

## **COMMITTEE REPORT**

**Committee:** East Area                      **Ward:** Fishergate  
**Date:** 13 December 2007              **Parish:** Fishergate Planning Panel

**Reference:** 07/02408/FULM  
**Application at:** Novotel Fewster Way York YO10 4AD  
**For:** Alterations and extensions to existing hotel and replacement of existing bedroom windows  
**By:** The Accor Group  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 8 January 2008

### **1.0 PROPOSAL**

1.1 The application site is located within the City of York City Centre inset boundary. It is adjacent to Central Historic Core Conservation Area to the north and New Walk/Terry Avenue Conservation Area to the west. The site is within Flood Zone 2 as defined by the Environment Agency. It is also within Area of Archaeological Importance (AAI).

1.2 River Foss lies to the west of the site. On the opposite side of the River Foss further to the west lies a public footway, which extends from St. George's field, across the Foss, to Fishergate via Blue Bridge Lane. William Court lies to the south of the site, Browney Croft to the north, and Fewster Way to the east. The application site is given as 0.84 hectare.

1.3 A committee visit will take place at the request of Councillor D'Agorne.

#### **Proposal Description:**

1.4 This application seeks planning consent to extend the existing hotel, which has 124 bedrooms, in order to create 48 additional bedrooms. Permission has also been sought for the following works:

- i. Replacement of windows to existing bedroom facilities,
- ii. Single storey 8.7m x 8.0m restaurant extension to the west,
- iii. Installation of entrance canopy,
- iv. Construction of mini-roundabout with benches, water features and flag poles within, and
- v. provision of covered cycle parking.

1.5 The revised plans received 26 November 2007 show the proposed extension would be a 64.5m x 19.0m (max) structure; with an eaves height of 10.5m and a ridge height of 14.5m. It would be a 2 storey high structure supported by 4.0m high columns. The purpose of the supporting columns is to create an area for loading, vehicle access and parking of vehicles. The existing hotel contains five storeys with an overall height of 21.0m. It is a concrete framed structure with brickwork panels to external facades. The proposed extension would be attached to the southern end of

the existing hotel and would run horizontally and in parallel with a row of buildings along 19-25 William Court, leaving a gap of 22.0m in between.

1.6 The revised drawings also show the following changes:

- i. the existing access gate to the east of the service yard has been retained,
- ii. the width of the southern access gate has been reduced to 3.0m from 5.0m (as shown on previous drawings),
- iii. the external fire escape stairs (as shown on previous drawings) have been incorporated into the extension,
- iv. the design and elevation treatments of the extension have been amended,
- v. the overall length of the extension has been increased by 4.0m to 64.5m, and
- vi. the first and second floor bedroom windows in the south elevation have been redesigned by introducing 'Brise Soleil' units,

1.7 Access to the site is via Fishergate, which links Paragon Street and Fawcett Street to form a one way gyratory. By virtue of building on an area of land currently used for car parking and servicing, the scheme would result in a reduction of car parking from 140 spaces to 94 spaces, although cycle storage spaces would increase from 8 to 18.

1.8 The service yard to the south of the application site is currently enclosed by a 1600mm high brick wall. It contains:

- i. a temporary building,
- ii. a meter room,
- iii. 2no. steel containers,
- iv. 1no. air handling unit for air conditioning,
- v. 10no. refuse bins (size approx 200 litres household wheelie bin),
- vi. 1no. 2.0m x 2.2m refuse skip, and
- vii. access to the plant room, and
- viii. a roller shutter door to accept deliveries.

1.9 The proposed service yard is in the same location, but enclosing a larger area by virtue of the proposed extension above. The new service yard would contain the followings:

- i. a meter room,
- ii. 2no. steel containers,
- iii. 1no. air handling unit for air conditioning,
- iv. 2no. refuse bins (size approx 1100 litres),
- v. 2no. recycling bins size approx 360 litres,
- vi. access to the plant room, and
- vii. a roller shutter door to accept deliveries.

Relevant Planning History:

1.10 7/05/764H/PA: Outline application for use of land for the erection of 210 bedroomed hotel with mixed residential (houses/flats) and public house all with ancillary car parking. Planning permission was granted on 22nd November 1984.

