

COMMITTEE REPORT

Date: 19 January 2012 **Ward:** Fishergate
Team: Major and **Parish:** Fishergate Planning
Commercial Team Panel

Reference: 11/02658/FULM
Application at: Proposed Hotel at York Barbican Site Paragon Street York
For: Erection of 165 bedroom hotel with public space, landscaping and access
By: Mr Michael Davies
Application Type: Major Full Application (13 weeks)
Target Date: 2 February 2012
Recommendation: Refuse

1.0 PROPOSAL

Application site

1.1 The application site is the land to the immediate east of the Barbican Centre. The land forms part of a site located between the Barbican Centre and Barbican Road to the east which has planning permission for a mixed use development of a 120 bedroom hotel and 228 apartments (application 03/04075/GRG4). In the approved scheme, the hotel was 5-storey in height, the apartments ranging from 3-5-storey in height.

The proposals

1.2 This application is for a 165 bedroom hotel, which would follow the curved form of the hotel granted planning permission in the 2003 application. Rather than being 5-storey the development is predominantly 6-storey, with two additional plant room areas on the roof.

Surroundings

1.3 There is a terrace of 3-storey houses on the east side of Barbican Road. Along Kent Street to the south is the Q-Park car park, the former coach park site, which has outline planning permission for a fire station, and Barbican Court, a 3-storey residential development.

1.4 The site is outside the Central Historic Core Conservation Area which terminates on the south side of the City Walls to the north and behind the buildings on the east side of Fawcett Road to the west. The City Walls are grade 1 listed and are a Scheduled Monument. The site is within the City Centre Area of Archaeological Importance.

Pertinent site history

1.5 The 2003 application was approved by Members at Committee in April 2004. An associated legal agreement secured off site highway improvements, a contribution toward the Foss Basin Masterplan and replacement leisure facilities within the city. There were other commitments relating to the housing element also. The requirements of the legal agreement have now been met.

1.6 A 2007 scheme (07/01399/FULM) for a 6-storey 160 bedroom hotel which was no higher than the approved hotel (achieved by reducing floor to ceiling heights) was presented to Members at Committee in October 2007. The scheme was deferred, Members asking for more detail and images of the proposed building. The application was subsequently withdrawn.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area

Conservation Area GMS Constraints: Central Historic Core

Listed Buildings: Grade 1; City Wall Fishergate Bar To St Margarets Terrace

Scheduled Ancient Monuments: SMR 30 City Walls Fishergate Postern To Red Tower

Schools GMS Constraints: Fishergate Primary 0197

2.2 Policies:

CYSP3 Safeguarding the Historic Character and Setting of York

CYGP1 Design

CYGP4A Sustainability

CYT4 Cycle parking standards

CYT13A Travel Plans and Contributions

CYHE2 Development in historic locations

CYHE10 Archaeology

3.0 CONSULTATIONS

INTERNAL

Design, Conservation & Sustainable Development

3.1 Officers consider the design is not of a sufficiently high standard to deal with the proposed massing successfully in this context and consequently would have an adverse impact on the setting of the Conservation Area and the City Walls.

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3.2 A strong architectural form with a well defined entrance is welcome, but the current iteration is over dominant with respect to the City Walls and the Paragon Street frontage. The entrance plane would be over-dominant by virtue of its overall scale and as it would be of limestone which would 'compete with' as opposed to complement the City Walls.

3.3 The sheer height of the elevations is also inappropriate in such a low rise context. Officers consider this is not a location where tall buildings (i.e. over 5 storey) should be encouraged. The site is not low lying, such as the train station or Piccadilly areas, where taller buildings are presently located. At 6-storey the proposed development would be over-dominant in this context. It is recommended that the massing of the building be reduced by stepping back the 6th floor so the apparent sheer height is reduced.

3.4 Countryside Officers - Officers advise that the city walls area acts as an important wildlife corridor, providing both foraging and commuting habitat for a range of wildlife species. The Council are currently involved in some projects which look to enhance and strengthen such wildlife corridors and Green Infrastructure across the city, including a project looking to increase the wildflower diversity on the city wall embankments. The redevelopment of this site provides a good opportunity for further enhancement work in this area and for linking in with such projects. In addition habitats within the buildings, such as bat boxes are recommended.

