

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Fishergate
Date: 24 June 2008 **Parish:** Fishergate Planning Panel

Reference: 08/00871/FULM
Application at: Kent Street Car Park Kent Street York
For: Erection of two and four storey hotel comprising 108 bedrooms, bar and restaurant facilities and associated landscaping (resubmission)
By: Indomito Properties LLP
Application Type: Major Full Application (13 weeks)
Target Date: 4 July 2008

1.0 PROPOSAL

THE SITE

1.1 The L-Shaped application site is bounded by Kent Street to the north and the existing decked car park to the east. There are 3 storey flats at Barbican Court to the western boundary, with a large warehouse and the rear of properties along Escrick Street to the south. A footpath from Kent Street providing access to Fishergate school sits to side the decked car park.

SITE HISTORY

1.2 Outline Planning Permission was granted for the redevelopment of the site to provide a community swimming pool in September 2004. Since the Council had ownership and so control over the site, it was not felt necessary to impose an obligation on the applicant that the coach park be retained until alternative coach parking was available elsewhere. Instead, the section 106 Agreement included a developers' financial contribution towards the provision of coach parking as to be identified elsewhere in the City. Alternative locations were at that time actively being considered by the Authority.

1.3 The proposed swimming pool was a requirement of an obligation to redevelop the Barbican leisure centre site, granted in 2004. However in 2006 this obligation was removed and replaced by a contribution towards the upgrading of existing and provision of new swimming facilities elsewhere in the City.

PROPOSAL

1.4 The application involves the erection of an L-shaped freestanding hotel of up to 4 storeys in height parallel to Kent Street, with a rear wing of 4 storey dropping to 2 storey towards the rear site boundary. The main face of the building would be set back some 16 metres from the footpath along Kent Street and the 4 storey side facing the flats at Barbican Court would be 14.5 metres from that adjacent property. To the rear, the 2 storey element would be 4.5 metres from the site boundary and 17 metres from the rear elevation of properties at Escrick Mews. The 4 storey element would be set at 27.5 metres from those properties.

1.5 To the east side the path to Fishergate School would be retained and resurfaced in pavements with planted areas to the side.

1.6 To the front the existing car and coach park entrance would be reconfigured to maintain entry/exit for the car park but to include access to a coach drop off point and car turning circle to the front of the hotel. Cars would exit from this access point back onto Kent Street, but coaches would exit from a point further west along Kent Street. Delivery vehicles using the service yard at the west side of the building would follow the same access and egress points as coaches. Footpaths along Kent Street would follow the kerb radii at the vehicular entrance on both sides by 8 metres. The bus stop on Kent Street would be relocated to outside the hotel, and a new shelter facing onto the footpath but within the site would be provided.

1.7 New landscaped areas would be created along the Kent Street frontage and to the front of the hotel. To the rear, existing boundary trees would be retained and lawned areas containing new tree planting and shrubbery along the boundary would be included.

1.8 Secure, covered cycle storage for staff would be provided to the west side of the site, adjacent to the staff entrance in a single storey part of the building. Other than disabled spaces there would be no car parking on site.

1.9 The building would be of contemporary design, with traditional locally sourced brickwork used to contain the central largely glazed central section of the front elevation. Lighter cladding panels at the upper storey are intended to reduce the apparent height and mass of the building. A shallow hipped and pitched roof would cover the hotel, with a service space running along the ridge of the roof. The brickwork would return part way along the sides, and would be used for the lower storey section of the rear wing and the single storey element to the west side.

1.10 The supporting documentation states that the applicant company is owned by a successful local hotelier, and that the hotel would operate under the Days Hotel franchise, classified as 3 Star plus accommodation, of which a shortfall has been identified. The hotel would act as an overspill for the Golden Tulip proposed hotel at Paragon Street (for which an application was withdrawn, and will be resubmitted pending design amendments as required by Committee).

1.11 The applicant has control of the decked car park adjacent, and surplus spaces within it would be used by the hotel. Approximately 45 staff would be trained and employed at the site.

