

COMMITTEE REPORT

Date: 11 August 2011 **Ward:** Skelton, Rawcliffe, Clifton Without

Team: Major and **Parish:** Clifton Without Parish
Commercial Team Council

Reference: 11/00620/OUT

Application at: Site To The East Of Vue Cinema Stirling Road York

For: Outline application for 70 bed hotel (use class C1)

By: Derby Property Investments Ltd

Application Type: Outline Application

Target Date: 23 May 2011

Recommendation: Refuse

1.0 PROPOSAL

1.1 This application seeks outline planning permission for the erection of a 70 bed hotel on the eastern edge of the Vue Cinema car park at Clifton Moor. The hotel would also include an integral restaurant and bar. Access and layout are to be considered as part of this outline application with matters of scale, appearance and landscaping reserved for future approval.

1.2 Access to the site would be via the existing entrance from Stirling Road. The restaurant would be located on the ground floor at the northern end of the building. The main public entrance would be immediately to the south of this with the remainder of the building consisting of hotel accommodation. The service point would be to the south of the site. Indicative details propose that the restaurant and bar would be approximately 170 sq m in size with the hotel in total having a floorspace of approximately 2606 sq m. The exact internal layout of the building is indicative at this stage, with only the layout of the building on the site being under consideration. The building would be three storeys in height.

1.3 The indicative design of the building is to create a simple clean building which would have a contemporary appearance. The building would be rendered and would incorporate floor-to-ceiling windows.

1.4 This application has been brought before East Area Planning Sub-Committee at the request of Cllr. Wiseman on the grounds of loss of car parking and impact on the character of the area. A site visit is

recommended in order to assess the suitability of the proposal on this site.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1
Design

CYSP6
Location strategy

CYSP7
The sequential approach to development

CYSP8
Reducing dependence on the car

CYGP4A
Sustainability

CYGP3
Planning against crime

CYV3
Criteria for hotels and guest houses

CYV4
Allocation of hotel sites

3.0 CONSULTATIONS

INTERNAL

3.1 City Development - Further to requests for additional information, issues regarding supply, demand and impact were considered to be adequately addressed subject to the information being acceptable to the Council's Tourism Manager. Following details being provided regarding the number of extant planning permissions for other hotel developments, further comments were received. This stated that the number of extant planning permissions should be taken into account in the impact assessment as a large proportion of these permissions are on sequentially preferable sites.

3.2 Drainage - The site is in Flood Zone 1 and should not suffer from river flooding. However, insufficient information has been submitted to determine the potential impacts the proposals may have on existing drainage systems. A condition could be added to any approval to ensure drainage details are included within any reserved matters application.

3.3 Environmental Protection Unit - No objections to the application. Conditions should be added to any approval regarding kitchen extraction systems and the installation of plant and machinery to ensure that odours and noise do not harm neighbouring amenity. A Phase 1 contamination report has been submitted which is sufficient in this case. A condition should be added to any approval that any contamination found shall be cleaned up. In line with the Council's emerging Low Emission Strategy, EPU would request that the applicant considers methods to influence the uptake of cleaner / low emission vehicles as far as possible on the site, via provision of necessary infrastructure and incentives for their use, such as reduced charges and access to electric vehicle plug in points. Ideally, two electric vehicle recharge points should be provided within the car park for the site, which will be free-standing, weatherproof, outdoor recharging units with the capacity to charge at both 3kw (13A) and 7kw (32A).

3.4 Highway Network Management - The application is supported by a Transport Statement which included a parking accumulation survey. The parking accumulation survey has demonstrated that the parking demand on an evening currently peaks at approximately 77% of total capacity. The development proposals (restaurant & hotel combined) will result in the loss of 104 spaces.

The parking demand associated with the proposed development (hotel and restaurant application) has then been added to the reduced size car park. This results in a peak accumulation of 94% of capacity.

Officers consider that this represents a very robust assessment and in reality is unlikely to occur as the parking demands for each proposed use have been considered individually. Given the nature/mix of uses in the locality experience demonstrates that the majority of trips will be linked trips (hotel/restaurant, cinema/restaurant) and as such the demand for parking will actually be lower than considered. The approach taken to the assessment therefore has an element of double counting in terms of car parking demand. Officers are therefore satisfied that adequate parking stock will remain in the car park following the implementation of the developments. The Transport Statement also looked at the level of traffic that could be generated by the proposed development. Any increase in flows will be negligible and as discussed above a number of trips to the site will be linked trips which will further reduce the level of traffic generated by the development. The adjacent highway has been demonstrated to operate satisfactorily with development traffic added.

