

COMMITTEE REPORT

Committee: East Area

Ward: Fishergate

Date:

Parish: Fishergate Planning Panel

Reference: 09/01175/FULM

Application at: Novotel Fewster Way York YO10 4AD

For: Erection of five storey side extension and three storey front extension to provide additional 42 bedrooms, replacement of existing bedroom windows and erection of single storey restaurant extension, entrance canopy, cycle shelter and associated landscaping works

By: Mr William Holmes

Application Type: Major Full Application (13 weeks)

Target Date: 10 September 2009

1.0 PROPOSAL

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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 The River Foss lies to the west of the site. On the opposite side of River Foss further to the west lies a public footway, which extends from the City Centre southerly alongside the Ouse, crossing the via Blue Bridge. 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.

Proposal Description:

1.3 Following the refusal of planning permission in December 2007 to create 48 additional bedrooms (07/02408/FULM), this latest submission seeks to address the previous reasons for refusal.

1.4 The previous application consisted of a 64.5m x 19.0m structure, with eaves height of 10.5m and a ridge height of 14.5m. It was a 2 storey high extension supported by 4.0m high columns, and was directly facing the rear of nos. 19-25 William Court with a distance of 22.0m in between. This was refused on the grounds that it would appear unduly intrusive and overbearing when viewed from habitable windows in the north elevation of nos. 19-25 William Court by virtue of its scale, siting, and overall massing together with its distances from these neighbouring residents.

1.5 The revised proposals consist of two separate extensions. A four storey high extension supported by columns is proposed at the southern end of the hotel above

the existing service yard, 4 bedrooms are proposed on each floor. The extension is the same height and width as the existing hotel (21m to the ridge and 17m wide). A separate extension is proposed on the eastern side of the hotel. It would contain 14 bedrooms on each floor and would be supported by columns to maintain access for refuse vehicles to the service yard from the main access of Fewster Way. It would measure 29.8m x 16.4m with an overall height of 11.5m. Together with the existing bedrooms, the proposals would result in a total of 166 bedrooms within the site.

1.6 Permission has also been sought for the following works:

- i. External staircase enclosures on the southern elevations of the proposed extensions;
- ii. Replacement of existing pitched roof above the ground floor meeting room with flat wildflower roof;
- iii. Replacement of existing bedroom windows;
- iv. Erection of 10.0m x 8.5m single storey restaurant extension;
- v. Construction of 11.0m x 2.0m entrance canopy;
- vi. Erection of 17.5m x 2.5m enclosed cycle shelter; and
- vii. Associated landscaping works

1.7 Access to the site is via Fishergate, which links Paragon Street and Fawcett Street to form a one way gyratory. The number of car parking spaces on the site will be reduced from 137 to 99 as part of the proposals, mainly to accommodate the new soft landscaping areas that will be provided. Two coach parking spaces will be retained but relocated to an area near to the front entrance. 18 cycle parking spaces will be provided in a new secure cycle shelter adjacent to the north elevation of the hotel.

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. insulated pipework above ground,
- v. 10no. refuse bins (size approx 200 litres household wheelie bin),
- vi. 1no. refuse skip, and
- vii. access to the plant room.

1.9 The new service yard, which would be situated in the same location would contain the followings:

- i. 1no. storage container,
- ii. 2no. recycling bins,
- iii. 1no. waste bin,
- iv. 1no. air handling unit for air conditioning, and
- v. access to the plant room.

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.

1.12 07/02408/FULM: Alterations and extensions to existing hotel and replacement of existing bedroom windows. Permission refused on 17.12.2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

Floodland GMS Constraints: Flood Zone 3

Floodland GMS Constraints: Flood Zone 2

Floodzone 2 GMS Constraints: Flood Zone 2 CONF

Floodzone 3 GMS Constraints: Flood Zone 3

Schools GMS Constraints: Fishergate Primary 0197

Schools GMS Constraints: St. George's RC Primary 0225

2.2 Policies:

CYSP8
Reducing dependence on the car

CYSP3
Safeguarding the Historic Character and Setting of York

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

INTERNAL

3.1 HIGHWAY NETWORK MANAGEMENT - Response received 26 June 2009:

- The proposal is to extend the hotel by a further 42 bedrooms to a total of 166 bedrooms.
- The scheme will result in a reduction of car parking from 137 spaces to 99 spaces plus 2 coach spaces.
- The surrounding highways are protected by various waiting restrictions, which will manage any on-street parking.
- The applicants have provided information demonstrating that they currently have an excess of parking against current CYC Annex E maximum standards.
- Surveys carried out by the hotel estimate that approximately 50% of residents arrive by car.
- Details on the average occupancy rates of the hotel have also been supplied and when these are considered against the level of customers arriving by car, the amount of car parking being provided compares favourably.
- Furthermore although the level of overall car parking provided is being reduced, the remaining level still accords with CYC 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, is served by a number of frequent bus services and is therefore considered to be in a sustainable location.
- Covered and secure cycle parking has been proposed as part of the development.
- The application has also been supported by a strong travel plan, which seeks to promote sustainable travel by both staff and guests of the hotel.
- As such it is not considered that there are sufficient grounds to successfully defend a refusal at appeal on highways grounds.
- No objections are therefore raised to the proposal subject to conditions.