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

Schools Fishergate Primary 0197

Schools St. George's RC Primary 0225

2.2 Policies:

CYGP1

Design

CYGP3

Planning against crime

CYGP4A

Sustainability

CYGP11

Accessibility

CYT4

Cycle parking standards

CYT14

Public car parking maintained

CYT20

Planning agreements

CYV1

Criteria for visitor related devt

CYGP9

Landscaping

CYT12

Coach and Lorry parking

CYV3

Criteria for hotels and guest houses

CYHE10

Archaeology

3.0 CONSULTATIONS

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - States the proposed site is part of the Barbican redevelopment scheme and has consent under the outline planning

consent for a pool/leisure use under this consent. The Barbican development scheme was included within the Foss Basin Masterplan which considered the highway and traffic implications of redevelopment taking place in the area.

3.2 The proposed application substitutes the original pool/leisure facility for an 108 bedroom hotel with car parking available at the adjacent Kent Street multi storey car park. Traffic generation figures for the proposed hotel have been provided following interrogation of the nationally recognised TRICS database. The figures demonstrate that the proposed hotel will generate less traffic than the pool/leisure use previously considered on the site and as such the overall traffic generation for the Barbican development will be less than that previously considered in the Foss Basin Masterplan.

3.3 Car parking surveys of the Kent Street car park were undertaken as part of the original Barbican application. These surveys identified that there was spare capacity within the car park. When considering the authorities maximum parking standards for a hotel of this size the number of spaces that could be provided are similar to the level of car parking that was to be provided for the pool/leisure use. As such it is not considered that the proposal will have a material impact on the availability of parking in Kent Street car park.

3.4 Access to the site is to be taken from the existing car park entrance on Kent Street which will be modified slightly to ensure priority remains for car park traffic. The applicants propose to operate a one-way system with vehicles leaving the site restricted to a left turn out only. The right turn will be prohibited and enforced through the alteration to an existing traffic island.

3.5 The site is considered to be in a sustainable location as it is well served by public transport and good pedestrian/cycle facilities exist in the vicinity. The city centre is within a reasonable walking distance for guests. A number of standards and non-standard conditions are recommended (see below).

3.6 ENVIRONMENTAL PROTECTION UNIT - Raises no objections subject to standard conditions relating to the hours of delivery and collection, white noise reversing sounders on delivery vehicles, details of plant and machinery and fume extraction equipment. It also states the development would generate less traffic than the previously approved pool and associated facilities for which the air quality implications were assessed and considered acceptable

3.7 ENVIRONMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT (archaeologist) - states the site lies in the Area of Archaeological Importance and in an area where significant archaeological deposits have been found. There is evidence for Roman activity in this area. The site lies close to the important Anglian site on Fishergate and may include the church and cemetery of the medieval church of All Saints Fishergate. The area was an extra-mural suburb of the City and included the important Gilbertine Priory on Fishergate. There have been five pieces of archaeological work undertaken within the vicinity of this site since 1977.

3.8 An archaeological excavation has taken place in 2007-08 on the site of the former Barbican staff car-park at the corner of Kent Street and Fawcett Street. This

revealed the remains of the church of All-Saints Fishergate and its associated graveyard. Romano-British features and burials were also excavated.

3.9 The application site has been evaluated as part of the wider Barbican redevelopment scheme. This demonstrated that archaeological deposits are covered by a substantial depth of 18th and 19th century garden soils. All archaeological deposits which remain above the formation level for the foundations for the new hotel must be excavated archaeologically.

3 conditions are recommended (as below).

3.10 STRUCTURES AND DRAINAGE - Initially objected to the application as insufficient information had been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

Drainage calculations are required for the surface water system. Existing and proposed surfacing showing the extent of existing drainage was required, as run off rates from the proposed roof may have exceeded that of an existing level car park. It stated that a reduction in existing surface water discharge rates of 30% would be expected over the proposed area together with a climate change allowance of 20% increase in rainfall, to comply with the spirit of PPS 25.

