

## COMMITTEE REPORT

**Date:** 16 September 2010      **Ward:** Guildhall  
**Team:** Major and Commercial Team      **Parish:** Guildhall Planning Panel

**Reference:** 10/01391/FULM  
**Application at:** Catering Support Centre St Maurices Road York YO31 7JA  
**For:** Erection of 3 storey building and part retention of existing building to comprise 26 bed hotel with restaurant and associated car parking to rear of 4 Monkgate  
**By:** S A Properties  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 1 October 2010  
**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 The application relates to land between the City Walls and St Maurices Road, to the SE of Monkbar. The land presently accommodates a vacant row of predominantly single, part 2-storey brick buildings and a car park. The buildings were constructed at the turn of the C20, they were then extended/alterd after 1996, when permission was granted to use the buildings as a training centre. The site is within the Central Historic Core conservation area. There are a row of Ash trees along the NE edge of the site, the Ice House is located on the rampart to the city walls, which is grade 2 listed and designated as a Scheduled Ancient Monument, the public house to the NW is also grade 2 listed.

1.2 Planning permission is sought to introduce a 3-storey building onto the site that would accommodate a hotel and restaurant. Part of the existing building at the NW end would be retained (used as storage). The Ash Trees that run alongside St Maurices Road would be removed, and replaced with a dense row of Lime trees, that would screen the first floor level of the building. There would be car parking for 26 vehicles at the SE end of the site.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

- Areas of Archaeological Interest GMS Constraints: City Centre Area 0006
- Conservation Area GMS Constraints: Central Historic Core CONF
- Scheduled Ancient Monuments GMS Constraints: SMR 30 City Walls Jewbury To Monk Bar
- Schools GMS Constraints: St. Wilfrid's RC Primary 0230

2.2 Policies:

CYV1      Criteria for visitor related development  
CYV3      Criteria for hotels and guest houses

CYSP3	Safeguarding the Historic Character and Setting of York
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYGP1	Design
CYGP4A	Sustainability
CYNE1	Trees, woodlands, hedgerows

### **3.0 CONSULTATIONS**

#### **City Development**

3.1 Advise that the key issues are the loss of the employment site, the setting of the historic environment, the amenity of neighbours and sustainable development. Officers report that this location is appropriate for hotel development, however in accordance with policy E3b of the Local Plan, the applicants should demonstrate there are alternative sites available over the plan period, to compensate for the loss of employment land.

#### **Design, Conservation and Sustainable Development**

##### Design and Conservation

3.2 Officers do not support the scheme. It is considered it would have an unacceptable impact on the city walls, which are grade 1 listed, and the proposal by virtue of its design would detract from the appearance of the conservation area.

3.3 The open setting of the city walls would be removed by the proposed building, due to its volume and location. There would be an undue loss of views of the city walls. From the city walls the varied view of the surrounding townscape would be replaced, with views of the proposed building. Also this would have an adverse impact on the role of the city walls. The ice house would appear enclosed, and there would be a detrimental impact on its setting.

3.4 Advise that contemporary architecture can be accommodated in the Central Historic Core Conservation Area, however it needs to be in context, with connections to its place and time. Officers consider this scheme does not respect its context. Officers are unconvinced that integrating part of the existing brick buildings into the new building would be successful. The single storey building was constructed at the turn of C20; its merits lie in its symmetry and simplicity. Officers consider this would be lost by attempting to integrate it into the proposed new building, and the resultant building would be difficult to understand.

##### Landscape Architect

3.5 Officers advise the preference would be to retain the existing Ash trees onsite, which do not appear to be causing damage to existing buildings, and make a positive impact on the character of the area/setting.

3.6 Officers consider the scheme for replacement planting; a row of trees that would screen the proposed building would be of a lesser amenity value. Any replacement scheme would preferably be similar to the existing situation, retaining views beyond, of the building(s) behind and the city walls. The design officer also shared the opinion that the formal structured landscape approach proposed would be inferior to the existing arrangement.

Sustainability officer

3.7 Advise that policy requires a BREEAM 'very good' rating for the building and that 10% of the energy demand for the proposed building is from renewable resources. The expected demand for energy from the building, and the amount that would be generated by on-site renewable energy, and how the energy would be generated has not been clarified.