Conditions are recommended to be added to any approval regarding pedestrian access, a travel plan, method of works statement, and cycle parking.

EXTERNAL

3.5 Clifton Without Parish Council - No objections subject to no reduction in car parking from the originally approved scheme and no compromise of the original landscaping details.

3.6 Yorkshire Water - The development should take place with separate systems for foul and surface water drainage. The use of sustainable drainage should be considered as the local public sewer does not have the capacity to accept any additional discharge of surface water. If this is not possible, discharge to the public sewer must be on a like for like basis.

3.7 North Yorkshire Police - Object to the proposal. The proposed development is located in an area of high risk in respect of crime, particularly vehicle crime. The submitted Design and Access statement makes no reference to crime prevention. Whilst the proposed plans are

only indicative, there are concerns that the proposed hotel car park is integrated with the existing cinema car park. The car park has no defensible space and no positive impression of safety from a perimeter boundary. A perimeter gives a clear transition from public to private property and allows for better ownership of the space. Security lighting and CCTV systems should be installed. Windows should be designed to high crime prevention standards, particularly on the ground floor. The location of the proposed concierge desk is suitable as it allows good visibility of the entrance and surrounding areas.

3.8 Visit York - Visit York wants to encourage visitors to stay longer in the city, and clearly hotels and other accommodation is required to help achieve this. The following priorities are in place regarding hotel accommodation:

- High quality hotel development is sought (4* plus – acknowledging that the rating can't be controlled through planning).
- Projects that are distinctive, new or meet a clear high quality standard (e.g. boutique hotels over 'volume')
- Hotels with a quality conference offer would be especially welcome with a range of meeting rooms, break-out facilities and a clear ambition to service the conference market
- Sustainable locations are preferred for example close to the city centre, close to railway station, etc.

3.9 Third Parties - One letter of objection has been received from a resident of Deer Hill Grove. The following objections were made:

- the sequential test is flawed and inaccurate as the Grain Stores which has an extant planning permission and the Ikon and Diva building have not been considered;
- the application is contrary to Local Plan Policy V1 as the site does not have adequate servicing arrangements, creates a pedestrian vehicle conflict and would result in an adverse impact on the ability of Bootham Engineering to operate effectively, an application was refused in the past because of the potential conflict between a residential scheme and a B2 industrial use, putting undue pressure on the business to change its activity;
- the proposal is contrary to Policy V1 in that it is not compatible with its surroundings in any respect;
- the proposal would result in the loss of vegetation which would have a detrimental impact on the character of the area.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- Principle of hotel use in this location;
- Compatibility of hotel with surrounding uses;
- Traffic impact and loss of car parking;
- Sustainability;
- Crime and anti-social behaviour.

PRINCIPLE OF HOTEL USE IN THIS LOCATION

4.2 Planning Policy Statement 4: 'Planning for Sustainable Economic Growth' identifies hotels as a main town centre use. Paragraph 10 goes on to say that new economic growth and development of main town centre uses should be focused in existing centres. There should be a sequential approach to development with town centres being the priority for new development, followed by edge of centre sites, then out of centre sites. If it is established that the chosen site is sequentially preferable then an impact assessment should be carried out to determine what impact there would be on existing centres. Development Control Local Plan Policies SP6 and SP7a are generally consistent with this approach. A further consideration is the ministerial statement issued on 23rd March which aims to promote sustainable economic growth. The Government's clear expectation is that planning applications for developments that would foster economic development and growth should wherever possible be considered positively, except where this would compromise the key sustainable development principles set out in national planning policy.

4.3 Whilst no end user is known at this stage, given the location of the hotel within a retail, leisure and business park, it is highly likely that any end user would offer budget level accommodation. Detailed information submitted by the applicants show that the average room occupancy in York in 2010 was 78.8%, reaching a peak of 88% in September. This occupancy level increased by 1% compared with 2009. The level of occupation is significantly above both the national and regional levels. The average room rate in 2010 was £78. Based on the occupation rates and information provided by Visit York, it is acknowledged that there is a demand for additional hotel accommodation within the city.