3.11 Additional information has been supplied by the developer to address the above concerns. In summary:-

a) Surface water drainage: Existing surface water is routed through adjoining multi-storey car park- It is intended that this will be maintained, as the car park is under the client's ownership. The outflow will be attenuated, with the 30% reduction requested, by the provision of stormcell holding tanks, on site/ below ground.

b) Foul Drainage: There is an existing 100mm sewer pipe from the adjoining public conveniences, which connects to the main sewer evident in Fawcett Street. The intention is to replace this with a 150mm sewer routed to and connected to sewer in Fawcett St.

3.12 Further update will be given from the Structure and Drainage Engineers at the meeting.

3.13 CITY DEVELOPMENT - States the site was previously approved as a location for a replacement swimming pool as part of the Barbican Centre redevelopment, although this element had now been removed. This is considered relevant in that in terms of the loss of the current use (surface coach park) which and already been assessed in accepted. The original report stated alternative proposals for coach parking had been identified by the Council. Policy V3 relates to hotels and guest houses, and requires an assessment of the compatibility of such hotels with the surrounding area in terms of size, scale and design, and any impact of residential character of an area if any, as well as the accessibility to the City Centre.

3.14 The Section states the site is within walking distance of the City Centre and main attractions, and in terms of compatibility the building is set back from Kent Street and respects the frontage of the adjacent flats to ensure daylight and sunlight to the flats is maintained.

3.15 In terms of traffic and parking, there are 8 bus stops within 400 m of the site which indicates it is well served by public transport. The 390 space car park adjacent would not be affected by the development. The path to the side of the car park from Kent Street to Fishergate School will be maintained with the hotel presence ensuring the path is 'self policed'.

3.16 The previous archaeological information for the swimming pool application suggested the site is covered by 18th and 19th century garden soils, the archaeologist may wish to make revised comments.

3.17 In conclusion the development of the budget hotel is acceptable in terms of it being in a central accessible location. Details of scale, design and appearance will need to be assessed along with the impact of traffic and parking.

EXTERNAL

3.18 FISHERGATE PLANNING PANEL - No comments received to date.

3.19 POLICE ARCHITECTURAL LIAISON OFFICER - States the developers should be aware of the 'Secured by Design' recommendations for hotels which are available of the website. From a counter terrorism perspective, it is stated that this appears a good development. 3 minor points and a comment are raised:.

a)At present the street wall would permit a vehicle to turn and drive the 'wrong way' around the roundabout and accelerate directly at the main entrance. A wall extension, bollard protection of the entrance, or other measure to prevent this are suggested, with bollard protection possibly already being considered as a proportionate measure.

b) Double glazing must meet the blast resistance test for mass occupancy buildings, a specification for which is given. This standard should be used for the whole frontage, not just the bedroom windows.

c) There is a provision for commercial vehicle parking at the west end of the development. The provision of a barrier positively operated and monitored by Hotel staff to enable access to this area is suggested.

d) (Comment)There seems to be a comprehensive internal CCTV system in place and it would be desirable if it could be extended to cover those permissible external areas on adjacent streets.

3.20 ENVIRONMENT AGENCY - Raises no objections to the application subject to 4 conditions relating to the development being carried out in accordance with the submitted flood risk assessment and to investigation and remedial works in respect of any contamination found to be present at the site.

3.21 YORKSHIRE WATER - No comments received in respect of this application, but commented on the previous application that conditions relating to foul and surface water discharge, and that a new water main would be required form Fawcett Street.

3.22 YORK CIVIC TRUST - No comments received to date in respect of this application, but in relation to the withdrawn application 07/02326/FULM, considered the design to be uninspired and having no recognition of its surroundings, as well as being an overdevelopment of the site. It stated concerns that the decked car park would not have capacity for this hotel, the one proposed at Paragon Street and the refurbished Barbican. A better-designed scheme which makes a positive contribution and with a smaller building is encouraged.

