

COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 16/02518/FULM
Application at: Novotel, Fewster Way, York, YO10 4AD
For: Five storey side extension to accommodate 22no. guest rooms and single storey front and rear extensions.
By: Mr Steve Smith
Application Type: Major Full Application (13 weeks)
Target Date: 14 February 2017
Recommendation: Delegated Authority to the Assistant Director to Approve following receipt of amended landscaping plan and elevations

1.0 PROPOSAL

APPLICATION SITE

1.1 The hotel is setback from Fishergate and is surrounded by houses to the north, east and south. The River Foss is to the west and the site is in flood zone 2.

1.2 The hotel was developed along with surrounding houses of similar vernacular in the 1980's and is not in either of the adjacent conservation areas; the Central Historic Core which extends along Fishergate and the New Walk / Terry Avenue area which includes the Foss to the west. The houses to the south in William Court were developed later and are 3-storey.

PROPOSALS

1.3 The proposals are to improve and expand the ground floor reception area at the front of the hotel, extend the restaurant on the riverside and add bedrooms within a part 5 part 4 storey extension on the south side of the site. The amount of rooms in the hotel would increase by 22 to 146 overall.

1.4 At the front of the hotel the existing single storey structures would be reconfigured and extended the extent of the main facade. These would have a glazed facade and green covered flat roof.

1.5 On the riverside the restaurant extension would be at the south end of the building. It would also be single storey with a flat green covered roof.

1.6 The south extension would extend over the existing service yard. It would step down to 4-storey, apart from the protruding staircase and have flat roofs. The

appearance would deviate from the main building. It would be a concrete framed structure with recessed glazing and brickwork.

RELEVANT SITE HISTORY

1.7 In 2009 permission was granted for various extensions to the Novotel under application 09/01175/FULM.

- 5-storey side extension to the south in matching detail (adding 4 rooms on each floor) and projecting staircase beyond
- Restaurant extension on riverside elevation
- 3 storey extension to front over car park

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest City Centre Area
- Flood Zone 2
- Schools Fishergate Primary

2005 Draft Local Plan

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. The relevant draft policies applicable to this application include

GP1	Design
GP15	Protection from flooding
HE10	Archaeology
V3	Hotels and guest houses

2014 Emerging Local Plan:

2.3 The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant emerging policies are as follows:

EC5	Tourism
D3	Extensions and Alterations to Existing Buildings

3.0 CONSULTATIONS

Flood Risk Management Team

3.1 No response.

Highway Network Management

3.2 No objection, the principal of an increase in number of bedrooms has been accepted with an existing approval of a 42 bedroom extension which has not been implemented. This 22 bedroom extension would increase the provision from 124 to 146 guest bedrooms.

3.3 Overall car parking spaces reduce from 138 to 130. However the amount still exceeds CYC Appendix E maximum parking standards. The management of car parking within the site is a private issue and should the car park become over-subscribed, patrons would be able to use adjacent public car parking at St Georges Field car park.

3.4 The surrounding streets are protected by parking restrictions.

3.5 The site is within walking distance of the city centre, is served by a number of frequent bus services and is therefore considered to be in a sustainable location.

3.6 Covered and secure cycle parking is to be provided in the service area although details have not been given, these may be conditioned.

3.7 The application has been supported by a travel plan which seeks to promote sustainable travel by staff.

3.8 Officers recommend conditions: to agree cycle parking and for it to be provided, for the agreed car parking layout to be developed and provision for servicing vehicles to be maintained, to prevent mud on the highway during construction, construction management, to mitigate the impact on the highway and for a travel plan to be developed for the site.

Public Protection

3.3 No objections. Recommend conditions to cover -

- Construction management
- Noise levels of plant/machinery to be agreed to avoid noise disturbance
- Land contamination

The site previously formed part of a glassworks, so a site investigation was undertaken to determine whether land contamination was present. The investigation comprised four boreholes, one trial pit and corresponding soil sampling. A layer of made ground (up to 3 metres thick) was found to be present across the surface of the site, but no elevated levels of contamination were detected.

- In case unexpected contamination is found.

Canals & Rivers Trust

3.4 The ground investigation report is poor and does not include a conceptual model and thus it is hard to draw robust conclusions. Ask that the Council seek the expert advice of the Environment Agency on this matter.