1.11 7/05/764L/PA: Erection of 120 bedroomed hotel (details as reserved for approval in the outline planning permission granted on the 22nd November 1984). Planning permission was granted on 24th July 1986.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Schools Multiple (Spatial)

### 2.2 Policies:

CYSP3

Safeguarding the Historic Character and Setting of York

CYSP8

Reducing dependence on the car

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP4B

Air Quality

CYGP9

Landscaping

CYGP11

Accessibility

CYGP15

Protection from flooding

CYNE8

Green corridors

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYHE2

Development in historic locations

CYHE10

Archaeology

CYT4

Cycle parking standards

CYT7C

Access to Public Transport

CYT12

Coach and Lorry parking

CYT13A

Travel Plans and Contributions

CYV1

Criteria for visitor related devt

CYV3

Criteria for hotels and guest houses

CYV4

Allocation of hotel sites

### **3.0 CONSULTATIONS**

#### EXTERNAL

3.1 Neighbours consulted, site notice posted, and press advertised. Consultation expired 19 November 2007. 23 letters of objection received raising the following concerns:

- the proposal is obtrusive in its height and closeness to residential buildings,
- the proposal would have significant visual impact when viewed from residential properties along William Court,
- the noise created by the proposed 24 hours operation should be controlled,
- the proposal would affect the views of residential properties along William Court and Fishergate,
- the proposal would lead to significant loss of privacy,
- the triangular bay windows (as appear on the original drawings) would not address the concern regarding the loss of privacy,
- the proposal would significantly reduce natural light entering into the habitable rooms and garden areas along William Court,

- the height of the second floor windows enables the occupants to look down into the rooms and garden areas,
- the size of the development should be reduced,
- new structure may be required for smokers. This may bring the noise and smoke even nearer to the properties along William Court.
- Noise and traffic increase as the result of delivery is a concern,
- increased traffic would impact not only on local residents, but the Council's desire to reduce traffic in the city,
- parking restrictions in Blue Bridge Lane/William Court, decrease in parking availability at the hotel, together with the popularity of the adjacent bingo site would adversely affect congestion in and around the development,
- delivery access at the southern parking area is already causing significant disruption and noise pollution. The proposed development would exacerbate the problem,
- there would be a greater volume of vans and HGVs delivering and collecting within a greatly reduced space for vehicle manoeuvring,
- the applicants claim there are no HGVs and only 2 and 3 vans per days. This is misleading and should be restricted through planning control,
- the loading area would come closer to the properties along William Court,
- delivery time at 5:30am is unacceptable,
- the proposal might affect the existing right of way,
- currently some vehicles, such as glass removal lorries have an "up and over" movement to load them. If the loading bay is beneath the proposed extension loading operations including bottles and refuse collection might require to be carried out in an area facing William Court,
- parking area for activities such as conferences and weddings have not been considered,
- the existing car parking area is already double parked,
- it is not considered that Kent Street car park could accommodate extra traffic as the same car park has been cited for use by guests in the proposed new 160 room hotel on the Barbican site,
- the proposed traffic could be danger to children because of the two schools nearby,
- the proposed development would substantially reduce the open space between existing developments,
- the proposal would curtail current green corridor for wildlife,
- the proposal would affect local birdlife,
- the proposal would affect the existing views from green and river corridors,
- the gap between the current Novotel and William Court will be filled by this development, harming the appearance of the area,
- the proposed side elevation would detract the appearance of the green corridor,
- the proposal is contrary to policy NE8,
- the proposal would affect air flow,
- the new location of central heating/air conditioning fans might come nearer to the residential properties along William Court,
- the design of the building would cause a courtyard effect and will amplify any noise created,
- tunnel under the building design approach could lead to lorry fumes not being able to dissipate,
- the plans do not indicate the location of new sky dishes,
- the existing hedge/shrub along the southern boundary facing William Court should be retained,
- the proposed vehicle manoeuvring might destroy the southern boundary hedge,

- the external staircase would harm the visual amenity of the area.
- the proposal would reduce the value of nearby residential properties,
- the development is based on the maximum size require to make it economically viable for the hotel chain,
- the existing access road is unfit for building material deliveries,
- noise create by users of the hotel would exacerbate the problem,
- More buildings will be erected in a flood zone,
- a soak-away garden would be more desirable,

3.2 A letter of petition containing 289 names and contact details received 29 November 2007.

3.3 Fishergate Planning Panel consulted. No response received 19 November 2007.

3.4 Environment Agency consulted. Response received 15 November 2007. The Agency has no objections subject to recommended conditions.