Archaeology

3.8 Object to the application submitted as there is no Statement of Significance (SoS) dealing with the below ground heritage assets, the information in the supplied supporting statement does not provide the necessary information to make an informed decision on this application.

3.9 In order to produce an adequate SoS there must be a desk-based assessment which sets the site in its archaeological context and an archaeological evaluation of the site which identifies the date, character, and significance of the archaeological deposits on the site. Neither a desk-based assessment nor an archaeological evaluation have been carried out. Therefore there is insufficient information which can be used to produce an SoS and a Mitigation Strategy which would address how the significance of the deposits on this site can be preserved.

### **Environmental Protection Unit**

3.10 No objection. Ask for details of:

- Any plant and equipment to be installed, in the interests of noise impact.
- Noise insulation for the rooms facing onto the road.
- How cooking smells/odour would be dealt with.

3.11 It is asked also that times of delivery be restricted to daytime hours, a construction management scheme be provided, including times of construction. There are no records of contamination at the site though an informative is requested in case unexpected contamination were found.

### **Highway Network Management**

3.12 Ask for details of the servicing, how, when and to what extent it would occur. Officers advise that they would want servicing to occur within the site, and not have vehicles parked on the highway, as the street is busy, used by public transport and emergency service vehicles. Clarification on the car parking spaces is also requested as on plan some are not large enough (need to be 4.8m length) and there is

inadequate space for manoeuvring into some of the spaces on the layout shown. There are no details of staff cycle parking facilities. Spaces should be covered and secure, with the amount required dependent on staff numbers (which have not been supplied).

### **Guildhall Planning Panel**

3.13 Object to the scheme. On the following grounds:

- Too close to city walls, impact on views of, and from city walls.
- Design and materials inappropriate for this location.
- No outdoor cycle parking/storage space.

### **Conservation Areas Advisory Panel**

3.14 Strongly object. Do not feel the location is appropriate for the development proposed. Consider the scheme has no regard to, and would unduly detract from the setting of the city walls. It is suggested only single storey may be appropriate on this site.

### **Police Architectural liaison Officer (ALO)**

3.15 Police statistics show that crime and anti-social behaviour in the area is particularly high, of note graffiti and car crime.

3.16 Advise that no details of crime prevention measures have been supplied. Officers would like to see crime prevention measures with regards prevention of crime in the building and within the car park. Suggestions include:

- Lighting and surveillance of car park.
- CCTV to main entrance and vulnerable areas of the hotel.
- Secure windows.
- Secure covered cycle storage.

### **York Civic Trust**

3.17 Object to the scheme. The city walls have the status of being a Scheduled Ancient Monument. They are of national importance and are a defining feature of the city. It is considered the proposed building is inappropriate to its setting in that it would detract from the setting of the city walls, Monkbar and the conservation area in general. Views of and from the city walls would be lost.

### **Publicity**

3.18 Ten letters in objection received. Grounds for objection are as follows:

- Impact on the historic setting as a consequence of removing views of the city walls and a loss to the open character of the area. Subsequent detrimental impact on the city as a whole and its economy.

- The architecture is not appropriate to York in general and in particular this part of the city. The building's scale means it would appear overdominant.
- Noise due to traffic and deliveries.
- Impact on highway network and ability of emergency services to operate. The road is already occasionally blocked by vehicles, including coaches, due to the Monkbar Hotel opposite.

## **4.0 APPRAISAL**

### **4.1 Key issues**

- Principle of the proposed development
- Impact on the historic setting
- Sustainability
- Highway network management
- Crime prevention

### **Principle of the proposed development**

4.2 The buildings at the application site were formally used as a training centre and are within the city centre area, as defined in the Draft Local Plan (DLP). The former use is (under the use classes order) classed as a 'non-residential institution' rather than an employment use. As such policy E3b of the Local Plan, which relates to the loss of employment land, does not apply. The proposed use fits with national policy contained in PPS4: Planning for Economic Growth. PPS4 defines economic growth as development that either provides employment opportunities, generates wealth, or produces or generates an economic output. PPS4 (and also policies V1 and V3 of the DLP) seeks to direct economic growth and main town centre uses to existing centres. Re-use of vacant sites is also welcomed. To this extent the proposed use is compliant with policy. However the objectives established in PPS4 advise that economic growth must be sustainable and promote the vitality and viability of town centres. In order to do so, PPS4 recognises that historic, archaeological and architectural heritage needs to be conserved. Policy EC10 of the PPS also advises that in determining applications for economic development, a material consideration is whether 'the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions'.