4.4 The application site is classified as being out of centre. The applicants have submitted a sequential test and conclude that there are

no sequentially preferable sites which are both suitable and available for a hotel. Sites assessed are those allocated in the Draft Local Plan. Whilst the majority of the findings of the sequential test are considered to be sound, concern is raised regarding the lack of investigation regarding the Heworth Green site, specifically the southern end adjacent to Layerthorpe. Development Control Local Plan Policy V4 'Hotel Sites' specifically states that hotel development on Heworth Green is acceptable. However, within the sequential test information submitted, the applicants have stated that this site is not suitable for hotel development. No further work seems to have taken place regarding investigating the potential use of this site for a hotel.

4.5 There are a number of extant planning permissions for hotels in the city centre or on the edge of centre. These include a 120 bedroom hotel at the Barbican site, a 102 bedroom hotel at 86-98 Walmgate, a 120 bedroom hotel at Toft Green/Station Rise, and a 42 bedroom extension to the Novotel hotel. An application for a further 95 bedroom hotel at Holgate Villas will be determined by West Area Planning Sub-Committee in August and is recommended for approval by officers. If implemented these additional consents plus the pending consent at HolgateVillas would create an additional 479 hotel bedrooms. Out of centre permissions are in place at Clifton Grain Stores for a 150 bedroom hotel and two hotels at the Terry's site totalling 308 bedrooms. Whilst the approved hotels at the Terry's and Grain Stores sites are not sequential preferable to the proposal at Clifton Moor, they are considered to be sites of significant strategic importance to the future growth and economic prosperity of the city. Whilst these sites are not allocated for hotel development within the 2005 Development Control Local Plan, they have since come forward as large scale mixed use developments incorporating hotel permissions. It is considered that their future development is key to the future sustainable economic prosperity of the city.

4.6 It is acknowledged that all of the approved hotels are not under construction and planning permissions are not a guarantee of development, however it seems reasonable to assume that given the current high occupancy levels of hotel accommodation in the city that a good proportion of these permissions will be built out as it is likely to be economically viable to do so. The extant planning permissions have not adequately been taken account of within the submitted sequential test. There is a supply of hotel accommodation waiting to be built out which would assist in meeting the additional demand which is not currently being met at peak times. At present there are approximately 2700

serviced hotel rooms in the city and existing demand creates high occupancy levels within these rooms. However, the applicants have not demonstrated the likely impact of non-implemented permissions on the demand for hotel accommodation and the likely impact on occupancy rates. Whilst it is not for the Local Planning Authority to assess the need for a new hotel, concerns are raised regarding a reduced likelihood of existing permissions being built out should the supply for hotel accommodation be met in sequentially less favourable locations.

4.6 The applicants state that the proposed hotel would meet a different need than that catered for through city centre hotels and permissions. The proposed hotel would provide budget accommodation for people who either do not want to stay in the city centre or who require a car park. It is accepted that much of the city centre and edge of centre holiday accommodation is more expensive than typical budget accommodation; however there are existing budget accommodation hotel chains within the city or edge of centre. For those not wanting to stay in the city centre there are a number of existing hotels out of the centre. In addition, planning permission has been granted for a large number of out of centre hotel rooms which could meet any additional demand above and beyond current supply.

4.7 Visit York is the official tourism organisation for York and the surrounding area. It aims to increase the value of tourism to the economy and provide leadership to the York tourism industry. It is therefore considered the most valuable tool for assessing the state of the city's tourism industry and is the most accurate source of data in terms of current demand in qualitative terms. In their consultation response, Visit York state that there is demand and a requirement for distinctive and high quality hotels which offer conference facilities and are close to the train station and city centre. It is considered that the proposed hotel does not meet these requirements. It is important that surplus demand is managed and planned and that the most suitable locations are chosen for additional supply. If demand is met through out of centre locations there is a reduced opportunity for new supply to be created in more sustainable locations that meet the aims and objectives of Visit York. Growth and development within city centres and on the edge of centres is currently seen as best practice for encouraging and promoting sustainable economic growth. No evidence has been submitted as to why the proposed budget accommodation could not be located within one of the existing permissions in the city centre, edge of centre or in one of the strategically important mixed use redevelopment sites at the Grain Stores or Terry's. In addition, it is Officer opinion that the potential

site at Heworth Green has been too readily dismissed as not suitable for a new budget hotel development.

