

## COMMITTEE REPORT

**Date:** 23 July 2015  
**Team:** Major and Commercial Team  
**Ward:** Micklegate  
**Parish:** Micklegate Planning Panel

**Reference:** 15/00581/FULM  
**Application at:** Roman House 4 - 8 Rougier Street York YO1 6HZ  
**For:** Five storey extensions, demolition of public toilets, external alterations, new roof storey and change of use of offices to hotel (use Class C1) with re-sited public toilets. Extension to rear of Cedar Court Grand Hotel to form dining pavilion  
**By:** Splendid Hospitality Group  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 19 June 2015  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application relates to multiple sites - the grade 2\* listed Cedar Court Grand Hotel, which fronts onto Station Rise, Roman House which fronts onto Rougier Street, where the covered bus stop is located, and also the single storey former w/c block which sits between the buildings and fronts onto Tanner Row.

1.2 Roman House is 4-storey plus roof; it is clad in brick and dates from the 1970's. The building was last used as offices; it is currently vacant and the office fittings have been stripped out. A prior notification application was made in October 2013 for a change of use to residential and there was also a planning application approved in 2014 (14/01643/FUL) to demolish the w/c block and replace with housing. The councils understands that the scheme is not going ahead and the buildings have been acquired by the owners/operators of Cedar Court Grand.

1.3 The site is within the Central Historic Core Conservation Area and part of Roman House is within an area at high risk of flooding; Flood Zone 3.

## PROPOSALS

1.4 The Cedar Court Grand has 108 rooms. The proposals are to provide a further 121 bedrooms and conference suite (3 meeting rooms / business centre) and improved restaurant/dining facilities. The proposal involves the following works

- External changes to Roman House, replacement of the existing roof structure, with two additional floors, and extensions at the rear of Roman House; overlooking the service yard
- A 5-storey extension to Roman House along Tanner Row, following demolition of the former w/c building.
- At the existing hotel it is proposed to add a restaurant/dining facility (single storey) on the deck above the existing kitchen at the rear. The deck was added when the building was first converted to a hotel and has previously accommodated temporary structures on a seasonal basis to cater for conferences and other events.
- The public toilets and the existing retail unit in Roman House are both re-provided within the building. The (lower) ground floor of Roman House would also accommodate back of house facilities, cycle and valet car parking.

1.5 At pre-application stage the applicants informed neighbours by letter about the scheme. The only feedback was from the York Blind Society (who are based on the opposite side of Rougier Street) who asked whether bus services would be disrupted during construction.

## 2.0 LEGISLATIVE AND POLICY CONTEXT

### 2.1 Legislation and National Policy

Planning (Listed Buildings and Conservation Areas) Act 1990

- Section 66 Statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- Section 72 Statutory duty that within a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## National Planning Policy Framework

- Chapter 1 Building a strong competitive economy
- Chapter 2 Ensuring the viability of town centres
- Chapter 4 Promoting sustainable transport
- Chapter 7 Requiring good design
- Chapter 12 Conserving and enhancing the historic environment

## 2.2 Draft 2005 Local Plan (4<sup>th</sup> set of changes) Policies:

CYGP1	Design
CYGP4A	Sustainability
CYHE2	Development in historic locations
CYHE3	Conservation Areas
CYHE4	Listed Buildings
CYHE10	Archaeology
CYT4	Cycle parking standards
CYE3B	Existing and Proposed Employment Sites
CYV1	Criteria for visitor related development
CYV3	Criteria for hotels and guest houses

## 3.0 CONSULTATIONS

### INTERNAL

### ENVIRONMENTAL MANAGEMENT CONSERVATION ARCHITECT

3.1 In summary officers support the application. The scheme would have very little impact on the interior character of the listed building. The main elevations would remain unaltered. There would be some enhancement of the setting, with improvements in street views from Tanner Row, Station Road and from the city walls. Full comment is contained in the companion listed building consent application 15/00582/LBC.