3.23 VISIT YORK - Welcomes any investment in new hotel accommodation to help meet its target to increase visitor spending by 5% per year. It comments however that the accommodation does not offer the top quality range of facilities it is looking for, with greatest interest being in the four / five star market. Also whilst coach visitors are not as an attractive target as the hotel staying visitor the loss of coach parking should be compensated for by alternative provision or additional drop off points closer to the City Centre.

3.24 - ADJACENT AND NEARBY RESIDENTS - No comments received to date (Consultation period ended 12th May 2008)

4.0 APPRAISAL

4.1 Key Issues:-

- Impact of development upon amenity of nearby residents and occupants.
- Visual Impact within local Area and Design Considerations
- Highway, traffic and parking implications.
- Implications for air quality and noise related issues.
- Impact on archaeology at the site.
- Security and designing out crime considerations.
- Sustainability issues and energy efficiency of new building.
- Drainage and flood risk considerations.

POLICY CONTEXT

4.2 National Policy

The following PPGs/PPSs are considered of most relevance to this application:-

PPS1 (Delivering Sustainable Development) - promotes sustainable development as well as mixed use development, offers guidance on the operation of the plan laid on the system, as well as offering guidance as to the considerations to be taken into account in determining planning applications.

PPG13 (Transport) - the note seeks to promote more sustainable transport choices for people, and to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and seeks to reduce the need to travel especially by car in new developments. It offers guidance on the location of housing in town and city centres to promote more sustainable patterns of development and to make better use of previously developed land. Additional guidance is offered in relation to mix of uses on sites, design and safety.

PPG16 (Archaeology and Planning) - Confirms that the desirability to preserve archaeological deposits is a material planning consideration, and offers guidance on the handling of remains and the weight to be attached to them in planning decisions.

PPS25 (Development and Flood Risk) - aims to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.

4.3 Statutory Development Plan (1956 York Town Map).

The 1956 Plan is out of date and is considered to carry little weight in planning terms. The Plan designates the site primarily for Business use and shows the rest as a cattle market. The application for a commercial/business operation on one part of the site is not considered to be a departure from the Plan.

4.4 City of York Draft Local Plan

GP1 - requires a standard of design that respects the local environment.

GP3 - encourages crime prevention measures in new developments, including natural surveillance of paths and spaces, secure locations for car and cycle parking and satisfactory lighting.

GP4a - states the principles and criteria for ensuring development proposals meet sustainable development requirements.

GP9 - requires landscaping to be planned as part of a proposal and to incorporate indigenous species

GP11 - requires new developments and their open space areas to provide for access and facilities for people with mobility problems as well as carers with children, including parking facilities.

HE10 - requires development which involves the disturbance of existing ground levels within the area of archaeological importance to be subject to a field evaluation to assess the extent and importance of any remains and requires applicants to demonstrate that less than 5% of any deposits would be disturbed or destroyed. Also where physical preservation in situ is not possible, provision must be made for a professional excavation and recording of the archaeology in accordance with an agreed scheme.

T4 - requires cycle parking to be provided in all new developments in accordance with local plan standards.

T12 - states permission will not be granted for development, which would result in the loss of existing off street coach and lorry parking without the provision of suitable alternative sites.

T13 - requires developments to provide car parking in accordance with the local plan requirements.

T14 - states the level of off street public car parking in the city centre will reflect and respond to the Transport and Economic development strategies of the Council.

T20 - states where traffic, pedestrians and cyclists could be accommodated by special facilities or appropriate improvements to the highway network affected, applicants will be expected to enter into a section 106 Agreement and a highways agreement to make an appropriate contribution to such improvements.

V1 - seeks to encourage visitor related development and seeks account to be taken of adequate service arrangements, accessibility to public transport routes, increased traffic, parking cycles and pedestrian movement, any improvement in prosperity of tourism industry and the economy, any adverse impact on the reasonable use and enjoyment of adjacent buildings and land, and any adverse impact on the countryside setting of the city.

V3 - requires an assessment of the compatibility of guest houses and hotels with the surrounding area in terms of size, scale and design, and any impact of residential character of an area if any, as well as the accessibility to the City Centre.

