

COMMITTEE REPORT

Date: 18 November 2010 **Ward:** Micklegate
Team: Major and Commercial **Parish:** Micklegate Planning Panel
Team

Reference: 10/02132/FUL
Application at: Cedar Court Grand Hotel Station Rise York YO1 6GD
For: Erection of temporary marquee on rear garden deck
By: Acropolis Hotels Ltd
Application Type: Full Application
Target Date: 30 November 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 The application relates to the former NER headquarters building, which was recently converted into a hotel. As part of that scheme a single storey extension was added to the rear of the building, to cover over the service area and accommodate the kitchen. The roof area was to provide an outdoor terrace, enhanced by landscaping. The soft landscaping is yet to be implemented. The building is grade 2 star listed and within the central Historic Core conservation area.

1.2 Due to the layout of the host building, there are no internal spaces to accommodate functions catering for over 110 people. There is demand for such an offer, and being able to provide such would benefit the viability of the hotel and to an extent the cities economy, as it is envisaged custom would be attracted from further afield. The applicants desire is to erect a permanent extension on the flat roof area to accommodate such. However this application is for a temporary facility, which will assist the hotel in generating income for the permanent structure, and enable them to promote and establish demand for the proposed use.

1.3 The temporary facility would be in the form of a single storey pitched roof white upvc marquee, which would be setback around 2.5m from each edge of the flat roof extension. It is asked that the marquee be erected during two periods of the year, June - September and December - January for a period of 3 years. The scheme submitted also includes details of planting, including trees being introduced to the lower level (between Station Road and the extension), climbing plants that would grow down the wall on the side of the existing brick extension (facing Station Road) and planters around the proposed marquee.

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

Listed Buildings GMS Constraints: Grade 2 Star; North Eastern Railway Co Offices Toft Green 0097

2.2 Policies:

CYGP23	Temporary planning permission
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYGP1	Design

3.0 CONSULTATIONS

DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Landscape officers agree to the proposals for landscaping the area. No objection from Design and Conservation officers who feel the scheme is acceptable, but on a temporary basis only. It is considered that a permanent structure in this location would need to be setback further from the parapet, to preserve the sense of their being a garden at terrace level and it should be distinct from the existing highly crafted building.

HIGHWAY NETWORK MANAGEMENT

3.2 Committee to be updated.

ENGLISH HERITAGE (EH)

3.3 EH do not object to the scheme and consider it complies with the principles of PPS5. However this is provided the permission is strictly time limited (as the marquee proposed is not of adequate architectural quality to be a long term feature in this location, which is visible from the grade 1 listed city walls) and the landscaping scheme is implemented,

VISIT YORK

3.4 Support the application. Advise that the hotel has been an asset to York since opening, raising the tourism profile of the city and standards of visitor accommodation available. The proposal will increase the hotel's capacity to host conferences, exhibitions, dinners and weddings. Such functions are worth over £200 million to the cities' economy each year, so opportunities to improve facilities in this direction are welcome.

PLANNING PANEL

3.5 Committee to be updated.

PUBLICITY

3.6 Expiry for comments is 23.11.2010. No comments have been received to date.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed use
- Impact on the setting of the listed building and the Central Historic Core conservation area
- Amenity

PRINCIPLE OF THE DEVELOPMENT

4.2 Policy GP23 of the Local Plan relates to temporary planning permission and states such permission shall only be granted provided: there would be no loss of amenity; there is no viable permanent alternative immediately available; where appropriate plans are brought forward for permanent development; and if temporary permission is required as a trial period to allow an assessment of the development.

4.3 The proposed development is designed only as a temporary arrangement, with the intention being to erect a permanent structure in the same area if the trial period demonstrates this would benefit the hotel. There is no objection in principle to a permanent building in this area, subject to its design.