3.5 Whilst the design of the proposed extension could be improved, note that from the rivers adjacent it is screened by planting and as such would have minimal impact on our network.

Environment Agency

3.6 No objection. However require that it be demonstrated the sequential test has been passed and recommend consideration be given to flood resilience - raising of ground levels where possible and using flood proof design. It is desirable an evacuation plan be developed by the hotel. Flood risk must not be increased elsewhere.

Fishergate Planning Panel

3.7 The proposed extension looks out of character with the hotel and its surroundings.

York Civic Trust

3.8 This is a sensitive historic area adjacent to the C18 New Walk but has been compromised by the Foss Barrier buildings and the other modern buildings including the Novotel itself. The trust therefore have no objection in principle to an extension or additional accommodation.

3.9 The Trust object to the proposed design of the extension. The proposed design is so different in massing, materials, roof angles, and general character that the two buildings read as unplanned and unintentional neighbours.

Publicity

3.10 Five comments have been received which raise the issues listed below.

Visual impact

- The extension will be prominent and ugly, due to its concrete cladding. Due to its size it would be imposing and lead to a loss of light. Its detailing and form do not respect the main building.
- As part of the scheme the landscaped setting should be enhanced. Improvements recommended include more tree planting and possibly green walls.

Residential amenity

- Existing air-conditioning units cause noise disturbance, as does activity associated with the service yard (deliveries, putting out of waste) and noise from guests coming and going and when there are functions. If these aspects are moved closer neighbouring houses, and the hotel increases in size, the problem would be made worse.
- There is potential for noise during construction and it is asked for this to be managed.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle
- Flood Risk
- Visual impact
- Residential amenity
- Archaeology
- Highway management

ASSESSMENT

Principle

4.2 In the emerging Local Plan, Policy EC5 on Tourism advises that hotels are defined in national policy as city centre uses. The city centre is identified as the primary area for accommodating hotels. Where suitable sites are not available in the city centre, sites in edge of centre locations will be considered with preference given to sites which are well connected to the centre. 2005 Local Plan policy V3 requires that hotel development is visually compatible with its surrounds and does not detract from the residential character of an area, if applicable. The preference is for hotels to be sustainably located, in relation to the city centre or visitor attractions.

4.3 The site is outside the city centre but in the urban area. It is on a main bus route and within walking distance of the city centre. It is well-connected to the city centre. The hotel is established at this site and to allow the business to grow, provided it does so in a sustainable way, would not conflict with NPPF policy on the economy and the

need to securing economic growth as detailed in section 1 of the framework. There is compliance with location criteria in relevant Local Plan policies.

Flood Risk

4.4 The site is in Flood Zone 2. As such the NPPF requires that flood risk is not increased elsewhere and a site-specific flood risk assessment is required following the Sequential Test. The proposed use is more vulnerable according to the NPPG and the Exception Test is not required.

Sequential test

4.5 The NPPG advises that when applying the Sequential Test, 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.

4.6 The extensions are proposed to the building to improve reception and dining facilities at ground level and the extra bedrooms are in the most efficient location; an extension of the existing floor plate. Parts of the site to the east are outside of the flood zone. However it would not be practical or functionally efficient to locate the development proposed in free-standing buildings in the existing car park. As such, considering NPPG advice when assessing proposals to extend existing business it is concluded the sequential test is passed.

Whether the development would be safe for its lifetime

4.7 The finished floor level of the ground floor extensions will be as per the main building - 10.9 AOD. The FFL is approx 1 m above the 1 in 100 year flood level. As such the building will be appropriately flood resilient. National guidance in the NPPG recommends provision of safe access and egress during a 1 in 100 year flood event. This would be provided via the main entrance onto Fishergate.

Flood risk elsewhere

4.8 A planning condition would be necessary to ensure betterment on existing surface water run off rates. This would be provided by storage facilities for surface water within the site.

Visual Impact

4.9 Emerging Local Plan policy D3 relates to building extensions. It states that proposals to extend, alter or add to existing buildings will be supported where the design:

- responds positively to its immediate architectural context and local character, in terms of the use of materials and detailing, scale, proportion, landscaping and the space between buildings;

- positively impacts on the setting, wider townscape, landscape and views;
- protects the amenity of current and neighbouring occupiers, whether residential or otherwise.