### ARCHAEOLOGY

3.2 The site lies in an area of known Roman to medieval archaeological remains. Excavations carried out in the late C20 revealed up to 7m depth of archaeological deposits, the most significant of which dated to the Roman period. The Roman deposits included evidence for timber and masonry buildings.

3.3 The Roman deposits included evidence for timber and masonry buildings. These were overlain by medieval deposits suggestive of open ground. The top of the recorded medieval sequence of deposits lay at a depth of c.2.5m below the modern ground surface (below 9.00m AOD). Excavations for a hydrotherapy pool carried out in the adjacent hotel in 2009, recorded medieval structural remains at a height of c. 11.00m AOD. This significant difference in levels appears to reflect the much

steeper slope down towards the river that existed in the medieval period.

3.4 The proposal will involve significant but localised groundworks for the new extension, for lift-pits and for new foundations. Although these interventions will impact on non-designated heritage assets of national importance, this impact will be confined to limited areas of the site. The impact can be mitigated through limited archaeological excavations in areas of deep groundworks such as for lift-pits, pile-caps (where these intrude into archaeological deposits) and attenuation tanks (if the latter are required); an archaeological watching brief on all service connections and level reductions; and submission of details of the foundations for the new structure.

## ECONOMIC DEVELOPMENT

3.5 No response

## ENVIRONMENTAL PROTECTION

### Noise

3.6 Given the location of the development, officers have concerns over the potential for noise from traffic, pubs, clubs and people during the daytime and night time. Under the provisions of the Environmental Protection Act 1990 City of York Council would be unable to take any enforcement action in the event of noise nuisance affecting hotel guests.

3.7 The submitted noise assessment details glazing specifications to achieve satisfactory internal noise levels in line with the requirements of BS8233. Officers are satisfied that providing this minimum specification is used then it is unlikely that there would be any loss of amenity to hotel occupants. A condition is recommended to secure adequate attenuation from noise.

3.8 There are no details of noise from proposed plant/machinery. A condition is required to ensure such installations do not cause disturbance.

3.9 Conditions are recommended to manage the construction. A management plan (CEMP) is requested, for minimising the creation of noise, vibration, dust and lighting. It is also asked that construction be restricted to standard daytime hours.

### Contaminated Land

3.10 The site is in an historic part of York where a number of former uses in the area may have given rise to contamination of the site. Such former uses include an iron and brass foundry, brewery, lime merchants, sheet metal works and engineers. A condition is requested regarding procedure should contamination be found during works.

## Air Quality

3.11 Due to the proposed use, the hourly mean (rather than annual) nitrogen dioxide objective is relevant. City of York Council monitoring of nitrogen dioxide at a number of locations in the vicinity of the site is currently demonstrating that whilst levels of nitrogen dioxide are breaching the annual mean objective, they are not breaching the hourly mean objective. This has been the case since 2012.

3.12 It is proposed to install a mechanical ventilation system which sources clean air away from the Rougier Street facade. A ventilation strategy for this building will prevent exposure of future patrons of the hotel to elevated level of pollution in this general area of the city and is considered a welcome addition to the scheme.

3.13 In line with the NPPF and to be consistent with York's low emission approach to air quality action planning the development is required to demonstrate that it is taking all possible steps to minimise emissions arising from its use. In line with the council's adopted Low Emission Strategy any aspect of development that includes parking should include facilities for the recharging of electric vehicles. An electric vehicle charging point is requested and this could be secured through a planning condition.

## FLOOD RISK MANAGEMENT

3.14 Officers do not object to the application. They require that the development occurs in accordance with the submitted FRA (Flood Risk Assessment). Officers have also for planning conditions to agree drainage details.