3.2 ENVIRONMENTAL PROTECTION UNIT - Response received 20 July 2009:

- The team is concerned that noise from the proposed plant rooms and noise from vehicular movements could have a detrimental effect on the amenity of neighbouring residents;
- The applicant has provided details for the air conditioning unit located in the Southern extension and states that noise produced by the unit shall not exceed 74dB(A) at a distance of 1m. It is considered that if this equipment is correctly installed, operated and maintained it shall not effect amenity of neighbouring properties.
- The applicant states that equipment installed in the eastern extension will not exceed 58dB(A). Should this equipment be correctly installed, operated and maintained it shall not affect amenity of neighbouring properties.
- In order to ensure the equipment is kept in a good state of repair a condition ensuring maintenance of the plant is recommended.
- The team is concerned that deliveries to the site could have a detrimental effect on the amenity of nearby properties at night. As such a condition requiring white noise reversing sounders to be used at night has been recommended.
- The applicant states that they would be happy to implement a scheme to prevent coaches idling whilst waiting for guests. There is a potential that idling coaches could

affect amenity at night. As such a condition to ensure that a policy is put in place to protect the amenity of neighbours from noise associated with idling coaches has been recommended.

- Residents have concerns that noise from traffic passing through the eastern extension will lead to a tunnelling of the noise. The applicant has assured that raiseable barriers will be put in place across this thoroughfare, which will slow traffic. It is not considered that noise from vehicles passing under this extension would affect amenity.

- Condition requiring details of the extraction of fumes from kitchens has been recommended.

3.3 ECONOMIC DEVELOPMENT UNIT - Response received 25 June 2009. No comments

3.4 DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT:

i. Countryside - response received 22 July 2009:

- There are no objections with regard to ecology on the site and the green roof is to be welcomed.

- The term wildflower roof is considered to be misleading, it is a Sedum roof, which is a fairly mundane form of green roof of relatively limited value in wildlife terms, although it is cheap and easy to incorporate and establish and easy to maintain.

- There are several other options which could be incorporated.

- A full wildflower roof may not be practical as it would probably require a more substantial construction and is more difficult to manage, though can be great as a roof terrace.

- A form of brown roof which requires a sandy substrate to a depth of 2 to 4 inches is recommended.

- In wildlife terms it is recommended that swift boxes should be incorporated into the eaves of the main building. The inclusion of swift boxes is easy and cheap but again can provide substantial value as a wildlife resource.

- Conditions recommended.

ii. Landscaping - response received 22 July 2009:

- It is considered that the existing trees and shrubbery within the site are helpful in breaking up the mass of hard surfacing that makes up the hotel car park; and they help to provide some softening and partial screening along the boundaries with the surrounding residential properties.

- The forecourts to the properties along Fewster Way are relatively lacking in vegetation, and a number of the trees that were planted with the completion of the development have been removed. Therefore additional tree cover/vegetation would be an improvement to the area.

- The proposals aim to increase the soft areas available for tree planting with five sizeable pockets, which if correctly prepared could support establishment and continued thriving of new sizeable trees.

- Although the green roofs will not be appreciated visually from a public perspective they would provide an additional food and nectar source for insects and birds.

- In principal the replacement of areas of hard-standing with planting beds and green roofs will make a positive contribution to reducing the urban heat island effect, and surface water run-off; this is therefore supported.
- The grassed courtyard between the east extension and 23 Fewster Way will be quite a shaded, incidental space given the height of the two neighbouring buildings, but is nonetheless an improvement to the site.
- As such notwithstanding any comments on the impact of the built extension, no objection is raised regarding the general development proposals.
- Nevertheless, whilst the scheme retains the majority of the trees on site, the loss of all the silver birches within the entrance roundabout is not acceptable.
- It is expected that some significant tree planting (either existing or proposed) to be within the roundabout should be retained.
- It is not considered necessary to remove the trees to open up views to the entrance given that it is a big hotel with big signs.
- If this application is recommended for approval the proposed Landscape drawing should not form part of the approval.
- A condition is recommended to secure a more suitable landscape scheme and accompanying details.

iii. Sustainability - Response received 31 July 2009:

- This application adequately covers the minimum standards set out in the Interim Planning Statement (IPS) "Sustainable Design and Construction" 2007 in BREEAM, site waste management, pollution and waste.
- If available, officers would like to see the BREEAM design and procurement stage pre-estimator of this development.
- The following sustainability measures are welcomed: use of green roofs, grey water recovery system, use of A+ rated materials, and timber cladding from sustainable sources.
- details regarding how the development will meet the Site Management requirement of the IPS should be submitted;
- the efforts made by the developer to meet the renewable energy requirements of the IPS are welcomed. Nevertheless additional information such as the predicted energy requirements for the proposed development, predicted energy generated by the proposed air source heat pumps, and the manufacturer information on the air source heat pumps should be supplied.
- the air source heat pumps should contribute to the 10% on-site renewable energy generation target.
- grey water recovery system do not, and should not be included in any statement or figures to reach the development's 10% renewable energy target.