4.10 The background text in D3 advises that an extension would normally be expected to be subsidiary to the original building. Stylistically, it should not be a pale imitation of the original. However it would normally be expected to be in keeping with the original building and its context (see policy points above). If a quite different approach to the architectural language of expression is developed, this could be acceptable only if high design quality can be demonstrated.

4.11 The hotel building architecturally is of its time and not special. The site is not in a conservation area and was not included when the central historic core was recently extended to incorporate Fishergate.

4.12 The building is around 30 years old and the extension is proposed at a transitional point between the hotel and houses to the south which differ in scale and external materials. The extensions scale will be subordinate to the main building. As such a contemporary rather than pastiche approach to extending it is acceptable, considering emerging local policy D3 and NPPF requirements not to stifle innovation as established in paragraph 60, but to promote or reinforce local distinctiveness.

4.13 The extension is of acceptable appearance, in compliance with the over-arching policy aim to improve the character and quality of areas and the way they function.

- The hotel building has a strong vertical emphasis derived from its detailing. The extension respects the proportions and form of the main building. The design and access statement alludes to the design intent, showing how the elevations will be modelled so they are not flat and lacking in interest. Large scale details would be required by planning condition to secure acceptable quality in this respect.
- In consideration of materials national advice in the NPPG is that "choosing the right materials can greatly help new development to fit harmoniously with its surroundings. They may not have to match, but colour, texture, grain and reflectivity can all support harmony". A light, buff brick and concrete were originally proposed which has led to objections in the consultation process, with concerns these would contrast starkly with the main building. It is now intended the materials complement more the host building. Brick will be the predominant material and will have subtle contrast only with the dark red brick on the main building. The concrete has applied finish, available in a variety of colours. A sand/stone coloured finish is now proposed which relates to the mortar joints on the building. This material would be used for the frame only and run through the extension at ground level, giving emphasis to the entrance and reception areas. The materials, along with the more contemporary approach to detailing, would give a more lively appearance to the building.

- The extension will not appear out of place in public views; distant views from Fishergate, oblique views from the riverside and from the housing to the south. There are mature trees along the riverside and the extension will be discreet in views from the opposite sides of the rivers; from New Walk and Terry Avenue.
- Further trees and shrubs will be planted on site; to improve views into the site from William Court and from elevated views from the terrace of housing to the south. A detailed landscaping scheme has been submitted, which will enhance the setting. Implementation would be secured through condition.
- Trees outside the application site, between William Court and the river, referred to in a public comment are outside the site and unaffected by the proposals. These trees are on council land and recognised of being high amenity value.

Residential amenity

4.14 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

4.15 Present views into the part of the site where the main extension are proposed are of the exposed service yard and plant/machinery, the car park and the 5-storey side elevation of the existing building which is somewhat monolithic/of little interest. The service yard would be predominantly enclosed as a consequence of the works and there would be improvements to the landscape/outlook by planting trees and making car parking less dominant. There would be improved visual interest in the vista along William Court into the site as a consequence of the proposed development.

4.16 The proposed extension would not be over-dominant -

- The extension is aligned to sit alongside the side elevation of 18 William Court, which is primarily orientated to overlook the river and east, away from the hotel building.
- The row of houses with rear elevations looking into the site - 19-21 William Court primarily overlook the car park, and beyond the front building line of the hotel and its proposed extension.
- The extension steps down to 4 storey, a comparable height to the neighbouring houses to the south, and is 13m from the site boundary. The buildings would be some 22m apart. This amount of development respects the urban grain, considering houses that face each other on William Court are set some 23m apart.

4.17 The extension is to the north of neighbours so it would not cause loss of light.

4.18 Only the windows to the staircase would face south and there would be no undue overlooking.

4.19 The single storey buildings being altered and extended due to their height and position on site would not affect neighbours amenity.

4.20 If there are existing noise issues associated with the site, as reported by neighbours these would need to be reported to Public Protection for investigation. A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development. A condition is proposed to agree details of any new plant and ensure it does not cause noise disturbance.

Archaeology

4.21 The site is within the nationally designated Area of Archaeological Importance. Policy D7 of the Emerging Local Plan requires an understanding of archaeology affected, to avoid substantial harm (preserve 95% of deposits) or where there would be harm, undertake adequate mitigation. Mitigation can include provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.