3.5 Archaeology - Officers recommend that if the scheme be supported, it be subject to an archaeological watching brief.

Environmental Protection Unit

3.6 Amenity of guests - Results of the noise survey found that it is possible to achieve the desired internal noise levels (35dB LAeq daytime and 30dB LAeq night time) within guestrooms with suitable glazing. The type of glazing required is dependent on the location of the room with glazing sound reduction indices varying between 23 and 35dB. Officers suggest that a condition placed on the approval if given to secure acceptable internal noise levels.

3.7 Plant and machinery - officers ask for details to ensure these do not cause noise disturbance. Ask for a condition to require that cooking smells do not have an adverse effect on amenity.

3.8 Traffic - Changes to traffic noise levels as a result of the proposed development were found to be negligible.

3.9 Deliveries - The service yard is to be located to the rear of the hotel on Kent Street. On this side of the development it is not anticipated that noise associated with vehicle movements will result in loss of amenity.

3.10 Construction Phases - A construction Management Plan, including times of construction and methods of any piling, is requested. The construction phase of the development has the potential to result in loss of amenity for residents in Escrick Court and on Barbican Road, as a result of noise, dust, odour and vibration.

3.11 Lighting - Details are requested in the interest of residential amenity.

3.12 Land Contamination - Parts of the site were previously used as a burial ground, a cattle market, an electricity substation, swimming baths and a car park. These past uses may have given rise to land contamination and conditions are recommended to carry out a site investigation and any required remediation.

3.13 Air Quality - reports show a negligible impact on air quality.

Highway Network Management

3.14 Shared surface outside the entrance area - The present arrangement along Paragon Street, of the segregated cycle path and footway abutting the carriageway, is likely to be retained in the immediate future. However there is an aspiration to potentially swap this, such that the cycle path transfers to run adjacent to the kerb and footway to the rear, as this has benefits in reducing several conflict points. A shared space is proposed in this area. Officers ask that the cycle route be identified in contrasting materials. The route needs to be free from street furniture and it is suggested at least 3m away from the vehicle drop-off point to avoid conflict at this point. The area should, considering street furniture and materials, tie in with the rest of the street.

3.15 Currently just the footway is highway maintainable at public expense. It is considered the lay-by, realigned pedestrian footway/buffer and cycle path should be designed to highway standards and be formally adopted.

3.16 Lay-by on Paragon Street - A parallel lay-by is proposed. This is acceptable provided it is shown it can operate suitably. It is anticipated that coaches associated with the Hotel will pull in and also taxis and cars to drop off/set down passengers. The area shown for use would be very tight if 2 no coaches arrived concurrently. Swept paths for vehicles have been requested to demonstrate that the entry and exit for coaches is of adequate length.

3.17 It is probable that there would need to be a means of protecting the adjacent pedestrian space from vehicle over run – so bollards or similar.

3.18 A suitable traffic order to cover the lay-by would be required and this would need to be funded by the applicants.

3.19 Service Yard - A shared service yard with the Barbican is proposed. Officers are concerned that when there are large events on at the Barbican there will be inadequate operational space. This would lead to vehicles blocking the highway if more than one vehicle arrives at any given time. This could compromise bus services, stopping and possibly disadvantage/endanger pedestrians and cyclists. Officers have asked for written details of the levels and type of servicing traffic.

3.20 Pedestrian route connecting Kent Street to Paragon Street - As the route is proposed to be open to the public, a declaration under Section 31/6 of the Highways Act 1980 would be required. Details of any cycle routes are required.

EXTERNAL

English Heritage

3.21 Consider that this site can deal with a building of the proposed scale in general. However officers advise that the entrance detail/feature would be too dominant in relation to the city walls, and would detract from their setting. The feature is deemed to be too dominant due to its material: Magnesium Limestone and angled plane which is forward of the main elevation. It is noted the scheme previously approved was of a different profile and massing in comparison. From street level this feature would be unduly dominant and the proposed use of Magnesium Limestone would be contrary to the Central Historic Core Conservation Area Appraisal which recommends such a material should be reserved for civic and ecclesiastical buildings, or restrained so it is used for detailing only; a more common use will erode the importance and stature of historic buildings within the city which have used this material.