## HIGHWAY NETWORK MANAGEMENT

3.15 No response

## EXTERNAL

## CONSERVATION AREAS ADVISORY PANEL

3.16 The original/now revised scheme was presented to Conservation Areas Advisory Panel. Comments were as follows -

Dining pavilion

3.17 The principle of a modern glazed construction linked to an existing opening in the rear of the Cedar Court was welcomed. The only comment related to the amount of solid construction facing onto the Aviva building, the Panel felt the elevation could be improved by cutting back the solid section so the full height glazing extended around the corner.

## Roman House

3.18 The addition of an additional floor should be resisted both on the grounds of increasing the height of the building and also the consequent shading to Rougier Street - an already dark and dismal street.

3.19 The structure over the top level deck adjacent to the Cedar Court on Tanner Row was considered unnecessary. The relationship to the Cedar Court would be improved by difference in height of the two structures.

## ENVIRONMENT AGENCY

3.20 Have asked for sequential and exception tests to be passed.

- Recommend reducing the potential impact of flooding by raising floor levels wherever possible and incorporating flood proofing and resilience measures. Physical barriers, raised electrical fittings and special construction materials. The extension should not have lower ground levels compared to the existing building(s).
- Recommend the applicants have a flood evacuation plan.
- Recommend that surface water run-off from the proposed development site is managed using sustainable drainage techniques to ensure that flood risk is not increased either on-site or elsewhere.

## HISTORIC ENGLAND (HE)

3.21 Officers were content with the proposals in principle. It was regarded that photomontages should be provided to show the dining pavilion from the City Walls. HE consider views of the dining pavilion and the extended Roman House behind it from the City Wall is highly sensitive and needs to be carefully checked by the council in order to ensure that the proposal sustains and enhances the Grade II\* listed Cedar Court Grand Hotel, the setting of the Scheduled City Walls and the Conservation Area.

### Dining pavilion

3.22 It was recommended that a simple, well detailed horizontal canopy is extended out to cover the terrace rather than the fabric canopies. The material should be robust and high quality. HE envisage that the canopy could be visually supported by timber stanchions in the same way as the fabric canopies would have been, in order to provide a vertical rhythm which would assist in the harmonious placement of the pavilion within its proposed location.

## Roman House

3.23 It is considered the proposed changes will present a neater appearance than at present. HE has some concern that there appears to be no active frontage onto Tanner Row and little to Rougier Street and suggest this might be developed - for example some windows might be introduced.

## MICKLEGATE PLANNING PANEL

3.24 No objection.

## YORKSHIRE WATER

3.25 YW has asked for drainage details to be agreed and for a decrease on existing surface water run off rates.

## PUBLICITY

3.26 Deadline for comment was 14 May. One comment has been made, that it is important that the planned alterations are sympathetic with this Grade II\* Listed Building and the Central Historic Core Conservation Area.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES

- Principle of the proposed use and loss of employment land
- Flood Risk
- Impact on heritage assets; application of statutory duties (Listed Building Act 1990), the Grade II\* listed Cedar Court Grand, the setting of the Grade 1 listed City Walls and the character and appearance of the Central Historic Core Conservation Area
- Amenity
- Highway Network Management
- Sustainable design and construction
- Archaeology

## PRINCIPLE OF THE PROPOSED USE AND LOSS OF EMPLOYMENT LAND

### Hotel Development

4.2 Draft Local Plan 2005 policy V1: Visitor related development advises that visitor related development will be encouraged provided; there are adequate servicing arrangements, the site is accessible by public transport, whether highway safety would not be compromised, where development would improve the prosperity of the cities tourism industry and economy, and when there is no adverse impact on amenity and the setting.

4.3 Draft Local Plan 2005 policy V3 relates to new hotels in the city. V3 states planning permission for hotels will be granted provided the proposal:

- Is compatible with its surroundings in terms of siting, scale and design;
- Would not result in the loss of residential accommodation;
- Would not have an adverse effect on the residential character of the area;
- Is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions

4.4 The site is in the city centre, within walking distance of the train station and tourist attractions. The site is suitable for a hotel in location terms. The area is commercial and there would be no loss of dwellings. In this respect there is no conflict with Local Plan policies V1 and V3. The visual impact of the development, servicing and amenity are assessed in the other sections of the report.