iv Archaeology - response received 4 August 2009:

- This site lies within the Area of Archaeological Importance. The area adjacent to the application site has been the subject of an extensive archaeological excavation.
- This indicates that the site has the potential to produce evidence for Roman, Anglian and medieval occupation.
- A desk-based assessment has been produced for this site and submitted as part of the current planning application. The desk-based assessment indicates that the site as a whole contains archaeological deposits of national importance. However, it is

unclear to what extent these deposits survive, if at all, within the footprint of the proposed extension.

- If the application is approved, it will be necessary to record any archaeological deposits, which survive within the footprint of the proposed extension and to analyse, publish and deposit the resulting archaeological archive.
- In order to determine the presence or absence of archaeological deposits two trenches must be excavated as a post-determination, phase 1 excavation.
- If these indicate that there are no surviving archaeological deposits, no further excavation will be required.
- If archaeological deposits survive, it will be necessary to extend these trenches and excavate those areas within the footprint of the proposed extension, which will be directly affected by piles, pile-caps and groundbeams. - It is anticipated that this may require the excavation of up to 50% of the footprint of the proposed extension.
- If the phase one trenches indicate that there are no archaeological deposits present within the footprint of the proposed extension, the phase 2 archaeological excavation will not be required.
- It is therefore recommended that this application can be approved subject to the imposition of archaeological conditions.

3.5 CITY DEVELOPMENT UNIT - Response received 23 July 2009:

- The scheme should satisfy criteria a - d of Policy V3 (Hotels and Guest Houses) of the City of York Draft Local Plan. Policies GP15a, GP1, HE2 and HE10 should also be satisfied. If all these supporting statements are assessed and approved there should be no policy objection.

3.6 DRAINAGE ENGINEERING CONSULTANCY - Latest response received 18 August 2009:

- The proposed drainage improvements offer a satisfactory reduction in flows from the site and are therefore acceptable.

3.7 LIFELONG LEARNING AND LEISURE - Response received 17 July 2009. No comments.

EXTERNAL

3.8 Neighbours consulted, site notice posted and press advertised. Consultation expired 15 July 2009. 5 letters of objection received raising the following concerns:

- the proposal would increase the size of the hotel while reducing the number of car parking spaces;
- the proposal would affect the view of 21 and 24 William Court;
- The proposed side extension would reduce the level of daylight entering into 20, 21 and 24 William Court;
- The proposed 5 storey extension is considered to be high. It is also in close proximity to 20 William Court. The fall in ground level at William Court would have a greater impact on 20 William Court;
- The proposal would bring windows closer to the properties along William Court. Although these windows do not face directly onto William Court they provide a panorama, which would overlook private gardens. Angled windows would prevent overlooking;

- the noise level of the new air exchange unit and air source heat pump, which form part of the proposal, are not yet known. Due to the enlarged size of the hotel and the need to run them for longer hours these machineries may cause unacceptable noise pollution;
- the noise levels associated with the heating/AC/pumping system of the proposed gym expansion are not yet known.
- the proposed restaurant extension may produce more food smells,
- the fans associated with the new plant room should not be closer towards 18 William Court;
- the proposed changes to the car park layout may change the turning patterns of the lorries. This would bring lorries and their associated noise and fumes closer to William Court;
- The movement of lorries underneath the underpass of the proposed extension would create an echo effect, thus increase the noise levels. Novotel operates 24 hours and many lorries operate during the evenings.
- It is unclear whether the height of the underpass underneath the proposed extension is sufficient to take the coaches and lorries to the rear car park.
- Access from the bottom of Blue Bridge Lane is only for emergency services to access. Therefore this cannot be used as a daily access point should the vehicles not be able to fit under the underpass.
- The extension should be sited further away from William Court next to the Bingo hall;
- The proposed landscaping scheme would not improve the outlook of local residents along William Court;
- The proposed eastern extension should not be raised by columns in order to reduce its overall height;
- The proposed Sunlight assessment is unacceptable, as it does not assess accurately daylight/sunlight orientations in the area.

3.9 NORTH YORKSHIRE POLICE - Response received 19 June 2009:

- The Design and Access statement accompanying the planning application clearly demonstrates an awareness of crime and disorder risk associated with the site.
- The document shows precisely what measures are being taken to alleviate them.
- Issues regarding vehicle crime have been clearly addressed.
- This is the first application North Yorkshire Police received which fully complies with advice and guidance contained in Local Government Circular 01/2006 and Planning Policy Statement no.1.

3.10 ENVIRONMENT AGENCY - response received 14 July 2009:

- The new hotel accommodation would be at first floor level above potential flood levels and above the existing building;
- There will be no increase in surface water run off as a result of the proposed development;
- the drainage strategy states there will be a 21% increase in permeable surfacing on site as a result of the works and provision of wildflower roots;
- As such no objections have been raised by the Environment Agency.