4.4 In terms of amenity, the adjacent office building is occupied during the daytime, it is during this period when officers consider amenity needs to be considered, as during the evening, only guests of the hotel would be affected. It would be in the operators interest to ensure guests are not disturbed at such times. A condition requiring a management plan to identify procedures for any amplified entertainment is suggested. Officers consider that noise can reasonably be controlled by this requirement. There are no other amenity concerns.

IMPACT ON THE LISTED BUILDING AND THE HISTORIC ENVIRONMENT

4.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. These are re-iterated in policies HE3 and HE4 of the Local Plan.

4.6 English Heritage guidance note "Temporary Structures in Historic Places" has been developed to assist Local Planning Authorities consider temporary structures. It recognizes that events in historic places make a vital contribution to the economic sustainability of our heritage, assisting in securing optimum viable use, as required in PPS5. Events generate income and allow visitors to experience historic places/buildings. The guide does warn that temporary structures are not appropriate in every location. In considering whether to grant permission for temporary structures it is recommended physical and visual impact (including any associated signage) are considered. Visual impact can be mitigated, by choosing a location that is shielded from view by other buildings or landscaping. LPA's are advised to

consider; setting, in particular impact from key views, design of the structure, duration of use, public access benefits and financial benefits.

4.7 The structure does not have a physical impact on the listed building as it would be fixed to the modern extension. The main impact on the setting would be views of the site from the city walls. The marquee would be setback around 25m from Station Road and the prominence of the structure would be mitigated as: it is predominantly translucent in appearance on the visible elevation, it is single storey in height, landscaping would be erected in front of the structure, and due to its location, the enclosure given by the host building and the Aviva office building would limit views to direct views from the city walls. The impact is mitigated further as it is only proposed to erect the structure for 4 months each year.

HIGHWAY NETWORK MANAGEMENT

4.8 Due to the location of the site it is expected the majority of guests would use public transport/taxis. Arrangements for persons using private car would be as per those in practice for the hotel (a valet parking service using car parks within the city). It was a condition of the planning permission for the hotel (08/00289/FULM) that a green travel plan be produced and agreed to. This has yet to be supplied - it was required within 6 months of the opening date.

5.0 CONCLUSION

5.1 Officers consider that this temporary solution is appropriate on a short term basis only. If the trial/temporary period is successful, it would provide the opportunity for a permanent building in this area that could enhance the setting and assist in the economic viability of the listed building, as recommended by national policy in PPS5: Planning for the Historic Environment. It is therefore recommended temporary permission be granted.

6.0 RECOMMENDATION: Delegate to officers to approve after consultation period.

COMMITTEE TO VISIT

1 This permission allows the structure to be erected within the following periods only:

1.12.2010 to 10.1.2011
1.6.2011 to 5.9.2011
1.12.2011 to 10.1.2012
1.6.2012 to 5.9.2012
1.12.2012 to 10.1.2013
1.6.2013 to 5.9.2013

At all other times the structure shall be fully removed from the garden deck area.

Reason: As the proposed structure is only deemed acceptable in terms of its impact on the historic environment provided it is temporary only, with the intention that

should the proposed use continue, a permanent solution will be sought.

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

Proposed plans and elevations 05.10-02B
Landscaping drawings by Vector - VL10187 L13 revised version date stamped 2.11.2010, 14C and 15.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The landscaping scheme listed in the approved plans shall be implemented prior to 1.1.2011. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of the historic setting and visual amenity.

4 The valance at eaves level shall be coloured white to match the colour of the main structure.

Reason: In the interests of appearance.

5 Prior to first use of the development hereby approved a noise management scheme, to demonstrate that noise levels at events would not have a material impact on the surrounding occupants (in particular during the daytime) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be adhered to thereafter. The noise management scheme shall specifically deal with noise from any amplified or live entertainment.

Reason: In the interests of amenity.

7.0 INFORMATIVES:

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 the impact on the historic setting and amenity. As such the proposal complies with Policies GP1, GP23, HE3 and HE4 of the City of York Development Control Local Plan.

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