#### Loss of Office Space

4.5 Draft Local Plan 2005 policy E3b requires demonstration that the offices formerly at Roman House are demonstrably no longer required, in order to permit the change of use. If there is compelling evidence there is no reasonable prospect of the building being comprehensibly occupied as offices, as the alternative use proposed would create employment, then the change of use proposed would not conflict E3b or the National Planning Policy Framework (paragraph 22), the latter states that planning should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

4.6 The office block was vacated in 2010 and has been empty since. Initially it was unsuccessfully marketed for 3 years, with the only interest being from parties wanting smaller spaces, of around 150-350 sq m. The offices were again marketed in 2013, and this led to the prior notification proposal to convert the building to flats. At this time all office fittings were removed and the building was stripped out.

4.7 The initial marketing is adequate to demonstrate a lack of comprehensive need for the office space. There are other similar large office spaces in the city centre, which are difficult to let due, to their size and as they do not provide grade A (top of the range) office space. At such a point the National Planning Policy Framework recommends that consideration be given to suitable alternative uses. This scheme allows the extension of a successful high quality hotel business, which is well located very close to the train station. The proposed use is in a sector which is expanding and creates employment. The literature supporting the application advises that the existing hotel had to reject over £145,000 in the last 6 months due to lack of capacity, that 30 jobs would be directly created by the extension, and that the business would grow further with the planned improved business and leisure facilities. To promote such an operation would accord with the core principle of the National Planning Policy Framework which is to be proactive and respond positively to opportunities for growth.

## FLOOD RISK

4.8 Much of the Roman House, apart from at the corner of Tanner Row and Rougier Street, is within Flood Zone 3 - where flood risk is high. The toilet block is within Flood Zone 2. The existing hotel is at a higher ground level and not in a flood risk area.

4.9 According to national policy the proposed use is acceptable in Flood Zone 2, subject to a suitable Flood Risk Assessment (FRA) and the sequential test being passed. Most vulnerable elements of a development should be in areas of lowest flood risk.

4.10 In undertaking the sequential test, the NPPG advises *“a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere”*. The Tanner Row toilet block, where new development is proposed, is in flood zone 2. This part of the scheme is required to enable the overall development and provide a safe means of escape from Roman House. The addition at Roman House is only on upper floor levels and is therefore suitable. This is the only practical site for the expansion of the existing hotel to occur. In conclusion, the sequential test is passed as there is not an alternative location for the development.

4.11 The site specific FRA submitted demonstrates that the development would be safe from flooding and would not increase flood risk elsewhere.

- There will be no sleeping accommodation at ground floor level. The lower ground floor will be used as meeting space, for parking and back of house facilities. Sleeping accommodation will be at a higher level, safe from flooding, and there would be a safe means of escape via the existing hotel. The operators can be required to sign up to the EA's flood warning service; a recommendation within the submitted FRA. Flood resilient construction would be incorporated within the design.
- The existing site is all hard-standing; there would be no increase in surface water run-off rates. In this respect there would be no increase in flood risk elsewhere. A planning condition is proposed to agree the drainage details.

## HERITAGE ASSETS

4.12 The site is within the Central Historic Core Conservation Area and the hotel building is grade 2\* listed. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining planning applications the Local Planning Authority should have special regard to the desirability of preserving any listed building and its setting, any features of special architectural or historic interest. It

must also pay special attention to the desirability of preserving or enhancing the character and appearance of any conservation area.