3.11 YORKSHIRE WATER - latest response received 14 August 2009:

- Yorkshire Water has no objection in principle to:

- i. The proposed separate systems of drainage on site and off site;
 - ii. The proposed amount of domestic foul water to be discharged to the public foul water sewer;
 - iii. The proposed amount of domestic surface water to be discharged to the public surface water sewer (at a restricted rate of 60 (sixty) litres/second in total);
 - iv. The proposed point of discharge of foul and surface water to the respective sewers.
- Planning conditions recommended.

3.12 VISIT YORK - Response received 21 July 2009:

- Visit York welcomes in principle the proposals from Accor Hospitality to enhance the facilities at the hotel through this investment.
- Visit York welcomes the intention to raise the quality of the hotel from a three to a four star standard, which is an ambition reflected in the planning application.
- This meets Visit York's desire to deliver long term and sustainable growth in the value of the visitor economy by enhancing the quality of the visitor experience and promoting York as a world-class visitor destination.
- This ambition will be achieved through a commitment in the city to raising standards, and the proposed investment will do this.
- Visit York welcomes the company's recognition of the economic value of staying visitors, the fact that Novotel York is the company's best performing business and leisure sector hotel in the UK outside London with 72,000 guests in 2008 (an 86.2% occupancy level), and the proposal to increase employment by 13 jobs.
- Visit York recognises that the current proposals acknowledge the reasons for objections to the previous application (in December 2007) and believes that there has been sufficient reconsideration on the part of the applicant to significantly improve the quality of this application and therefore enable it to be supported by the Council.

3.13 FISHERGATE PLANNING PANEL consulted - no response received 9 July 2009.

4.0 APPRAISAL

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4.1 The main issues to be considered are as follows:

- i. Design, appearance and impact on the conservation area
- ii. Parking and Highway Safety
- iii. Servicing and Environmental Protection Considerations
- iv. Residential Amenity
- v. Flood Risk
- vi. Sustainability
- vii. Other Material Considerations

DESIGN, APPEARANCE AND IMPACT ON THE CONSERVATION AREA

4.2 The extension to the south side of the existing hotel (the southern extension) continues the scale and massing of the existing building. It maintains the rhythm of the existing elevation facing Browney Dyke. The view of the hotel from river Ouse and New Walk/Terry Avenue Conservation Area will therefore remain largely unchanged.

4.3 The second extension is proposed to the east of the hotel parallel to its façade above the entrance to the hotel car park. As the bulk of the extension would be detached from the main hotel it is proposed to break the 'monotony' of late 1980's elevation of the existing hotel by introducing a new contemporary extension entirely different to the main structure in terms of character, design, appearance and the use of materials. The regularity of the extension would nevertheless reflect that of the hotel façade in the background. Cedar cladding has been chosen to soften the urban landscape and to provide relief from the rest of the brick structure in the background. In the interests of further softening the urban landscape, improving the visual appearance and amenity of the area and achieving a more sustainable form of development, a wild flower roof is proposed above the eastern extension.

4.4 The new fire escape staircases to the side of the southern and eastern extensions step down and are subservient to both the main body of the hotel and the proposed extensions. The external staircases would be lit 24 hours a day. To eliminate the effect of light pollution upon the residents along William Court both staircases would be screened by external brickwork and cedar cladding on the side elevations. A condition has been recommended to ensure that no glazing would be fitted in the block windows of the external staircase at any time (condition 22). The glazed enclosures in the front and rear of the staircases would not be facing the residential properties nearby; it would also be partially screened by the main hotel and the side walls of the staircases. Thus it is unlikely that any illumination from within the staircases would have a noticeable impact on local residents nearby.

4.5 A single storey restaurant extension is proposed to the west of the hotel facing Browney Dyke. It would be a glazed timber structure; its size and appearance would respect the adjoining ground floor buildings. The proposed canopy above the main entrance of the approaching elevation would be partially glazed with the centre part undercladded with timber and supported by two columns. Its simplicity in design terms would respect the main entrance of the hotel, which is visible from the public highway. As the proposed windows replacements are like-for-like it would not materially alter the character and appearance of the existing building.

4.6 With regards to landscaping, a landscape proposals plan submitted with the planning application details the following:

- i. removal of 15 parking spaces and their replacement with a large soft landscaped area (198sq.m) adjacent to 23 Fewster Way;
- ii. planting of new trees and shrubs along the southern boundary with 18-25 William Court and along the northern boundary with Browney Croft;
- iii. planting of trees and shrubs adjacent to the hotel's refuse bin area to help soften views of this facility from properties in William Court;
- iv. introduction of a new small area of planting adjacent to the end of the cul-de-sac in William Court;

v. planting of trees and shrubs in the middle and on the end of the narrow planted strip in the centre of the car park between Fewster Way and Mecca Bingo Hall;

vi. provision of new planting within the existing strip; and

vii. planting of trees and shrubs along the southern boundary of the resident's car park to the rear of 7-11 Fewster Way and 60-66 Fishergate, continuing along the eastern boundary of the hotel car park where it abuts Fishergate.