### **Impact on the historic setting**

4.3 PPS5: Planning for the Historic Environment advises that the Government's overarching objective, as established in PPS5 is that heritage assets should be conserved. To deliver sustainable development, policies and decisions affecting heritage assets are to be informed by the importance of the heritage asset affected. Policy HE9 of the PSS advises that the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. In order to allow harm, there must be clear and convincing justification, and significant loss, or harm to grade 1 or grade 2 star listed buildings should be wholly exceptional. PPS5 advises that LPA's should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic

environment. The consideration of design should include scale, height, massing, alignment, materials and use.

4.4 PPS1: Delivering Sustainable Development states that it is the Government's objective to "ensure high quality development through good and inclusive design" and "design which is inappropriate to its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted". Relevant companion guidance to an historic site such as this would be the CABE / English Heritage Design in Context document. The guidance advises that a successful project will: respect the geography and history of the place, and lie of the land; sit happily in the pattern of the existing development; respect important views; respect the scale of surrounding buildings; use materials that are of as high a quality as those used in existing buildings; create new views and juxtapositions which add to the variety and texture of the setting.

4.5 Policy SP3 of the DLP: Safeguarding the Historic Character and Setting of York advises a high priority will be given to the protection of the historic character and setting of York. When considering planning applications the Council will seek to protect of key historic townscape features, particularly in the city centre, that contribute to the unique historic character and setting of the city.

4.6 Policy HE2 states that within conservation areas, or locations which affect the setting of listed buildings development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regards to local scale, proportions, details and materials. Proposals will be required to maintain or enhance existing urban spaces, views, landmarks and other townscape elements, which contribute to the character or appearance of the area.

4.7 Officers consider the proposed scheme is unacceptable, it would fail to comply with the aforementioned design policies and have a detrimental impact on the historic setting.

4.8 Due to a combination of the height, shape and width of the building, and its proximity to the City Walls and the Ice House (both listed buildings and Scheduled Ancient Monuments) the proposed building would significantly detract from the setting of these buildings. The key historic townscape features and unique historic setting policies SP3 and HE2 of the DLP specifically seek to protect would suffer an adverse impact. The open character of the site, public views of the city walls from the east side of St Maurices Road would be lost along with vistas from the city walls of the varied townscape beyond, in exchange for views of the proposed building.

4.9 The overall form of the building, its horizontal emphasis, scale / massing and detailing, would make it appear out of scale and character with the established appearance of the conservation area setting. The scheme pays no regard to its context and is not of any outstanding design quality to justify allowing such a development when it would have an adverse impact on the surrounding heritage assets. In addition to the concerns established in 4.8, plant rooms are proposed on the NW corner of the building, resulting in a substantial area of the exterior of the building that would be finished in louvred grills. These would be adjacent the Ice House, within 12m of the city walls and evident in views from Monkbar, beyond the

public house's beer garden. This part of the building, and the north end elevation, would appear visually overbearing and out of character with the existing townscape.

4.10 It is proposed to remove the row of Ash trees which line St Maurices Road. The Ash trees would be replaced with Lime trees which would be cut in an ordered manner, forming a screen between the proposed building and the road. The replacement trees would appear alien in the street scene, due to their formal/uniform appearance. Policy NE1 of the Local Plan seeks to protect trees which are of amenity or historic value. It requires that when it is proposed to remove such trees, appropriate re-planting take place. It is considered the proposed development would not achieve such.

4.11 The site is within the city centre area of archaeological importance as such HE10 is relevant. The policy seeks to preserve important archaeological remains. PPS5 requires that where an application site includes heritage assets with archaeological interest, at least an appropriate desk-based assessment will be required. No details of archaeology have been supplied.