4.8 The applicants believe that the proposed site is sequentially preferable. Therefore, they follow up the sequential test with an impact assessment as recommended in PPS4. The impact assessment highlights the importance of tourism to the city's economy. Hotels are an important aspect of this both in terms of directly providing jobs to hotel staff, but also bringing money into the local economy. It is predicted that one in ten of the local working population depends on tourism. As explained above, it is also highlighted the high occupancy levels at existing hotels in York. The proposal would amount to an increase in the number of bedrooms in the city by 2.5% (not taking account of extant permissions). The impact assessment concludes that the proposal would have a positive impact on the city through employment generation, reducing the number of car trips to the city centre, and increased consumer choice. There is a presumption in favour of sustainable development and PPS4 makes it clear that Local Planning Authorities should adopt a positive approach towards planning applications for economic development. However, as the submitted information is considered to discount the Heworth Green site too readily and the fact that the sequential test has not fully considered existing permissions, the proposal is considered contrary to local and national planning policies. Planning applications should secure sustainable economic growth and it has not been adequately demonstrated that the proposal meets this objective.

COMBATIBILITY OF HOTEL WITH SURROUNDING USES

4.9 Development Control Local Policy V3 'Hotels and Guest Houses' states that new hotel developments should be compatible with its surroundings in terms of siting, scale and design. The surrounding area predominantly consists of leisure, retail and business units. To the west on the other side of Clifton Moorgate are residential dwellings. Immediately to the west of the proposed hotel is the shared car park of Vue Cinema and two restaurants and a pub. To the north is Stirling Road and a number of retail 'sheds'. To the east is a trade retail unit. To the south is a B2 general industry unit. It is not considered that the activity associated with the proposed hotel would have a significant impact on the efficient operation of the surrounding land uses.

4.10 The Environmental Protection Unit have examined the potential noise impacts of the existing B2 general industry unit on the hotel. After

examining the conditions on site and looking at the conditions attached to the existing planning permission it was determined that the unit was unlikely to cause significant harm to future occupiers of the hotel.

4.11 This application is in outline only with the design details of the hotel still to be considered. However, indicative plans show a flat roof three storey building. Subject to a suitable design being brought forward in any reserved matters application, it is considered that the scale and massing of the proposed building would not appear out of keeping with existing buildings in the area. The proposed building is set back from Stirling Road by approximately 5m which is closer to the highway than the majority of buildings in this area. However, it is considered that the proposal would provide more interaction with the street than is currently present along Stirling Road. It is not considered that the proposed layout would harm the visual amenity of the area.

4.12 Whilst the proposed hotel would introduce a residential visitor element to the site which is not currently present, it is not considered that there are sufficient grounds to object to the application in terms of its compatibility with the surrounding area. The Council does not have defined standards which are expected of new hotel developments. The relationship between ground floor rear bedrooms and the adjacent Screwfix building is far from ideal, with a separation distance of just 7m. It is advised that should this application be approved, any reserved matters application addresses this amenity issue. The leisure and retail units in the area would provide some level of amenity for future occupiers without the need to travel.

TRAFFIC IMPACT AND LOSS OF CAR PARKING

4.13 It is considered that the majority of users of the proposed hotel and ancillary restaurant would drive to the site. The applicants accept that the market for the hotel is likely to be for people who wish to arrive by car. Whilst this would add to the number of vehicles on the highway network, it is considered that the increase in traffic when assessed against existing highway usage levels would be negligible. It is not considered that the level of traffic associated with people arriving and leaving the hotel and staff travel would have a significant impact on the local highway network given the existing number of retail, leisure, business, and residential units in the area.

4.14 As outlined within the Committee report for the proposed restaurant, the submitted 'Transport Statement' shows that at present,

approximately 77% of the car park is used at peak times. The proposed hotel would result in the loss of 79 car parking spaces. As a result of the proposed hotel and restaurant development, the peak capacity of the car park would be expected to reach 94%. This figure accounts for not only the reduction in car parking spaces but also the anticipated additional demand for spaces as a result of the proposed developments. The figure of 94% peak usage has been determined based on users attending the various facilities individually with no linked trips; therefore it is considered by Officers to be a robust calculation. Officers are therefore satisfied that adequate parking capacity would remain in the car park following the implementation of the developments. National planning guidance states that developers should not be asked to provide more car parking spaces than they themselves require, and the site operators believe that the proposed number of car parking spaces would be sufficient to meet the needs of the end users of the site.