4.7 According to the applicant the new planted areas would provide 363sq.m of new soft landscaping to the site and wildflower roofs would provide a further 913sq.m.

4.8 The Council's landscape architect supports the principal of replacing areas of hard-standing with planting beds and green roofs as it would make a positive contribution towards reducing the rise of temperature in the urban area (known as 'urban heat island effect') and surface water runoff. Whilst no objection has been raised to the general development proposals, it is not considered that the detailed planting proposal are entirely acceptable due to the loss of all Silver Birch trees within the entrance roundabout. Furthermore, the proposal to replace planting with ground cover and New Zealand Flax is regarded as mundane and that the overall plant list is considered to be too limited. As such the proposed landscape proposal plan would not form part of the approval and that a planning condition has been recommended to secure a more suitable landscape scheme and accompanying details (condition 16).

4.9 The application site is outside the adjacent conservation areas albeit the site boundary abuts the New Walk/ Terry Avenue conservation area to the west. Thus the site can be seen from New Walk, which lies within the Conservation Area. Due to the positioning of the proposal the only part of the scheme that is likely to be visible from New Walk/Terry Avenue Conservation Area is the western wall of the southern extension which continues the scale and massing of the existing building and maintains the repetitive rhythm of the existing elevation. As such the character and appearance of the conservation area is unlikely to be materially altered by virtue of this development. It is not considered that the enclosed staircase to the south of the southern extension would materially affect the conservation area by virtue of its size and low-profile appearance in relation to the existing building.

4.10 The proposals would be well screened by the surrounding buildings and would be over 70.0m away from the public highway to the east of the application site. Hence their impact on the character and appearance of York Central Historic Core Conservation Area and the general appearance of Fishergate are considered to be minimal.

PARKING AND HIGHWAY SAFETY

4.11 The proposal would result in a reduction of car parking from 137 spaces to 99 spaces plus 2 coach spaces. Notwithstanding the reduction in parking spaces despite the increase in bedrooms to 166, the remaining level would still exceed the maximum parking standards set out in Annex E of the City of York Draft Local Plan, which is 1 space per 4 bedrooms and 1 coach space per 100 bedrooms. Furthermore, the surrounding highways are protected by various waiting restrictions, which will manage

any on-site parking. Surveys carried out by the hotel estimate that approximately 50% of residents arrive by car. When the level of customers arriving by cars is assessed against the occupancy rate of the hotel (86.2% in 2008) the number of car parking being provided compares favourably.

4.12 The site is also within walking distance of the city centre, is served by a number of bus services and is therefore considered to be in sustainable location. Covered and secure cycle parking has been proposed as part of the scheme. The Travel Plan submitted by the applicant seeks to promote sustainable travel by both staff and guests of the hotel.

4.13 It is considered by highway officers that the height of the proposed underpass (4.0m) is sufficient for lorries and coaches to pass without having to gain access into the site via Blue Bridge Lane. According to the land registry this access is restricted for use in emergency only. Thus regardless of the outcome of this application the onus is on the applicant to ensure this statutory requirement is complied with at all times.

SERVICING AND ENVIRONMENTAL PROTECTION CONSIDERATIONS

4.14 Noise from the proposed plant rooms and vehicular movements has been considered. According to the details provided noise generated by the air conditioning unit in the southern extension would not exceed 74dB(A) at a distance of 1m, and the noise generated by the equipment installed in the eastern extension would not exceed 58dB(A). Provided that these equipments are correctly installed, operated and maintained it is considered by the Environmental Protection Unit that the proposals would not affect the amenity of neighbouring properties. Notwithstanding the information submitted, conditions requiring details of the equipments to be submitted, approved and maintained have been recommended (conditions 12 and 13).

4.15 Whilst the Environmental Protection Unit (EPU) is satisfied with the level of noise likely to be generated by the equipment, it is noted that paragraph 19, Annex 3 of Planning Policy Guidance no.24 (Planning and Noise) states, using the guidance set out in BS4142: 1990, that the likelihood of complaints is indicated by the difference between the noise from the new development and the existing background noise, and that "a difference of around 10dB or higher indicates that complaints are likely. A difference of around 5dB is of marginal significance". The plant and equipment in the southern and eastern extensions clearly exceed 10dB. Nevertheless, further information submitted by EPU states that according to BS8233 a Masonry wall gives a sound attenuation of between 43 to 50 dB. Assuming worst case scenario of 43 dB this would reduce the noise to 31 dB. The closest property is 20m over this distance, and therefore sound will attenuate by another 26 dB giving a noise level of 5dB at the nearest residential facade. PPG 24 assumes a reduction of 13 dB for an open window at the nearest residents' property therefore the predicted noise level from the hotel would be less than 0 at the residential property. The submitted plans denote a lobby on the southern extension. This would further reduce the noise, as any noise would have to pass through the wall into the lobby then out through a second wall.