3.5 Safer York Partnership consulted. Response received 30 October 2007. The following comments were made:

- it is vital that all vulnerable ground floor windows and doors be security-tested to Secured by Design standards,
- security of the development should be further enhanced by discouraging unauthorised persons or non-members, particularly into the main stairwells and access areas,
- the following should be considered: Proximity Access Control systems (PAC), a door entry phone system with electronic lock release, or a combination of these,
- internal and external entrances should be well lit,
- appropriate lighting should be carefully designed,
- CCTV should be included to ensure that all vulnerable areas are provided with formal surveillance,
- suitable signage should be well indicated,
- developer should work with the police and Local Authority in trying to reduce crime by considering the police 'Secured by Design' Award Scheme for this site,

3.6 Yorkshire Water consulted. Response received 31 October 2007. Yorkshire Water has no comments as their apparatus would not be affected by the development.

3.7 York Tourism Partnership consulted. Response received 7 November 2007. The following comments were made:

- In principle York Tourism Partnership welcome plans for the extension of the hotel.
- The city is looking to increase the length of stay of visitors and opportunities to increase the supply of hotel beds in the city are therefore very welcome.
- Expansion in bed-spaces will benefit both leisure and conference visitors.
- The Partnership also welcomes the increase in employment which is indicated.
- The Partnership will not comment on the details of the extension.

York Tourism Partnership have no further comments following the submission of revised scheme.

INTERNAL

3.8 City Development Unit consulted. Response received 7 November 2007. The following comments were made:

- the site does not fall within the Central Historic Core,
- the site is within the City Centre area of Archaeological importance. Hence a field evaluation is required,
- input from the Council's Conservation Team is also required,
- the site of the hotel is within flood zone 2, an area defined as having an annual probability of flooding (river) 0.1 - 1.0%. A flood Risk Assessment is therefore required to be assessed by internal drainage team,
- criteria A - D of policy V3 (Hotels and Guest Houses) apply.

3.9 Highway Network Management consulted. Response received 7 November 2007. The following comments were made:

- The surrounding highways are protected by various waiting restrictions which will manage any on-street parking.
- The applicants have provided information that they currently have an excess of parking and have estimated that approximately 50% of residents arrive by car.
- The applicants have also provided details on the average occupancy rates and when working out the level of car parking being provided it compares favourably with the level of car borne custom that could be expected.
- Although the level of overall car parking provided is being reduced, the remaining level accords with City of York Council Draft Local Plan Annex E maximum parking standards,
- The management of car parking within the site is a private issue and should the car park become oversubscribed customers would be able to use adjacent public parking facilities at Kent Street,
- the site is within walking distance of the city centre and is served by a number of frequent bus services.
- As such officers raise no objections to the proposal subject to conditions.

3.10 Environmental Protection Unit consulted. Response received 16 November 2007. The following comments were made:

- Noise created from delivery vehicles and specifically reversing beepers could have an impact on the amenity of occupants of William Court, off Blue Bridge Lane.
- The boundary of the nearest noise sensitive property is only 12.0m away from the proposed delivery area, and the route of delivery vehicles on site will pass housing bordering the site.
- Delivery vehicles may be required to reverse along the southern site boundary and any noise from this must be addressed prior to the development commencing.
- In view of the above conditions regarding delivery times and the use of 'white noise reversing sounders' have been recommended.
- Air quality: The Unit have no objections regarding the impact of the proposal on air quality, as it has been confirmed by Highway Network Management that there will be no net increase in traffic generation.

3.11 Design, Conservation and Sustainable Development consulted. Latest response received 29 November 2007 following the submission of revised drawings. The following comments were made:

-The proposal can only be judged in terms of its impact on the setting of the conservation area.

-Whilst the application site does form a gap between the existing hotel and the adjacent residential development, the large group of mature trees situated on the riverbank partially obscure the view of the site from both sides of the River Ouse.

-The revised plans have taken account of the previous comments made by the Conservation Team. As such the amended scheme is considered to be an improvement.

-The proposed cream frames shown on the submitted artists impression are not felt to be appropriate. As this would have a noticeable impact on the setting of the conservation area it is felt that a darker colour would be more appropriate.

3.12 Archaeologist.. Response received 27 November 2007. The following comments were made:

-Having assessed the location of the proposed extension and discussed the foundation of proposals with the applicant's agent, any approval should be subject to the standard archaeological conditions.

3.13 Council's Structure and Drainage Team consulted. Response received 7 November 2007 - no objections. The submitted Flood Risk Assessment has adequately addressed zone 2 flood risk, with all bedrooms being on the first floor well above the 1/1000-year flood level.

-A flood management plan is recommended to address responses to flood warning, including evacuation procedures during extreme events.