3.22 Archaeology - Agree to the proposed strategy which involves a watching brief and mitigation strategy for development beyond the footprint of the swimming pool which previously occupied the site.

Drainage Engineers

3.23 Response pending.

Yorkshire Water

3.24 Ask for the development to have separate systems for foul and surface water drainage, and for such works to be agreed by Yorkshire Water. Foul water may discharge to the public sewer in Paragon Street. The local network could not deal with an increase in surface water run-off.

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3.25 Ask for adequate cycle parking (16 spaces would suffice). The panel has concerns that further development of the site will lead to cars parking outside houses nearby the site in areas which are not controlled by the res-park scheme. Ask for further consideration to be given to renewable energy measures.

Publicity

3.26 Two letters have been received. Comments as follows:

- Concern that groundworks will damage foundations of surrounding houses and cause noise disturbance. This occurred when the ground was cured 2 years ago.
- The hotel is too tall for the site, it dominates the building next to it and dwarfs the surrounding houses. A 3-storey development is suggested.

4.0 APPRAISAL

4.1 Key issues

- Principle of the proposed development
- Impact on the setting
- Archaeology
- Residential amenity
- Highway Network Management
- Sustainable design and construction
- Site drainage

Principle of the proposed development

4.2 It has been agreed that development has commenced on the scheme granted permission in 2004, for the re-development of the Barbican and the hotel and housing. As such the principle of a hotel use on the site need not be revisited.

Impact on the setting

4.3 The site is on the opposite side of Paragon Street from the City Walls, the walls are grade 1 listed and within the Central Historic Core Conservation Area. National policy PPS5: Planning and the Historic Environment (part HE7) advises that Local Planning Authorities should sustain and enhance the significance of heritage assets and utilise their positive role in place-shaping. It is desirable new development makes 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. Local Plan policy SP3 gives a high priority to protecting the historic character and setting of the city.

4.4 PPS5 part HE10 advises that when considering applications for development that will affect the setting of a heritage asset, LPA's should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, harm will need to be weighed against any wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.

4.5 In determining whether development is appropriate in general design terms, CABE and English Heritage guidance are material planning considerations. Local Plan policies GP1 and HE2 are relevant in this case also.

4.6 CABE and English Heritage publication: Building in Context (referred to in the English Heritage guide to PPS5) considers a successful approach will:

- Relate well to the geography and history of the place and the lie of the land
- Sit happily in the pattern of existing development and routes through and around it
- Respect important views
- Respect the scale of neighbouring buildings
- Use materials and building methods which are as high in quality as those used in existing buildings
- Create new views and juxtapositions which add to the variety and texture of the setting.

4.7 Local Plan policy GP1 refers to design, for all types of development. It expects proposals to, respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area; using appropriate materials; avoid the loss of open spaces, vegetation and other features which contribute to the quality of the local environment; retain, enhance, or create urban spaces and other townscape features which make a significant contribution to the character of the area; provide and protect amenity space; provide space for waste storage.

4.8 Local Plan policy HE2 states that within 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.

4.9 Conservation Area Appraisal 2011 - The Central Historic Core Area Appraisal advises that in considering new development, York should accept nothing less than the very best of new architecture which responds to its character and historic context and respects local building heights. With regards materials the appraisal comments on the use of limestone on new buildings. Historically the material's use was restricted to ecclesiastical, landmark and important civic buildings. The increased use of limestone as an exterior material for buildings in the city has eroded the importance and stature of these historic buildings. As such the appraisal seeks to restrict the use of Magnesium Limestone to dressings and details in future development unless the building is for public or religious use.

4.10 This part of the city is characterised by the City Walls to the north. The buildings outside the City Walls are terraces of brick 2/3 storey houses to the east along Barbican Road, 1/2 storey high functional buildings to the south along Kent Street (car park and fire station), and predominantly 2 /3 storey (although some examples of 1 and 4 storey) brick and rendered buildings along Fawcett Street. The buildings along Barbican Road and Fawcett Street typically front onto and address the street; the Barbican Centre, the (proposed) fire station and car park along Kent Street are stand alone buildings, setback from the highway. The Barbican Centre is of stone, it has two lower wings which stretch forward toward the street, with the main circular space setback beyond an area of hard landscaping.