4.16 Regarding the equipment in the eastern extension, the Eastern plant room has a door for access which will act as the area where the most sound will escape, assuming the worst case scenario that this door is left open continuously it can be predicted that

the door would act in a similar manner to an open window giving a reduction of approximately 10-15 dB. Assuming a 13 dB reduction the noise level at the facade of the applicants plant room would be 45 dB. The closest property is 14m over this distance, thus sound will attenuate by another 18.1 dB giving a noise level of 26.9 dB at the nearest residential facade. Assuming a 13 dB reduction for an open window this would give noise levels of 13.9dB. If the door is shut the noise level will be substantially reduced in the region of 23 - 33 dB. This would also reduce the predicted noise levels to below 0dB.

4.17 A condition requiring noise reversing sounders to be used by delivery vehicles visiting the site at night has been recommended (condition 11). In addition, a scheme to prevent coaches idling whilst waiting for guests is proposed (condition 10).

4.18 Concerns have been raised regarding the 'tunnelling effect' of noise by virtue of traffic passing through the underpass of the eastern extension. According to Environmental Protection Unit, provided that measures are in place to reduce the speed of the traffic it is unlikely that vehicle passing this extension would affect amenity. Details of the proposed traffic calming measures are required to be submitted prior to the commencement of development (Condition 23).

4.19 With regard to the additional fumes and odour from the proposed restaurant expansion, in order to ensure that adequate facilities for the treatment and extraction of fumes are in place details of the extraction plant or machinery and any filtration system are expected to be approved by the local planning authority prior to the commencement of development (condition 14).

RESIDENTIAL AMENITY

4.20 To break up the overall massing of the hotel expansion it is proposed to provide 42 additional bedrooms through two separate extensions. The southern extension would bring the main hotel nearer to 19-25 William Court but at a distance of 26.0m this would be more acceptably further away from these properties than the previous refused scheme (22.0m). Given the relationship, together with the separation distances between the proposals and the rear façade of William Court it is unlikely that the scheme would materially affect the level of daylight entering into the principal windows of these southern properties throughout most of the day. Whilst there may be a degree of daylight obstruction during late afternoon/early evening when the sun sets at a north-westerly direction it is unlikely that the degree of obstruction would be substantially greater than the obstruction already exist due to the size and position of the existing hotel. Furthermore, the proposed extension would not protrude beyond the front and rear walls of the existing hotel whereas the previous refused 14.5m high extension extended across the full width of 19-25 William Court, and sat in parallel to these properties.

4.21 The eastern extension including the glazed linkage would be visible from 19-25 William Court. Nevertheless with a 40.0m distance between the extension and the rear façade of these properties it is not considered that the siting of an 11.5m high extension in this location would unacceptably affect the amenity of the residents along 19-25 William Court.

4.22 There would be no window openings in the south elevation of the extensions (the elevation directly facing William Court); all bedroom windows are either facing eastward or westward. Whilst the positioning of these windows may not totally prevent the private gardens along William Court from being overlooked it is noted that there is already a degree of overlooking between gardens along William Court, which is not unusual in an urban environment.

4.23 The 14.0m distance between the proposed eastern extension and 23 Fewster Way is considered to be acceptable in this location given that the extension would be directly facing the non-habitable windows in the side elevation of this property. There is a conservatory at the rear of 23 Fewster Way. To prevent the possibility of overlooking a number of windows in the hotel extension have been angled towards the hotel car park.

4.24 The Sunlight and Daylight Assessment submitted by the applicant's agent concluded that although 23 Fewster Way will experience a minor loss of daylight, the level of daylight reaching their windows would still be well above the British Research Establishment (BRE) Guidance. Hence the properties along Fewster Way will maintain a good level of daylight and sunlight during the whole year. It is not considered that the proposal would affect the two windows in the north elevation of 18 William Court, which are both non-habitable windows.

FLOOD RISK

4.25 The application site is situated within medium and high flood zone 2 and 3, thus a Flood Risk Assessment has been submitted and Environment Agency has been consulted. No objections have been raised by the Environmental Agency, as the new hotel accommodation will be at first floor above potential flood levels and above the existing building. Furthermore, as the extensions would be erected above an already impermeable ground there would be no additional surface water runoff. The drainage strategy also states there will be a 21% increase in permeable surfacing on site as a result of the provision of wildflower roof and grass area, which means heavy runoff that causes localised flooding is likely to be minimised.

4.26 Yorkshire Water has raised no objection in principle to the proposed separate systems of drainage, the amount of foul water to be discharged to the public water sewer, the amount of surface water to be discharged to the public surface water sewer, and the proposed point of discharge of foul and surface water to the respective sewers subject to conditions and informatives. The Council's Drainage Consultancy has raised no objection as the proposed drainage improvements offer a satisfactory reduction in flows from the site.