SUSTAINABILITY

4.15 Concerns are raised about the overall sustainability of the site for a new hotel development. Planning Policy Statement 1: Delivering Sustainable Development promotes developments which are located in sustainable locations. Although an objection cannot be justified in terms of the impact any proposal may have on traffic levels and queuing times in the area, development should always be directed to locations which are less reliant on the car. Development Control Local Plan Policy SP8 supports this approach and seeks to reduce the dependence on the private car. Whilst the site is technically accessible by train and then bus, it seems very unlikely that a high proportion of visitors would arrive by public transport. The proposed development does not provide attractive sustainable transport choice. With its location close to the outer ring road with good access from the A64 and wider area, it is considered that it would significantly promote car based travel. The proposed hotel is located within a large free car park and it is far more attractive to arrive by car than by a sustainable transport mode. It is acknowledged that once visitors have checked in, the site provides good access to local services and facilities as well as a regular bus service to the city centre.

4.16 In terms of environmental sustainability, the applicants have confirmed that the hotel would meet BREEAM 'Very Good' rating and that 10% of expected energy demand of the hotel would be met through on site renewable energy. This complies with the Council's planning guidance on 'Sustainable Design and Construction'. Conditions ensuring

the required standards are met should be added to any approval granted.

CRIME AND ANTI-SOCIAL BEHAVIOUR

4.17 Concerns were raised by the Police Architectural Liaison Officer regarding existing car based crime in the area. Of particular concern was the lack of defensible space around the hotel, as it is proposed that the car park would remain open and be shared by all commercial uses at the site. This could lead to the potential for car parking spaces near to the hotel being occupied by visitors to the cinema, for example, which would force hotel visitors to park further into the site away from the hotel. Once the cinema and restaurants close and most of the car park empties, this could leave some hotel residents car's isolated within the car park. Having considered this objection, it is Officer opinion that overall the proposed hotel would improve natural surveillance of the car park and therefore reduce the potential for car based crime. The concerns regarding the potential for crime at night is valid, however it is considered that many hotel residents are likely to recognise this threat and move their car closer to the hotel once the car park is quiet. In addition, car parking information submitted suggests that the car park regularly operates significantly below capacity and therefore the problem of hotel residents not being able to park near to the hotel would not be common. Visitors to the cinema and restaurants are likely to park as close as possible to their destinations which is well away from the proposed hotel, therefore demand for car parking spaces close to the hotel is likely to be lower than nearer the cinema. Should car crime in the area become a problem, then it would be in the hotels interest to take suitable action at that time. This could be in the form of employing site staff or submitting a further application to arrange the car park layout.

4.18 Should this application be approved, it would be expected within any reserved matters submission that further information regarding crime prevention measures be submitted. This should include details of lighting, CCTV, and window and door security in order to reduce the likelihood of the hotel being a target for crime.

5.0 CONCLUSION

5.1 It has not been demonstrated that the application site is sequentially the best site available for hotel accommodation. There a number of existing permissions for hotel development within and on the edge of the city centre and no evidence has been submitted to indicate that these sites could not meet the current demand for hotel accommodation. As such, the proposal has the potential to reduce the likelihood of existing permissions in more sustainable locations being implemented. In addition, it has not been demonstrated that a hotel could not be erected on the Heworth Green site which is sequentially preferable to the out of town Clifton Moor site.

5.2 Whilst the application site is within the settlement limit of York the nature of the site being located close to the primary road network and offering a substantial free car park, it is considered that the vast majority of visitors would arrive by car. Therefore the proposed development is not considered sustainable.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The application site is defined as being out of centre which should only be considered appropriate if no suitable sites are available within the city or district centres or on the edge of centre. It has not been adequately demonstrated that the proposed site is sequentially preferable. Alternative sequentially preferable sites have not been robustly considered. In addition, the applicants have failed to demonstrate that the current under supply of hotel accommodation would not be sufficiently met by existing planning permissions which are in place within the city centre and edge of centre and economically important sustainable mixed use development sites. It has not been demonstrated that the proposal would not impact adversely on the city centre and edge of centre through reducing the likelihood of existing permissions within more sustainable locations being implemented. Therefore, the proposal is considered unsustainable and contrary to the aims and objectives of national planning advice contained within Planning Policy Statement 4 "Planning for Sustainable Economic Growth" and Policies SP6 and SP7a of the City of York Draft Local Plan.

2 It is considered that the proposed hotel would promote car based travel. The location of the site provides ease of access by car from the surrounding highway network and offers a substantial free car park. In contrast the site is a significant distance from the city's main public transport hubs which does not encourage sustainable transport choice. Therefore the proposal is considered unsustainable and contrary to national planning advice contained within Planning Policy Statement 1: Delivering Sustainable Development and Policies SP8 and GP4a of the City of York Draft Local Plan.

7.0 INFORMATIVES:

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