### **Sustainability**

4.12 It is a requirement of policy GP4a of the Local Plan that a sustainability statement is submitted with development proposals. The development should meet the requirements of the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction. This development would according to the IPS be required to achieve a BREEAM rating of 'very good' and provide at least 10% of its energy demand from on-site renewable resources. The preferred options supplied in the application are either a ground source heat pump or roof panels. In this case, further clarification is required on the final approach for renewable resources, as a ground source heat pump could have significant implications for archaeology, whilst the visual impact of the solar panels (how many would be required\_) needs assessment due to the proximity of the building to the city walls.

### **Highway network management**

4.13 Policies V1 and V3 of the DLP, which relate to visitor related development, require that such developments have adequate servicing arrangements, are accessible by public transport and have an acceptable impact on the public highway. PPG13: Transport seeks to promote alternative means of transport to the private car, as does York's Local Plan.

4.14 The site is in a sustainable location, being within the defined city centre. However there are concerns over servicing arrangements and the subsequent impact on the public highway and no details of the amount or location of cycle parking have been provided. Further information is required to demonstrate vehicles servicing the proposed building could do so from within the site. Due to the size of the car park area, this could occur onsite. However the layout of the building locates all the service/storage areas at the opposite side of the building, which gives concern that servicing could have an adverse effect on safety.

### **Crime prevention**

4.15 GP3 advises that crime prevention is a material planning consideration and identifies measures which should be considered in developments in order to create safer environments.

4.16 This development itself would aid crime prevention in that it would lead to increased levels of natural surveillance that would deter criminals. Other measures such as CCTV and lighting could be secured through condition if necessary.

## **5.0 CONCLUSION**

5.1 The building proposed would not respect its context and have an undue adverse impact on the historic character and setting of the city, in particular over the city walls which are of the utmost importance, being listed at Grade 1. There are also concerns, due a lack of information, over the proposed servicing and any subsequent impact on highway safety, the approach to cycle parking, and sustainable energy generation and any subsequent impact on heritage aspects. As such refusal is recommended.

### **Committee to visit**

## **6.0 RECOMMENDATION: Refuse**

1 The proposed building due to its design, scale, height and proximity to the Grade one listed city walls and the grade two listed ice house, both of which are Scheduled Ancient Monuments, would have a significant detrimental impact on the setting of these protected buildings.

As such the proposed development would be contrary to national policies PPS1: Delivering Sustainable Development, PPS4: Planning For Sustainable Economic Growth (in particular paragraph 10), PPS5: Planning for the Historic Environment and of the Draft Local Plan policies SP3, GP1, HE2, HE3 and HE8.

2 The proposed building, due to its footprint, size, shape, detailing and materials would appear out of scale and out of context with its setting. Furthermore the proposed removal of existing trees and the replacement row of Lime trees along St Maurices Road would result in the loss of trees which make a positive impact to the visual amenity of the area and setting, whilst the proposed scheme for replacement would, due to the uniform layout, appear out of place.

As such there would be a detrimental impact on the character and appearance of the Central Historic Core conservation area, contrary to national policies PPS1: Delivering Sustainable Development, PPS4: Planning For Sustainable Economic Growth and PPS5: Planning for the Historic Environment and of the Local Plan, policies SP3, GP1, HE2, HE3 and HE8.

3 Inadequate details have been provided on the servicing arrangements for the proposed use. Due to volumes of traffic and the type of traffic that uses St Maurices Road (i.e. buses and emergency service vehicles) there is the potential that the proposed use could lead to obstruction of the highway that would have an unacceptable adverse impact on highway safety, contrary to policies V1 and V3 of the

Draft Local Plan.

4 The site is within the city centre area of archaeological importance and inadequate information has been supplied that demonstrates important archaeological remains will not be unduly destroyed. In particular due to the footprint of the proposed building and as a ground source heat pump has been identified as a preferred source of sustainable energy. As such the proposal is contrary to PPS5: Planning for the Historic Environment and policy HE10 of the Draft Local Plan.

## **7.0 INFORMATIVES:**

### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer  
**Tel No:** 01904 551323