## **4.0 APPRAISAL**

4.1 The main issues to be considered are as follows:

- i. Residential Amenity
- ii. Visual Amenity and Impact on Conservation Areas and Green Corridor
- iii. Sustainability
- iv. Parking and Highway Safety,
- v. Servicing and Environmental Protection Considerations
- vi. Flood Risk
- vii. Other Material Considerations

### **RESIDENTIAL AMENITY**

4.2 Policy V3 and policy V1 of the City of York Draft Local Plan 2005 set out a list of criteria for assessing visitor related developments, one of which is whether the proposal would have an adverse effect on the residential character of an area. Furthermore, criterion (i) of policy GP1 seeks to ensure that residents living nearby the proposal would not be unduly affected by overbearing structures.



4.3 The main focus of this application is the proposed 14.5m high and 64.5m wide extension running horizontally and in parallel with a row of terraces along 19-25 William Court, leaving a gap of 22.0m in between. William Court is a residential development comprising three sets of terrace properties, namely 1-6 William Court, 7-18 William Court, and 19-25 William Court. The main concern is its impact upon 19-25 William Court, a row of 3 storey buildings with habitable windows directly facing the proposed extension and garden areas directly adjacent to the application site. Due to its setting, its scale and its close proximity to 19-25 William Court as described above, it is in the opinion of officers that the proposed extension would appear obtrusive and overbearing when viewed especially from the habitable windows in the north elevations of these neighbouring properties, to the extent that the living condition of the occupants living in these properties would be unacceptably harmed by virtue of the development.

4.4 No guidance has been set by this Authority which specifies the minimum distance between buildings. Nevertheless, it is generally accepted that a minimum of 21.0m between the main elevations of residential properties is acceptable. The proposed extension would meet the minimum standard. Nevertheless, it has also been noted that this '21-metre-rule' is generally used as a guide for standard 2 storey housing developments, not a 2 storey hotel extension supported by 4.0m high columns.

4.5 The majority of the bedroom windows in the south elevation of the extension would be partially covered by Brise Soleil units. It is accepted that the proposed method of screening would overcome the concern regarding overlooking and loss of privacy. Furthermore, it is also considered that the proposed method of screening would reduce light pollution when viewed from 19-25 William Court.

4.6 Due to the characteristics of daylight orientation in relation to the positioning of the development, it is unlikely that the residential properties adjacent to the development would be adversely affected by the loss of natural daylight and overshadowing.

#### VISUAL AMENITY AND IMPACT ON CONSERVATION AREAS AND GREEN CORRIDOR

4.7 The revised plans have taken account of the previous comments made by the Conservation Team. The separation of the extension into defined bays replicates the rhythm of the main building. The fenestration size and pattern also matches that of the existing building which brings continuity to the overall appearance of the development. The changes to the ground floor level are also an acceptable improvement; the infill of the former open areas brings solidity to the design.

4.8 Furthermore, the development is now proposed as brick construction rather than brick and render. This will ensure the character of the existing building is replicated and there will therefore be less impact on the setting of the conservation area. Due to the choice of colour it is considered that the proposed cream Brise Soleil units would have a noticeable impact on the setting of the conservation area. A darker colour is felt to be more appropriate. This can be secured by condition if permission is granted.

4.9 By virtue of the improvements as described above, on balance it is unlikely that the character and appearance of New Walk/Terry Avenue Conservation Area, including the green and river corridors within would be unduly harmed. With regard to the visual impact when viewed from New Walk, the large group of mature trees situated on the riverbank would partially obscure the view of the site. As such by bringing the building nearer to the William Court is unlikely to harm the view from this location.

4.10 The proposed north and east elevations would be well screened by the surrounding buildings and would leave a distance of more than 130.0m from the public highway to the east of the application site. As such it is unlikely that the proposal would affect the character and appearance of York Central Historic Core Conservation Area and the general appearance of Fishergate. The proposed single storey restaurant extension, window replacements and entrance improvement works are unlikely to affect the visual appearance and the character and setting of the conservation area.

#### SUSTAINABILITY:

4.11 Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 sets out a list of criteria development should take into account. In the case of this development, the site is within 400m walking distance from a number of local services and public transport facilities, including bus routes linking the site to York City Centre and the surrounding area. The site is also adjacent to a public footpath and a cycle route along the side of the river. Access into the site can therefore be gained by means other than private vehicles.