IMPACT OF DEVELOPMENT UPON AMENITY OF NEARBY RESIDENTS AND OCCUPANTS

4.5 The residents most affected by the development are those at Barbican Court to the west and at Escrick Street to the south (rear). The 4-storey side elevation facing Barbican Court would be set 14.6 metres away from the existing flats. The only habitable room windows in Barbican Court facing this way are towards the rear and front of the existing elevation, such that the new hotel building would not lead to a significant loss of light from windows here (which are largely utility windows because of noise consideration from the existing coach park. Windows in the new hotel have been designed so as not to result in overlooking of facing habitable room windows. The service yard for the hotel is proposed at this side, however the controls as suggested by the Environmental Protection Unit in terms of hours of use of this area and the fitting of white noise sounders to vehicles reversing would mitigate against any potential noise disturbance. The removal of the coach parking would also potentially lead to some improvement in the overall levels experienced.

4.6 The rear wing of the hotel falls to 2 storeys in height nearest the rear boundary, with a minimum distance of 17 metres between this and the rear elevation of 2 storey properties at Escrick Street. The scheme had been amended to reduce the scale here at pre-application stage, resulting in a reduction in the number of bedrooms

from 120 to 108 as now proposed. There would be no windows overlooking the rear of the terrace at this point. The 4 storey element would be set back at 27.5 metres from the rear elevation. Given the step down in height to respect the scale of the nearest properties here and the northerly orientation of the hotel to the Escrick Street properties, it is not considered that the development would lead to a notable loss of light or appear unacceptably dominant when viewed by those residents. Trees on the boundary would be retained at this point. The remainder of the hotel's 4 storey rear elevation would sit behind the warehouse building so as to be between 38 and 42 metres away from the Escrick Street properties.

4.7 In summary, whilst the hotel would present a significant change from the surface coach park on the site for residents, particularly in terms of the height of the building, the distances from those properties and the consideration given to the placement of windows would on balance be acceptable in planning terms.

VISUAL IMPACT WITHIN LOCAL AREA AND DESIGN CONSIDERATIONS

4.8 The existing surface car park leaves a significant gap along this inner urban street within an otherwise built up area, and contributes to an unsatisfactory service road character to Kent Street. The principle of redeveloping the site, to 'repair' the street, as established by the outline application for the swimming pool, is therefore accepted. The building as propose would be set back 16 metres from Kent Street to respect the building line of the adjacent flats at Barbican Court. Its 4 storey height would not therefore result an overbearing structure along the street. The scale would be a reduction from that of the Barbican and other proposed buildings to the north of the street, helping to provide a transition to the lower buildings further to the south. The raising of the height from the 3 storey flats at Barbican Court and 2 storey decked car park to the other side is not felt to be excessive for the site.

4.9 Whilst the Civic Trust previously raised concerns over the design of the hotel and asserted that it could be anywhere, the applicant has sought to demonstrate that materials have been chosen to both reflect those used on nearby and adjacent building (drag wire red brick) but also to provide a livelier and more contemporary development with a glazed central feature. The cladding at the upper storeys would be used to lessen the impact at these heights and to provide additional interest to the elevations. The building does not lie within a conservation area nor is it adjacent to any listed buildings. The design and materials are considered to be acceptable for the building and its location.

4.10 The external spaces are shown where possible as soft landscaped and planted areas, with all but one of the existing trees (adjacent to the retained toilet block where a new footpath is shown) retained. The development provides scope introduce additional planting and tree cover on Kent street, where an otherwise stark tarmac expanse exists at present.