4.13 The National Planning Policy Guidance advises that in assessment of design, consideration should be given to layout, form, scale, detailing and materials. It advises that a well designed space has a distinctive character. Distinctiveness is what often makes a place special and valued. It relies on physical aspects such as:

- the local pattern of street blocks and plots
- building forms
- details and materials
- style and vernacular

4.14 Draft Local Plan 20058 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.

4.15 The site is within area 22 of the Central Historic Core Conservation Area. The appraisal acknowledges that the area contains large blocks of (sometimes secluded) buildings, typically more than 4-storey in height, and that some of which have a poor relationship with the street. The appraisal states *“Large buildings can be accommodated in this area as it is at a lower level than the commercial centre. They are already part of the existing character and relatively rare in the city. The main issues are the height, design and relationship to the street of buildings in sensitive locations (e.g. next to the wall or river) and the impact on views”*.

4.16 The alterations proposed would enhance the appearance of the conservation area, and have no harm to listed buildings or their setting. The scheme is compliant with design guidance referenced above and additionally the recommendations for design in the National Planning Policy Framework; that development is functional, establishes a strong sense of place and relates to local character and is attractive in its own right.

## ROMAN HOUSE

4.17 The scheme has been revised and reduced in scale. The eaves/parapet is lower than that at the grade 2\* listed Grand Hotel. The scale and form of the building would be appropriate to this part of the conservation area, which is dominated by large scale office buildings. The building would not dominate, or compete with surrounding listed buildings; 2-20 George Hudson Street, Historic England Offices and The Grand Hotel.

4.18 The building's existing glazed roof, due to its prominence materials and design, and the toilet block due to its squat scale, currently detract from the appearance of the conservation area. The extensions and replacement top floor would be in matching materials to the existing facade and enhance the distinctiveness of the building, using harmonious materials to the setting.

4.19 Window proportions would be improved throughout the building - windows will be made larger and with a strong vertical emphasis. These changes give consistency to the building; the scale and proportions of the buildings as proposed relate well to historic buildings in the area of merit and are appropriate to the locality.

4.20 The corner of Tanner Row/Rougier Street will be opened up; improving public movement and a bay window will be added above. Along Tanner row there will be external amenity space introduced on the upper ground floor. These changes give a more active and interesting frontage in this area. This constitutes an improvement to the setting and follows recommendations made by Historic England within their consultation response.

4.21 The development will introduce new views which will enhance the appearance of the conservation area. The upper floor will be recessed; the key to its success will be in the quality of the detailing and this can be covered by a condition. The side/rear of Roman House is currently seen in views from the City Walls, between the Grand Hotel and the Aviva Offices. The view will be significantly improved by replacing a blank brick elevation with a cohesive elevation, with fenestration and more visual interest.

## DINING PAVILION

4.22 The terrace deck above the kitchen at the hotel has previously accommodated temporary structures to host events, due to the lack of adequate floor space within the hotel. The temporary structures were allowed on the basis that in future there would be finance for a permanent structure which would be appropriate to the setting; complementary to the host building, which is grade 2 star and appropriate in views from the grade 1 City Walls.

4.23 The structure proposed is single storey with flat roof, connected to the hotel by a glazed lobby. It would be subtle and not detract from outlook from the hotel or its architectural interest. The height is set so that it would be comparable with eye level from the walls and therefore it would not be looked down upon; the elevation and roof edge detail being the prominent features. The back of house area is recessed from the end elevation and so visually will appear subordinate. The area will be clad in cedar, designed so it can be covered with climbing plants.

4.24 The design will be contemporary, and read deliberately as a modern addition to the host building. The plans have been revised and refined following feedback from the Conservation Areas Advisory Panel, Historic England and council officers. The form and materials are appropriate and the design will be of acceptable quality. The structure will add interest and distinctiveness to the setting and the host building. There would not be harm the conservation area.

