start within 3 yrs (LBC/CAC)

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

1243-102 Block Plan as Proposed

1243-109D Combined Lower Ground Floor Plan as Proposed

1243-110C Combined Upper Ground Floor Plan as Proposed

1243-111C GNER Building First Floor Plan as Proposed

1243-112B GNER Building Second Floor Plan as Proposed

1243-113C GNER Building Third Floor Plan as Proposed

1243-114 GNER Building Fourth Floor Plan as Proposed

1243-115 GNER Building Fifth Floor Plan as Proposed

1243-116 GNER Building Roof Plan as Proposed

1243-117C GNER Building Lower Ground Floor Spa Plan as Proposed

1243-119 Roman House - Public WC Plan as Proposed

1243-120F Roman House - Ground Floor Plan as Proposed

1243-121E Roman House - First Floor Plan as Proposed

1243-122D Roman House - Second Floor Plan as Proposed

1243-123D Roman House - Third Floor Plan as Proposed

1243-124D Roman House - Fourth Floor Plan as Proposed

1243-125D Roman House - Fifth Floor Plan as Proposed

1243-126C Roman House - Roof Plan as Proposed

1243-127C Dining Pavilion - Lower Ground Floor Plan as Proposed

1243-128D Dining Pavillion - Upper Ground Floor Plan as Proposed

1243-129D Dining Pavillion - Roof Plan as Proposed

1243-150F Roman House - Section A - A as Proposed

1243-151E Roman House - Section B - B as Proposed

1243-152E Roman House - Section C - C as Proposed

1243-153E Roman House - Section D - D as Proposed

1243-154C Roman House - Section E - E as Proposed

1243-155B Roman House - Section F - F as Proposed

1243-158 Dining Pavilion Sections as Proposed - Sheet 1
1243-159C Dining Pavilion Sections as Proposed - Sheet 2

1243-160H Roman House - South Elevation as Proposed
1243-161G Roman House - East Elevation as Proposed
1243-162F Roman House - North Elevation as Proposed

1243-163C Dining Pavilion - East Elevation as Proposed
1243-164D Dining Pavilion - North Elevation as Proposed
1243-165A Dining Pavilion - South Elevation as Proposed

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

3 Large scale details

Prior to development of the relevant part of the scheme, details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

First floor link

- Large scale details in plan, section and elevation (1:20 & 1:5) showing amendments to the existing first floor window opening and its reveal to form the new link. (Architraves shall be retained and extended). Details to include the junction between the new glazed link and the existing building.

New dining pavilion

- Large scale plans, sections and elevations (1:20 & 1:5) describing each of the different elevational conditions e.g. through the terrace facing Station Rise, through the podium and service yard facing north, and through the glass link joining the new pavilion to the existing building (to include flashings into the existing rear elevation which should be made into horizontal joints).

- Landscaping scheme.

- Details of any external lighting. (As far as possible any external lights should be integrated with the buildings and terrace).

Reason: In the interests of the appearance of the listed building.

4 Alterations in Spa area

The safe door shall be retained in-situ. New partitions shall be scribed around existing details.

Reason: In the interests of the appearance of the listed building.

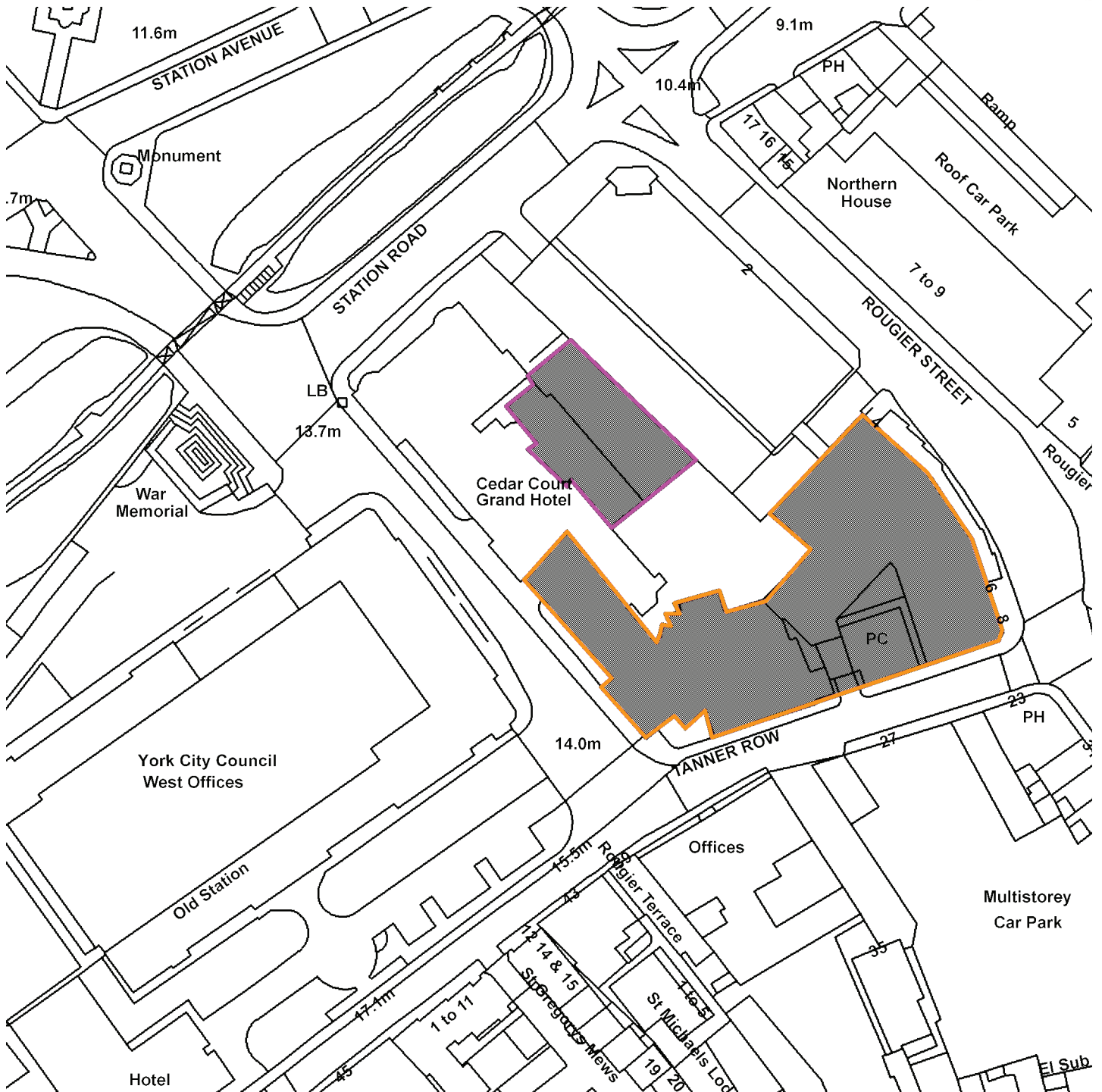
Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323

15/00582/LBC

Cedar Court Grand Hotel Station Rise



Scale : 1:1059

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| Organisation | CYC |
| Department | Not Set |
| Comments | Site Plan |
| Date | 14 July 2015 |
| SLA Number | Not Set |

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