HIGHWAY, TRAFFIC AND PARKING IMPLICATIONS

4.11 The loss of the coach parking has been raised by Visit York as a concern. It is understood from Property Services that it was always envisaged that an alternative facility would have been provided by the time a redevelopment proposal had been

brought forward, agreed and commenced on site. As such although the swimming pool planning permission required a payment towards coach parking re-provision but did not stipulate re-provision prior to redevelopment of the Kent Street site, (given that it was in Council ownership/control), no clause was included in the contract of sale to prevent a commencement on site either. Since no alternative facility has yet been established (although work is again progressing by the Authority) it may therefore be appropriate to attach a 'Grampian' style condition to any permission that prevents the redevelopment of the site for the hotel until satisfactory alternative arrangements are in place for visitor coach parking/drop off. A condition of this type could be used in a similar manner to conditions requiring highway works, since the Council will be facilitating the coach parking re-provision itself.

4.12 The Highway Network Management Section notes at 3.1 that the hotel would generate less traffic than the pool/leisure use previously approved and as such the overall traffic generation for the Barbican development will be less than that envisaged in the Foss Basin Masterplan. Also despite the Civic Trust's concerns, the Kent Street car park would have capacity to service the needs of this hotel and the other approved development across the street. Given the Section's conclusion regarding the acceptability of the scheme in highway and traffic terms it would be difficult to justify seeking any amendments or resist the proposals on those grounds.

4.13 The scheme includes the provision of internal storage areas for staff bicycles which is considered to be acceptable and would encourage the use of this mode of transport which is well placed in relation to the local cycle network. A condition requiring a staff travel plan would be imposed on any permission, as recommended by the Section.

IMPLICATIONS FOR AIR QUALITY AND NOISE RELATED ISSUES

4.14 The effect of the development on air quality has been assessed following receipt of the traffic generation levels calculated for the site. It is clear that a reduced number of vehicle movements would be experienced in comparison to the approved swimming pool proposal, and that consequently air quality would be less likely to be affected than previously anticipated (when it was also found to be within acceptable levels).

4.15 The noise implications for residents of Barbican Court have been assessed at 4.5. The design includes for enclosed plant and machinery spaces as part of the roofscape, and full details of any extract equipment proposed could be required to be approved prior to installation, via appropriate conditions. Together With the controls over hours of operation of the service yard, it is not expected that the development would unduly affect noise levels within the local area with particular regard to the potential for disturbance to the nearest residents.

IMPACT ON ARCHAEOLOGY AT THE SITE

4.16 As reported by the Archaeologist, there have been a number of on site archaeological investigations and reports in relation to this site and the surrounding area in recent years. The site itself was part of the wider evaluation for the Barbican redevelopment scheme, when a substantial 18th and 19th century garden soils were

found. Conditions requiring a watching brief and a mitigation strategy for any deposits are suggested, compliance with which would ensure any deposits are appropriately handled. The development would, it is felt, accord with the provisions of Local Plan Policy HE10 and PPG16.

SECURITY AND DESIGNING OUT CRIME CONSIDERATIONS

4.17 The Police Architectural Liaison officer has not raised any specific concerns about the scheme and has suggested that Secured by Design recommendations be observed. He has however referred the application to the National Counter Terrorism Security officer, and comments are as reported above. The design suggestions will be included as a condition in the case of bollards and would otherwise be passed on to the developer for incorporation of the details into the design and materials specification of the building.

4.18 The footpath link for Kent Street to the primary school to the south would be maintained and if anything would enjoy improved natural surveillance via the windows in facing the side elevation of the hotel. The requirements of policy GP3 would it is considered be met through the design and layout together with appropriate conditions requiring bollards adjacent to the hotel entrance and CCTV.

SUSTAINABILITY ISSUES AND ENERGY EFFICIENCY OF NEW BUILDING

4.19 The Sustainability Statement submitted with the application seeks to address each of the criteria listed in Local plan policy GP4a in turn. In summary it states:-

i) Accessibility - The statement goes into detail about the proximity to the City Centre for walking and cycling, the location adjacent to bus routes and an arterial route into the city centre (A19). The proposed improvements to the security of the footpath to the side of the car park with new CCTV are mentioned, as is the relocation of the crossing island on Kent street by 5 metres to the west to accommodate the new vehicular exit but linking with the pedestrian and cycle route to the side of the barbican. The site lies within the City Centre Inset and so is the preferred location for such developments.