## AMENITY

4.25 The National Planning Policy Framework (NPPF) asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Draft Local Plan 2005 policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.26 Rougier Street is within the Air Quality Management Area. The NPPF advises that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. Draft Local Plan 2005 policy GP4b: Air Quality details measures to improve air quality i.e. reducing the need to travel and encouraging sustainable travel options, and ensuring adequate mitigation measures to limit public exposure to air pollutants. The background text to the policy advises that the council may reject, or require amendments, to proposals which are considered likely to result in a significant deterioration in air quality and/or which are likely to introduce new opportunities for exposure in existing areas of poor air quality.

4.27 The National Planning Policy Guidance advises that local authorities may wish to apply noise standards. However it notes that care should be taken to avoid these being implemented as fixed thresholds as specific circumstances may justify some variation being allowed. CYC rely on national standards established within British Standard (BS8233) and World Health Organisation Guidelines on Community Noise, to ascertain reasonable noise levels within developments.

## Air Quality

4.28 As part of the proposals in 2013 to convert Roman House to dwellings, air quality testing demonstrated that to suit a residential use, the majority of windows on the Rougier Street elevation would need to be non-opening due to nitrogen dioxide levels. The strategy for the hotel is that typical guest-room windows will not open and fresh air provided mechanically from areas where air quality is acceptable. External balconies are proposed along Tanner Row, which is outside the air quality management area; the approach is therefore acceptable. By design future occupants of the building would not be unduly exposed to air pollutants.

4.29 The development would provide a further 121 guestrooms. The plans show 10 car parking spaces at lower ground floor level, which is a low amount overall, significantly below the maximum levels established in the Local Plan (30 in this instance). The central location of the hotel and limited parking encourages sustainable travel. Furthermore a planning condition can require electric vehicle charging facilities within the building.

#### Noise

4.30 A noise assessment of the external environment has been carried out at the site. Noise levels are highest along Rougier Street; at around 68 dB daytime, 62 dB night-time. The report recommends specific specification of double glazing which would ensure noise levels within rooms met the relevant British Standard (BS8233). These measures can be required through a planning condition.

#### Amenity of Neighbours

4.31 Roman House is currently T-shaped in plan, apart from a 3-storey section by the service yard. There proposed additions/extensions on the service yard side and along Tanner Row (the latter where the public toilets are) are up to 5 storey; comparable to the height of the existing building. The glazed top floor of the building is to be replaced with brickwork and there will be an additional floor added above. The top floor accommodation would be in a lightweight addition setback from the edges of the roof and then a mansard roof addition at the rear of the t-form. Elevation drawings have been provided showing the change in scale. The maximum height of the building would be increased by around 2.5m.

4.32 Roman House is surrounded by buildings of a comparable or larger scale. Next door are the offices at Aviva and the Grand Hotel; both of which are taller structures. There is a drinking establishment and multi-storey car park on the opposite side of Tanner Row.

4.33 Due to the recessive scale of the roof extension, it would not have an effect on neighbouring buildings.

4.34 The extension on the north side of the building would be no closer to the Aviva offices than the existing side elevation of Roman House. The south elevation of the Aviva offices looks towards the service yard, its entrance road, and what is a rear elevation of Roman House. Other elevations of the Aviva building have a superior outlook.

4.35 The extension would add 1.5 storeys to the north side of the building. Given the overall scale of the Aviva building, as it is in office use and given the existing context of this immediate area, the juxtaposition of buildings of such a scale would not be atypical, and the addition would not be over-bearing or over-dominant. Due to the uses, and the context, there would not be undue overlooking or loss of outlook.

4.36 On the south side, the end elevation would sit next to the Grand hotel. Both sites are in control of the applicants and are being designed so to be inter-connected. The windows affected by the proposed building are at the end of the corridors or are not primary windows to guestrooms. There would be no harm to the amenity of the existing hotel building.

4.37 The dining pavilion would be a single storey structure with flat roof. Due to its scale and position, it would not be over-bearing

4.38 It is not necessary to restrict the hours of construction, because the immediate neighbours are the hotel; the applicants, and offices, which would be occupied during daytime only.