SUSTAINABILITY

4.27 In accordance with Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 a Sustainable Statement has been submitted setting out the principle of sustainability. To meet the requirement of ensuring at least 10% of the expected energy demand will be provided by on site renewable generation a number of options have been proposed, which include the use of air source heat pump to provide heating and cooling for both the extensions. It would also function as an air conditioning supply

for the existing 124 bedrooms and will offer a more energy efficient system for the public area. A heat pump is expected to provide between 7% and 11% of the expected energy demand for the new development.

4.28 A grey water recovery system is also proposed to be installed. The grey water from showers, baths and washbasins will be collected and treated. The water is then passed back into the system to be used as toilet flush water, hence reduce water consumption considerably. The proposed wildflower roofs would improve air quality by filtering airborne particulates and reduce energy consumption of the development by increasing its thermal insulation, making it warmer in the winter and cooler in the summer. It is also beneficial from an ecological perspective, reduce the risk and likelihood of flooding, and reduce noise level as soils and plants can be used to insulate sound.

4.29 Energy consumption and carbon emission would also be reduced in both the existing building and proposed extensions. The existing single glazed windows in all bedrooms would be replaced with double glazed windows. The new extension would be fitted with windows of the same type. Heating insulation would also be installed to roof cavities to retain heat during the winter period while reducing loss of cool air in summer periods. The building materials to be used in the construction would be, where practical locally sourced, reused and recycled and from sustainable sources.

4.30 It is considered by the Sustainable Development team that the proposals would adequately cover the minimum standards set out in the Interim Planning Statement on Sustainable Design and Construction. As the sustainability measures proposed and described above require finalising prior to the commencement of development (conditions 17 and 18), the information requested by the team, such as the predicted energy requirements for the development, the predicted energy generated by the proposed air source heat pumps, and site management requirements is expected to be submitted at the discharge of conditions stage.

OTHER CONSIDERATIONS:

4.31 Planning Against Crime: Notwithstanding North Yorkshire Police's support of the scheme a Secured by Design condition is recommended to ensure that the measures proposed will be implemented (condition 24).

4.32 Archaeological issues: The site is within an area identified as 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.

4.33 Local wildlife: It is not considered by the Council's Countryside Officer that the proposal would affect the ecology of the locality and that the introduction of green roofs is welcomed. Nevertheless, it is considered that Sedum roof provides limited value in wildlife terms. Instead, a form of brown roof that requires a sandy substrate to a depth of 2 to 4 inches is recommended. This does not need irrigation as it is designed as a dry habitat in summer that can be seeded with a mix designed for these conditions. These mixes are primarily annual and can be very colourful, hence give a more

attractive and more ecologically valuable result. The suggestion highlighted is to be secured through the recommended landscape condition (condition 16).

4.34 Issues concerning property value, the loss of view and the intention of the applicant to erect the extension are non-material planning considerations.

5.0 CONCLUSION

By virtue of the above this application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Y-AP-01-08-201 Proposed Site Layout

Y-AP-01-08-203 Proposed Ground Floor Plan

Y-AP-01-08-204 Proposed First Floor Plan

Y-AP-01-08-205 Proposed Second Floor Plan

Y-AP-01-08-206 Proposed Third Floor Plan

Y-AP-01-08-207 Proposed Fourth Floor Plan

Y-AP-01-08-208 Proposed Roof Layout

Y-AP-01-08-209 Proposed Elevations Sheet 1

Y-AP-01-08-210 Proposed Elevations Sheet 2

Y-AP-01-08-213 Rev B New Entrance Canopy received on 10 June 2009

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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 VISQ8 Samples of exterior materials to be app

4 HWAY18 Cycle parking details to be agreed

5 HWAY19 Car and cycle parking laid out

6 HWAY31 No mud on highway during construction

7 HWAY35 Servicing within the site

8 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site

clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority. Such a statement shall include at least the following information:

- i. the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours;
- ii. where contractors will park;
- iii. where materials will be stored within the site;
- iv. details of how the car parking area will be managed during the construction period to ensure adequate car parking remains; and
- v. measures employed to ensure no mud/detriment is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

9 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of a Travel Plan that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T13a 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.

10 A vehicle management scheme shall be submitted to the local planning for approval. This scheme shall be implemented prior to the first use of the development. This scheme shall consider noise associated with the coaches when picking up and dropping off guests.

Reason: To protect the amenity of neighbouring residents from noise.

11 White noise reversing sounders shall be fitted to and used by all delivery vehicles when reversing within the application site boundaries between the hours of 23:00 and 7:00 Mondays to Sundays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of neighbouring residents from noise.

12 Prior to the commencement of development details of the air conditioning plant to be installed and used as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the air conditioning plant shall be installed, used and maintained in accordance with the approved details.

Reason: To protect the amenities of nearby residents.

13 Prior to the commencement of development details of the grey water recycling

system plant to be installed and used as part of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the grey water recycling system plant shall be installed, used and maintained in accordance with the approved details.

Reason: To protect the amenities of nearby residents.