ii) In terms of community considerations it is stated the facilities will be available to local people, and that approximately 45 jobs would be created. Links with the Pavilion Hotel at Fulford and the proposed Golden Tulip hotel would be established. Local contractors would be sourced for the construction phase.

iii) The building would be constructed to meet and or exceed current thermal values standards. The advantages of pre-cast wall panel and floor construction in providing air tight conditions and preventing heat loss compared other construction methods are highlighted.

iv) The opportunity for recycling of construction materials on site is given the current nature of the use. Commitment is offered in respect of the management of the site to minimise for example water use during construction.

v) For pollution and site management, issues including light pollution are considered with proposed low energy lighting for the footpath to the side and dusk to dawn sensor lighting around the building.

vi) Indigenous planting would be incorporated in the scheme presenting opportunities to encourage wildlife back onto the site.

vii) Equipment and control systems that can minimise energy waste would be incorporated into the development. A detailed building services engineering statement has been submitted with the application which specifies the use of energy efficient systems, processes and equipment.

viii) The applicant would intend to train staff in appropriate recycling and the bin storage area is large enough to allow for all recycling requirements such as for green waste and glass.

4.20 The submitted statement and supporting documents illustrate that the applicant is seeking to incorporate appropriate measures to ensure an energy efficient and waste minimising operation takes place at the site. The imposition of a condition requiring a very good or excellent BREEAM (or equivalent rating) will further encourage such a commitment.

DRAINAGE AND FLOOD RISK CONSIDERATIONS

4.21 In response to the Structure and Drainage Section's comments, detailed drawings have been submitted to illustrate the applicant's design solution to the issues raised. These are currently being assessed by the Section and Members will be updated at the meeting. The applicant is confident that any outstanding concerns will have been addressed by the additional information.

4.22 The previous application was withdrawn largely because the Environment Agency objection, as one corner of the site fell within Flood Zone 2 and a sequential test for the development was required. A detailed flood risk assessment has been submitted with the application which sets out that there is no record of previous flooding events on the site but that in the vicinity a level of 9.95 AOD was recorded. The hotel ground level would be 14.5 AOD. The impermeability of the site's surface at present would be reduced by the introduction of soft landscaped area and vegetation. The Agency has raised no objections to this resubmission and instead suggest conditions regarding minimisation of any remaining flood potential and relating to measures to address any contamination found on site.

5.0 CONCLUSION

5.1 The principle of the redevelopment of the site is already established by the outline consent for the previous swimming pool proposals. The development would require the re-provision of coach parking/dropping off elsewhere, and this is reflected in the suggested condition below. The development of the site as a hotel does not conflict with its City Centre location, any local plan allocation or adjacent uses.

5.2 In terms of its local impact, the scheme has been developed to have regard to the amenity of residents adjacent to the site and to the local area in terms of its design. Other impacts such as noise and air quality would remain within acceptable levels or less than previously accepted here. There is also an opportunity to ensure that the sustainable, optimum use of the this central location is made with its good walking and cycle links.

5.3 Subject to the issues regarding surface water drainage being resolved to the satisfaction of the relevant section, and subject to the conditions as set out below, the application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

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

Drawings 004_101; 201 Rev B; 301 Rev A; 302 Rev A; 303 Rev A; 403 Rev A; 502 Rev A; 502; 503; 504; 505;

Planning Support Statement by ID Planning

Design and Access Statement by One Architecture Ltd

Transport Assessment by Faber Maunsell

Flood Risk Assessment by Farihurst and Ptrs

Archaeology Report by On Site Archaeology Ltd

Site Investigation report by Solmek

as received 4th April 2008 or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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 of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction work on any of the buildings that form part of this phase of the development and the works shall be carried out in accordance with the approved

details.

External lighting, signage, doors, windows, balconies, eaves, glazing.

Reason: So that the Local Planning Authority may be satisfied with these details.

4 A sample panel of the brickwork to be used on this building 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 commencement of any works to any of the buildings that form part of this development. This panel 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.