## HIGHWAY NETWORK MANAGEMENT

4.39 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.40 The development does not raise any highway safety concerns and is well located for access from public transport by virtue of its location. Planning conditions can establish additional extra measures to promote sustainable travel.

4.41 Servicing will be via and within the rear yard and there is no change in situation in this respect. There is also no change in car parking; a valet service is used whereby guests arrive/park and the front entrance on Station Rise, otherwise guests would use public car parks in the locality.

4.42 The Local Plan requires at least 1 cycle space per 10 bedrooms; therefore a minimum of approx 23 spaces for the hotel with its proposed expansion. 30 covered and secure cycle parking spaces at lower ground level are proposed. The provision is policy compliant and can be secured through a planning condition. A condition is also proposed to secure an electric vehicle charging point.

## SUSTAINABLE DESIGN AND CONSTRUCTION

4.43 Due to the scale of the development, according to York's Supplementary Planning Document on Sustainable Design and Construction, it would be a requirement that the extension achieved a BREEAM rating of Very Good.

4.44 A BREEAM (non-domestic refurbishment) pre-construction assessment has been undertaken which shows that the refurbishment of Roman House can achieve very good, and this can be secured using a planning condition. The strategy includes re-use of the building, with enhanced thermal performance, improved energy and water efficiency, considerate construction. The principle of the development has sustainable credentials in that an existing, dated, building will be re-used and refurbished to modern standards and the bricks from demolition works will be saved and re-used on the extensions proposed.

## ARCHAEOLOGY

4.45 The site is within the City Centre Area of Archaeological importance. Local Plan policy HE10: Archaeology requires that either 95% of archaeology is retained in situ, or excavated.

4.46 Planning conditions are proposed to agree the foundation design, for a report on archaeology affected and a watching brief on groundworks. The mitigation makes the scheme compliant with Local Plan policy HE10.

## 5.0 CONCLUSION

5.1 The additions and alterations to Roman House will modify and re-enforce its distinctiveness. The scale and form of the development would be appropriate to the setting. The dining pavilion would be a contemporary addition, which will add visual interest. Overall the development would provide significantly enhanced facilities for the 5 star hotel and would be in the interest of the local economy.

5.2 The development is acceptable in principle; the loss of office space would not conflict with planning policy in this instance and the scheme would bring welcome regeneration to this part of Rougier Street.

5.3 There would be no harm to heritage assets, and planning conditions can enable a suitable impact with regards highway safety, flood risk and amenity.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

1243-102 Block Plan as Proposed

1243-109 D Combined Lower Ground Floor Plan as Proposed  
1243-110 C Combined Upper Ground Floor Plan as Proposed

1243-119 Roman House - Public WC Plan as Proposed  
1243-120 F Roman House - Ground Floor Plan as Proposed  
1243-121 E Roman House - First Floor Plan as Proposed  
1243-122 D Roman House - Second Floor Plan as Proposed  
1243-123 D Roman House - Third Floor Plan as Proposed  
1243-124 D Roman House - Fourth Floor Plan as Proposed  
1243-125 D Roman House - Fifth Floor Plan as Proposed  
1243-126 C Roman House - Roof Plan as Proposed

1243-127 C Dining Pavilion - Lower Ground Floor Plan as Proposed  
1243-128 D Dining Pavilion - Upper Ground Floor Plan as Proposed  
1243-129 D Dining Pavilion - Roof Plan as Proposed

1243-150 F Roman House - Section A - A as Proposed  
1243-151 E Roman House - Section B - B as Proposed  
1243-152 E Roman House - Section C - C as Proposed  
1243-153 E Roman House - Section D - D as Proposed  
1243-154 C Roman House - Section E - E as Proposed  
1243-155 B Roman House - Section F - F as Proposed

1243-158 Dining Pavilion Sections as Proposed - Sheet 1  
1243-159 C Dining Pavilion Sections as Proposed - Sheet 2

1243-160 H Roman House - South Elevation as Proposed  
1243-161 G Roman House - East Elevation as Proposed  
1243-162 F Roman House - North Elevation as Proposed

1243-163 C Dining Pavilion - East Elevation as Proposed  
1243-164 D Dining Pavilion - North Elevation as Proposed  
1243-165 A Dining Pavilion - South Elevation as Proposed

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

### 3 Materials

Samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the envelopes of each building. The development shall be carried out using the approved materials.