4.11 The building proposed would have an active, predominantly glazed frontage at street level, a 'stack bonded' brickwork middle, and glazed upper level. The repetition and horizontal emphasis of the facade would be interrupted by a series of limestone clad towers that would be pulled forward from the facade, and the main entrance feature which would stand proud of the main building. The building would have 6 levels of accommodation however there would be plant rooms at both the north (facing the City Walls) and south ends (facing Kent Street) of the building, giving the impression of a 7-storey building in views from the City Walls and more distant views from the street, along Paragon Street/Barbican Road and Kent Street/Heslington Road.

4.12 The proposed building, due to the prominence of the entrance feature, derived from its height and extent the plane would step forward of the main building, means the building would appear unduly dominant; in distant views at street level, and in terms of its massing in relation to the City Walls. In addition the building is deemed to be too dominant because of its sheer height and the prominence of the plant room areas on the roof. The building would be significantly more prominent than the Barbican, the tallest part of which is set back significantly away from the City Walls, and the surrounding buildings which are considerably lower than the proposed building. The scheme would appear out of context and over-dominant, contrary to Local Plan policies GP1 and HE2 and CABE (now Design Council)/English Heritage guidance. Contrary to Local Plan policy SP3 and PPS5, there would be harm to the setting of the Central Historic Core and the grade 1 listed City Walls.

4.13 The scheme approved in 2004 was of a comparable footprint and maximum height to the building proposed. However it was of different massing and shape, and would have appeared less dominant as a result. On the Paragon Street elevation the front part of the building stepped down toward the Barbican. Where the building height was comparable with this scheme, the top floor was recessed 4m from the front elevation and the maximum height was the ridge of the pitched roof. The proposed building has a flat roof and only the plant room enclosures at level 7 would be setback from the main building line. Along Kent Street the approved hotel had a continuous eaves level, around 18m from ground level, topped with a pitched roof. In this scheme the building has a flat roof with a sheer height ranging from 18.5m to 21.5m. In addition to the variations in design, since 2004 national policy has changed, with current guidance placing an increased emphasis on new development respecting its setting. PPS1: Delivering Sustainable Development advises that 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. York's Central Historic Core Conservation Area Appraisal, PPS5 and the associated guidance referred to in 4.3 – 4.6 have also been released since 2004.

4.14 The applicant has been made aware of the above concerns regarding the impact of the development, and amendments have been suggested to seek to produce a more acceptable scheme. These include omission of the 7th level, setting back of the 6th floor where it would be seen from the City Walls/Paragon Street, and reduction in scale of the entrance feature. Discussions are ongoing in respect of the scheme and Members will be updated of the outcome at the meeting.

Archaeology

4.15 Local Plan policy HE10 requires archaeological deposits of national importance to be preserved in situ. Developers are required to undertake an archaeological survey to assess archaeological value at sites. Sites should be developed so valuable deposits are retained in situ. At least 95% of archaeological deposits should be preserved otherwise an excavation of deposits will be required. Only a watching brief on groundwork would be required here as the site has been redeveloped in the C20 and archaeological investigations have been carried out since the swimming baths were demolished.

Residential amenity

4.16 There is an extant approval at the site for a hotel with over 100 guestrooms and this was permitted as part of a comprehensive redevelopment of the site, which included residential to the immediate east of the application site. The Barbican Centre lies to the west, and car parks to the south (a fire station has permission to be constructed on the former coach park site). In terms of residential amenity this scheme does not present any fresh issues, and there have been no changes in

circumstances or the site's context since the approved scheme in 2004, that would result in the scheme having a materially different impact on residents within the locality.