14 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes or odour. Prior to the commencement of development details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of neighbours.

15 No development shall take place until details have been submitted to and approved by the Council as to how wildlife enhancement is to be taken into account within the new development to enhance the biodiversity of the design. The proposals are to be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To take account of and enhance the habitat for declining species.

16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme that shall include the species, stock sizes, density (spacing), and position of trees, shrubs and other plants within the planting beds; substrate material, seed species mix and sowing rate for the green roofs. The planting plan shall be accompanied with details of ground preparation and tree pits. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity of the development.

17 The developer shall aim to achieve a Building Research Establishment Environmental Assessment Method (BREEAM) assessment standard of at least "very good" for the development. Unless otherwise agreed in writing prior to the commencement of 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 the standard to which this relates. Where this does not meet at least a 'very good' standard then the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the Interim Planning Statement on Sustainable Design and Construction.

18 Unless otherwise agreed in writing by the Local Planning Authority, a minimum of 10% of the expected energy demand for the development hereby approved shall be provided through on site renewable generation for heat and/or electricity. Prior to the commencement of development a statement outlining how this is achieved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the draft City of York Local Plan and the City of York Interim Planning Statement on Sustainable Design and Construction.

19 Prior to the commencement of development details of a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Site Waste Management Plan shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable minimises waste materials from construction and accords with Policy GP4a of the Draft City of York Local Plan and the Interim Planning Statement on Sustainable Design and Construction.

INFORMATIVE:

To comply with this condition the Site Waste Management Plan is expected to be prepared in accordance with the Department of Trade and Industry (DTI) guidance on Site Waste Management Plans. The plan is expected to include the following steps:

- i. Assign responsibility to producing the plan;
- ii. Identify the types and quantities of waste;
- iii. Identify waste management options;
- iv. Identify waste management sites and contractors;
- v. Carry out necessary training;
- vi. Plan for efficient materials and waste handling;
- vii. Monitor how much and what types of waste are produced;
- viii. Monitor and implement the plan; and
- ix. Review how the plan worked at the end of the project

20 ARCH2 Watching brief required

21 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not commence until an archaeological mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The archaeological mitigation strategy shall include:

- i. the size, location and excavation methodology of two phase 1 trenches, and

ii. the methodology for a phase 2 archaeological excavation of the footprint of the proposed extensions, which will be directly affected by piles, pile-caps and groundbeams.

Reason: This development will have an effect on nationally important archaeological deposits and these deposits must be excavated prior to development taking place.

22 There shall be no glazing fitted in the south elevation of the southern extension hereby approved at any time.

Reason: In the interests of residential amenity.

23 There shall be traffic calming measures underneath the eastern extension hereby approved. Prior to the commencement of development details of the traffic calming measures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved measures shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and pedestrian safety.

24 Prior to the development commencing, excluding site clearance, demolition and remediation, details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

25 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor prior to discharge, details of the interceptor shall be submitted to and approved in writing by the local planning authority and thereafter the approved interceptor shall be installed in accordance with the approval and shall not be removed at any time unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of satisfactory drainage.

26 Unless otherwise agreed in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

27 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the local planning

authority.

Reason: To ensure that the development can be properly drained.

28 The site shall be developed with separate systems of drainage for foul and surface water.

Reason: In the interest of satisfactory and sustainable drainage.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

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 design, appearance and impact on the conservation area, parking and highway safety, servicing and environmental protection considerations, residential amenity, flood risk, sustainability, planning against crime, archaeology and local wildlife. As such the proposal complies with Policies Y1, ENV1, ENV2, ENV5, ENV9, E1, E2, E6, T2 and T5 of the Yorkshire and Humber Regional Spatial Strategy to 2026, and Policies SP3, SP8, GP1, GP3, GP4A, GP4B, GP9, GP11, GP15, NE8, NE2, HE2, HE10, T4, T7C, T12, T13A, V1, V3 and V4 of the City of York Development Control Local Plan.

2. The developer's attention should also be 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 neighbours are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval:

i. 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".

ii. 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.

iii. 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.

iv. 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.

v. There shall be no bonfires on the site.

3. The applicant is informed that roof drainage should not be passed through any drain interceptor.

4. Foul water from kitchens and/or food preparation areas of any restaurants and/or

canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network. The developer is advised to consult with Yorkshire Water's Industrial Waste Section (telephone 0845 1242424) on any proposal to discharge a trade effluent to the public sewer network.

5. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact Yorkshire Water's New Development Team at Sheffield (telephone 0845 124 24 24, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

6. The applicant is reminded that in order to allow sufficient access for maintenance and repair work at all times, no building or other obstruction should be located over or within 3.0m either side of the centre line of the sewer, which crosses the site.

7. The applicant is advised that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our New Development Team in Sheffield (telephone 0845 124 24 24, Fax 01274 303 047) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

8. The developer is required, under Section 115 of the Water Industry Act 1991 to enter into a formal agreement with Yorkshire Water Services to discharge non-domestic flows into the public sewer network.

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