4.12 The principle of sustainable development has also been incorporated as part of the scheme. These include the use of low energy lighting in the corridors, stairs, and parts of the public areas, the use of rain water for toilet flushing, and the use of grey water during construction where possible. All bedrooms to the proposed extension would also be fitted with facilities such as water flow regulators, low energy lighting fittings and room thermostats to independently control heating and cooling.

4.13 Notwithstanding the above, paragraph 3 of the Planning Policy Statement no.1 (2005) "Delivering Sustainable Development" states "at the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations". In relation to the proposed hotel extension, due to its impact upon the quality of life of the residents at 19-25 William Court, on balance it is considered that the proposal is contrary to the Government's objectives for the planning system as set out in this national planning policy statement. Whilst the proposed scheme could contribute towards the economic prosperity and diversity of York, could maximise employment opportunities, and could meet the continuing demand for hotel rooms, by virtue of the above it is not considered that these benefits could outweigh the adverse impacts associated with this development.

#### PARKING AND HIGHWAY SAFETY

4.14 By virtue of the development a total of 48 additional bedrooms would be created. This would increase the overall room availability from 124 to 172. However, the overall number of vehicle parking spaces would be reduced from 140 to 94, a

reduction of 46 spaces. According to the details submitted with the application, there are currently 60 staff employed on site. By virtue of the development proposed a maximum of 6 new staff will be employed. Hence the total number of staff on site would equate to 66.

4.15 Appendix E of the City of York Draft Local Plan 2005 set out a maximum car parking standards for all developments. According to the maximum standards for Class C1 (Hotels and Guest Houses) developments in York City Centre and District Centres with 20 bedrooms or more, 1 space should be provided per 4 bedrooms, and 1 coach space should be provided per 100 bedrooms. In addition, 1 space should be provided per resident staff and a minimum of 1 cycle space is to be provided for every 10 bedrooms.

4.16 Based on the maximum standards set out in appendix E, a total of no more than 43 parking spaces is expected for a hotel in this location with 172 bedrooms (172 bedrooms X 1 space / 4 bedrooms). However the total number of parking spaces within the site would exceed this maximum standard by more than double (43 spaces X 2 = 86 spaces) even after the proposed reduction of 46 spaces. It is therefore likely that adequate parking spaces would be in place to facilitate other functional activities such as conferences and weddings.

4.17 In terms of parking provision for resident staff, the information submitted by the applicant's agent has confirmed that there are currently no resident staff at the hotel; there will be no resident staff if the extension is constructed. Given that there would still be 51 parking spaces after taking into account customers' parking (94 spaces - 43 spaces = 51 spaces), on balance it is considered that parking provision on site is acceptable.

4.18 According to the Staff Travel Survey undertaken in September this year, 46% of the respondents walk to work, 20% travel to work by bicycle, 20% of respondents used public transport as their main form of transport to work, and only 14% of the staff travel to work by car. This further demonstrates that more than adequate car parking spaces would be provided on site notwithstanding the proposed reduction.

4.19 With regard to cycle spaces, the information submitted shows there are currently 8 cycle spaces. By virtue of the development a total of 18 cycle spaces would be on site. Appendix E of the guide states a minimum of 1 cycle space is required per 10 bedrooms. Given that this application relates to the additional 48 bedrooms it is considered that the provision of 10 additional cycle spaces is acceptable.

4.20 The Council's Highway Network Management have raised no objections as the surrounding highways are protected by various waiting restrictions which will manage any on-street parking. Furthermore, it has been demonstrated that the hotel currently has an excess of parking, and that the number of remaining parking spaces would still accord with the standards set out in Annex E of the City of York Draft Local Plan 2005. The site is also within walking distance of the city centre and is served by a number of frequent bus services. The team has raised no concern regarding highway safety during the construction period including the delivery of building materials. Nevertheless if permission is granted a condition is required

restricting the hours of construction. The purpose of such a condition is to protect the amenity of nearby occupants.

4.21 Having taken the above into account, the location of the site in relation to York City Centre, together with the guidance set out in Planning Policy Guidance note 13 "Transport", on balance it is considered that parking provision on site is acceptable and that the proposed scheme is unlikely to create a condition prejudicial to highway safety. No solid evidence has been provided to demonstrate that the proposal would pose a risk to children attending Fishergate Primary School.