Highway Network Management

4.17 In line with National Policy within PPG13: Transport, an aspiration of the Local Plan is to achieve development which gives people the choice and positively promotes more environmentally friendly means of transport than the car. In order to meet such requirements the hotel would develop a travel plan which would encourage staff and guests to avoid private car use. Staff incentives to cycle will be provided within the development; there would be secure cycle storage facilities (24 spaces in total are shown on the landscape plan), changing facilities and lockers. In addition the site is suitably located in terms of bus links. Guests will be encouraged to arrive by train, and the submitted travel plan framework proposes to offer a discounted taxi service for guests travelling from the rail station. Car Parking will be provided within the adjacent Q Park. The Q Park at Kent Street has a capacity of 370 spaces and presently is only one-third occupied at peak times. Officers are content that the car park would have adequate capacity typically to cater for the hotel. There are other car parks nearby at St Georges Field and in other locations within the city centre to accommodate overspill parking.

4.18 The area where the service yard for the hotel is proposed presently accommodates a chiller unit that serves the Barbican and bins. It is proposed to form an access onto Kent Street to allow for deliveries and waste collection vehicles. The yard is not presently used by vehicles servicing the Barbican; there is no vehicle access. Officers await clarification from both the applicants and operators of the Barbican to provide assurance this yard will be fit for purpose. In addition the design of the enclosure and access from the highway are required.

4.19 A revised landscape plan has been supplied which demarks the cycle route. To ensure pedestrian and cycle routes follow desire lines, are safe and integrated with the wider area the surfacing, street furniture and the location and type of planting within the site would need to be agreed through suitably worded conditions if the scheme were supported.

Sustainable design and construction

4.20 The Core Strategy and interim planning document on sustainable construction both require schemes of this scale to achieve a BREEAM rating of 'very good' and provide at least 10% of their energy demand from on-site renewable sources. The Core Strategy advises it is also acceptable for developments to demonstrate a 10% carbon reduction through efficient construction.

4.21 Air-sourced heat pumps for heating and cooling the building are proposed. The major energy requirement in the building would be hot water. CHP is deemed to be the most appropriate means of gaining such through on-site renewables. The approach proposed would save 10% of the carbon that would otherwise be produced by non-renewable sources. The BREEAM requirement would be secured through an appropriately worded condition.

Site Drainage

4.22 Policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. York's 2011 Strategic Flood Risk Assessment asks that surface water flows from all sites should, where practicable, be restricted to 70% of the existing runoff rate.

4.23 Yorkshire Water has advised that the foul water from the development could be accommodated within the existing drainage infrastructure. The requirement to reduce surface water run-off, in relation to the existing rate, can be achieved through the installation of underground storage tank(s) which can restrict/control run-off rates. The requirements could be secured through conditions.

5.0 CONCLUSION

5.1 The site already has permission for hotel development; a welcome investment in the city. However in its current form, the building proposed would have a significant adverse impact upon one of the City's most important heritage features and the Central Historic Core Conservation Area. Officers are therefore unable to support the scheme due to the scale of the proposed building. The approved scheme (2003 application) had 120 guestrooms and this scheme seeks to accommodate 165. The additional massing that would result, would lead to an over-dominant building out of context with its surroundings; detrimental to the setting.

5.2 The applicant is aware of the concerns, and discussions continue to secure a revised scheme which has a reduced impact in terms of the overall height and of the scale of the entrance feature, to ensure the impact is comparable to the approved application. If such a scheme is agreed prior to Committee, officers will seek delegated authority to approve the application on receipt of amended plans prior to expiry of the target timescale application on 2nd February (after which the applicant can appeal against non determination). A reduced scheme raising no new issues would not necessitate a full reconsultation process. Other relevant issues can be addressed through suitably worded conditions.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

1 The proposed scheme, due to the prominence and scale of the entrance feature and overall building height and massing would appear over-dominant and out of context with its surroundings. The development would have an undue adverse impact on the setting of the Central Historic Core Conservation Area, the Grade 1 Listed City Walls and visual amenity of the locality.

As such the proposal is contrary to Local Plan policies SP3: Safeguarding the Historic Character and Setting of York, GP1: Design and HE2: Development in Historic Locations and national policy established in PPS1: Delivering Sustainable Development (in particular paragraph 34), PPS5: Planning for the Historic Environment (in particular parts HE7, HE9 and HE10) and the CABE (now Design Council)/English Heritage document Building in Context and the English Heritage Practice Guide to PPS5.

7.0 INFORMATIVES:

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