5 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 construction work on any of the buildings that form part of this phase of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

6 No work shall commence on site until the applicant has secured 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 the specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

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 No work shall commence on site until the applicant has secured 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 development commences.

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 No development shall take place until the applicant has submitted a detailed

mitigation strategy (covering excavation, watching brief, analysis, publication, archive deposition, and public involvement) and this has been agreed in writing by the Assistant Director (Planning and Sustainable Development).

Reason. This development will have an effect on important archaeological deposits which are preserved within the site

9 No construction work shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs to be planted;. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

10 Prior to the development commencing 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.

11 LAND2 Retention of trees shown on plans

12 LAND3 Protection of existing planting

13 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) 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.

14 HWAY31 No mud on highway during construction

15 HWAY40 Dilapidation survey

16 No construction work on any of the buildings approved by this permission should be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

17 All construction works, including ancillary operations such as deliveries to and dispatch from the site, that are audible at the site boundary or other position as defined by the local planning authority, shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of local residents.

18 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the hotel accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum (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.

Reason: To protect the amenity of local residents.

19 VISQ10 Details of External services to be app

20 ACC1 Precise details of access for disabled

21 Prior to the commencement of any works on site, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

22 HWAY10 Vehicular areas surfaced, details reqd

23 HWAY29 IN No gate etc to open in highway

24 HWAY35 Servicing within the site

25 The development shall not be brought into use; until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason. In the interests of good management of the highway and road safety.

26 Prior to occupation of the development details of CCTV coverage for the site shall be submitted to and agreed in writing by the Local Planning Authority. The surveillance system shall thereafter be installed in accordance with the agreed details.

Reason: In the interests of crime reduction and the appearance of the development within the locality

27 The developer shall incorporate measures as described in the sustainability statement within the development that will commit them to aim to achieve the equivalent of a BREEAM "very good" or "excellent" assessment standard for the development. The developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good';

Reason: To provide a sustainable form of development

28 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 15.0 metres as measured from existing ground level (or 28.9m AOD). Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

29 HWAY31 No mud on highway during construction

30 HWAY39 IN Off site highway works, details reqd - Works indicatively shown on drwg 004_201 rev B

31 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

32 No development shall commence until alternative coach parking facilities and or dropping off facilities have been provided within or adjacent to the City Centre to the satisfaction of the Local Planning Authority.

Reason: To minimise congestion from on street parking of coaches, in compliance with policy T12 of the Council's Draft Local Plan.

33 Deliveries and collections at eh service yard area shall be restricted to 0800 to 1800 Mondays to Saturdays. There shall be no deliveries or collections on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents

34 The development hereby approved shall be carried out fully in accordance with the Flood Risk assessment as prepared by Fairhurst and Partners dated 29th November 2007 (ref 72061).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

35 Prior to commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local planning Authority:

i) A preliminary risk assessment which has identified all previous uses, potential contaminants within those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site.

ii) A site investigation scheme based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

iii) The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (ii) are complete and identifying an requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require he express consent of the Local Planning Authority.

Reason: For the protection of controlled waters

36 Prior to completion of the development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant leakages, maintenance and arrangements for contingency action, as identified in the verification plan, and for reporting of this to the Local Authority.

Reason: To ensure any remedial measures undertaken have been successful.

37 Prior to first occupation of the development, bollards or other measures to prevent vehicle encroachment as may be approved in writing by the Local Planning Authority shall be installed to the front of the hotel entrance.

Reason: In the interests of the prevention of crime.

7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to residential amenity, effect on highway and pedestrian safety and convenience, setting of the adjacent City Walls and Conservation Area and archaeology on the site. As such the proposal complies with Policies GP1, GP3, GP4a, GP11, T4, T12, T13, T14, T20, V1 and V3 of the City of York Local Plan Deposit Draft.

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

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. 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 attached to any planning approval:

a) 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".

b) 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.

c) 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.

d) 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.

e) There shall be no bonfires on the site.

Contact details:

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