## SERVICING AND ENVIRONMENTAL PROTECTION CONSIDERATIONS

4.22 One of the criteria set out in policy V1 "Visitor Related Development" is whether the proposal has made adequate servicing arrangements. The amended plans show the existing access gate to the east of the service yard would be retained and would be used as an access for emptying refuse and recycling bins to vehicles. The amended plans also show the refuse and recycling bins would be adjacent to this existing access point. Hence it is unlikely that the southern access point and the open area to the south of the application site would be used for refuse collection. In order to facilitate the loading of refuse the hotel is acquiring new 1100 litre bins to replace the existing bins which require an up-and-over mechanism. The amended plans have demonstrated that adequate space would be provided within the service yard area for servicing arrangement.

4.23 With regard to the issue concerning delivery vans, the information submitted by the applicants state the hotel currently experiences on average 6 deliveries per day from Monday to Friday, 2 only on Saturdays and none on Sundays. It is not anticipated that additional deliveries will be required if the additional rooms are in operation, as the current delivery vehicles have capacity to increase the size of the orders. In terms of delivery time, the earliest delivery time is for dairy products and is between 6:30am to 7:00am. There is no change from the existing schedule. The latest delivery time is usually around 2:00pm.

4.24 Due to the number of additional rooms proposed in relation to the size of the existing operation it is accepted that the proposed development would not unacceptably increase the frequency of deliveries currently on site. The Council's Environmental Protection Unit have been consulted. Subject to the recommended planning conditions the Unit have no objections. In any case provisions do exist within current non-planning legislation such as the Environmental Protection Act 1990 to deal with statutory nuisances.

4.25 Notwithstanding the status of this application a separate application would be required should the applicant wish to erect a structure for smokers. Due to the distance between the proposed extension and the properties along William Court it is unlikely that the noise and air pollution caused by smokers congregating in the service yard would unacceptably harm the living conditions of the nearby residents. A separate application is also required should the applicants wish to relocate the central heating/air conditioning units. According to the information submitted a new air conditioning unit would be sited in the same position as the existing unit and would therefore be located under the proposed bedroom extension. Any further units required would be located within the roof space of the existing building.

## FLOOD RISK

4.26 The application site is defined by the Environment Agency as an area within zone 2 flood risk, hence a Flood Risk Assessment has been submitted. No objections were raised by the Council's Structure and Drainage Team as the proposed bedrooms would be well above the 1 in a 1000 year flood level. The Environment Agency have also been consulted. Subject to the recommended conditions the Agency have no objections to the principle of the development proposed. No objections were raised by Yorkshire Water in light of the above comments, together with the fact the application relates to an area of land which is already non-permeable, it is not considered that the provision of permeable garden could be justified.

## OTHER CONSIDERATIONS:

4.27 Existing Hedge: With the objective of protecting the screening effect currently enjoyed by the occupants along 19-25 William Court, a condition is required to retain the existing hedge along the southern boundary should permission be granted. Such a condition should also be used to ensure that a new hedge will be planted in the next planting season should the hedge die, be removed, or become seriously damaged or diseased.

4.28 Planning Against Crime: A Secured by Design condition is required which would address the recommendations of the Safer York Partnership, should permission be granted.

4.29 Archaeological issues: The site is within an area identified as an Area of Archaeological Importance (AAI). Hence an Archaeological desk-based assessment has been submitted. The Council's Archaeological team have been consulted; no objections were raised subject to standard archaeological conditions.

4.30 Local wildlife: No evidence exist which suggest that the proposal would affect species protected by law.

4.31 Public rights of way: There are no Public Rights of Way existing within the site. Due to the siting of the extensions, it is unlikely that the proposal would affect the public rights of way adjacent to Novotel.

4.32 Issues concerning property value and the intention of the applicant to erect the extension are non-material planning considerations.

4.33 Having taken the above into account, it is considered that the proposed development would not cause undue harm to a number of main issues identified. However, due to the concern regarding its obtrusive and overbearing impact upon the occupants at 19-25 William Court, on balance this application is recommended for refusal.

## 5.0 CONCLUSION

Due to the intrusive and overbearing impact of the proposed extension on adjacent residential properties, the application is recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:** Refuse

1 It is considered that the proposed extension would appear unduly intrusive and overbearing when viewed from the habitable windows in the north elevation of the properties at 19-25 William Court by virtue of its scale, siting and overall massing, together with its distance from these residential properties. As such the living conditions of the occupants of these residential properties would be unduly harmed by virtue of the development, contrary to the core principle of sustainable development set out in Planning Policy Statement no.1 (2005) "Delivering Sustainable Development", and Policies V1 and GP1 of the City of York Draft Local Plan 2005.

### **7.0 INFORMATIVES:**

#### **Contact details:**

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