4.22 There is a significant possibility that there will be human remains relating to the medieval Priory in this area and nationally important features and deposits of Anglian date. Previous permissions for extensions at the site have been allowed subject to planning conditions to secure evaluation. Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings would be required.

Highway Management

4.23 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.

4.24 In accordance with the NPPF a condition can ensure adequate provision for servicing vehicles. The proposed layout retains the existing coach parking facilities on site. Conditions will also require agreement of adequate quality cycle parking and an electric vehicle charging point.

4.25 A travel plan is not required. National guidance is that conditions must be proportionate to the development proposed and specifically with regards travel plans,

these should be undertaken at design stage and when there is potential for more than limited impact on trip generation. The hotel is already well established and this application is for a fairly minor increase in the number of rooms overall. Highways have not flagged up particular issues with the operation of the site. Car parking numbers would be reduced and conditions will require promotion of facilities which encourage sustainable travel. A travel plan condition would not be necessary.

5.0 CONCLUSION

5.1 The extension to the hotel is acceptable in principle; the site is in a sustainable location and there would be no increased flood risk. The design and impact on residential amenity are acceptable; the revised scheme, which would have brick as the primary material, would be of a design which compliments the setting. Conditions can be used to deal with archaeology and any noise from additional plant/machinery required as a consequence of this proposal.

5.2 The scheme is not in conflict with NPPF policy and nor does it conflict with the relevant policies of the emerging local plan listed in section 2.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Delegate to officers to approve following receipt of amended landscaping plan and elevations

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans
- 3 HWAY31 No mud on highway during construction
- 4 Drainage

Construction of the buildings hereby approved shall not commence until details of the proposed means of foul and surface water drainage have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Unless otherwise agreed with the Local Planning Authority peak surface water shall be restricted to no greater than 5 litres per second.

The details shall include the following -

- a) Calculations and invert levels to ordnance datum of the existing and proposed surface water system.
- b) A topographical survey showing the proposed ground levels to ordnance datum for

the site and adjacent properties. Ground levels should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

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

d) In accordance with City of York Councils Strategic Flood Risk Assessment, peak surface water run-off should be attenuated by 30%. Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: To prevent increased flood risk, in accordance with Emerging Local Plan policy ENV4 Flood Risk and York's Strategic Flood Risk Assessment.

5 Archaeology

Prior to commencement of any groundworks the following investigations shall be undertaken, submitted to and approved in writing by the Local Planning Authority.

A written scheme of investigation (WSI) which conforms to standards set by the Chartered Institute for Archaeologists.

Site investigation and post investigation assessment completed in accordance with the programme set out in an approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. There shall be presumption in favour of preservation in-situ wherever feasible.

Reason: The requirements of the condition are applicable prior to commencement of

groundworks as site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

6 Large scale details

Large scale details, including notes of external materials, showing typical sections of the proposed elevations, including parapet details, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the buildings and the works shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

7 Materials

Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the buildings. The development shall be carried out using the approved materials (Samples shall be provided concurrently on site for approval).

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.

8 Cycle Parking

Prior to completion of the development details of the secure cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details. The approved cycle parking shall be maintained as such for the lifetime of the development.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with section 4 of the National Planning Policy Framework.

9 Electric vehicle charging

Prior to completion of the development hereby approved at least one electric vehicle charging point shall be provided on site, which will be made available for use by all staff and guests for the lifetime of the development.

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

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles 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. Charging point(s) should be located in a prominent position and be for the exclusive use of zero emission vehicles. To prepare for increased demand in future years, appropriate cable provision should be included in the scheme design.

10 Landscaping

The approved landscaping scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within the lifetime of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

11 Plant/machinery

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, that would exceed background noise levels beyond the application site, shall be submitted to the local planning authority for approval prior to installation. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall only be used on the site in accordance with the approved details and shall be appropriately maintained thereafter.

REASON: To safeguard the amenity of occupants of neighbouring premises

INFORMATIVE: 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 property when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

12 Unexpected contamination

In the event that previously unidentified 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 Provision for deliveries/servicing

Provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the approved plans at all times. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

14 NOISE7 Restricted Hours of Construction

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, in particular relating to the impact on visual and residential amenity, and the use of planning conditions.

2. INF11 - Control of Pollution Act 1974

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

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Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

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