Sample panels of the brickwork to be used shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the

construction of the envelope of the pertinent building. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

INFORMATIVE: Existing bricks should be carefully dismantled for reuse in the extended structure to ensure compatibility of brickwork in the revised elevations.

#### 4 Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to construction of the building envelope and the works shall be carried out in accordance with the approved details.

Details for Roman House and its extensions -

- a) Section drawings through the elevation of the building (to show typical details, including shop-front/toilets on Rougier Street elevation).
- b) Roof extensions
- c) Bay window on the corner of Rougier Street and Tanner Row
- d) Balustrades / glazed screens and planting to external terrace and roof
- e) Parapets / eaves
- f) Glass enclosure to lift
- g) Dormers and their surrounds

Reason: In the interests of the character and appearance of the conservation area.

#### 5 Construction Management

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting, and for dealing with any complaints during the site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

INFORMATIVE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on mitigating impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, including the location of monitoring positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may result in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and any mitigation measures employed.

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. Proactive monitoring should be carried out by the developer to monitor levels of dust to ensure mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

The CEMP shall include a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Reason: To protect the amenity of occupants of surrounding occupants during construction.

## 6 Programme of archaeological work

The applicant shall secure the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before the commencement of any groundworks and development shall occur in accordance with the approved details.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded prior to destruction.

#### 7 Watching brief on groundworks

The applicant shall secure the implementation of a programme of archaeological work

(a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before the commencement of any groundworks and development shall occur in accordance with the approved details.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

#### 8 Foundation design required

No development shall take place until the applicant has submitted a foundation design and statement of working methods, which preserve 95% of the archaeological deposits on the site, to, and secured the approved in writing of, the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance and the development must be designed to preserve 95% of the archaeological deposits within the footprint of the building(s).

#### 9 Drainage

No construction 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 approved by the local planning authority. The details shall include the means of attenuating the volume of surface water draining from the site to the existing volume plus an agreed reduction of up to 30% volume to allow for climate change.

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development hereby approved prior to the completion of the approved surface water drainage works.

Reason: To ensure proper and sustainable drainage of the site and to prevent increased flood risk in accordance with section 10 of the National Planning Policy Framework.

## 10 BREEAM

The Roman House extension and refurbishment shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first occupation (unless otherwise agreed). Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction'

## 11 Plant and machinery

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at the boundaries of the nearest residential properties when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ( $L_{Amax}(f)$ ) and average sound levels ( $L_{Aeq}$ ), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the background noise level at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics. Whilst it is acknowledged that at background levels of less than 30dB(A) use of BS4142 is inappropriate, EPU consider that in such circumstances the combined rate level of plant inclusive of any character correction should not exceed 30dB(A).

REASON: To protect the amenities of nearby residents and businesses

## 12 Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## 13 Flood Risk

The operators of the hotel hereby approved shall sign up to the Environment Agencies Flood Warning Service, there shall be no sleeping accommodation at lower ground floor level and demountable barriers shall be provided for external doors which are within flood zone 3.

Reason: To mitigate against flood risk, in accordance with the NPPF, paragraph 103.

## 14 Glazing Specification

Glazing to bedroom windows within Roman House (and its extension) shall be installed to at least the specification recommended in section 5 of the Dragonfly report DC1671-R1v2 dated March 2015 prior to first use of the building.

Reason: To ensure that noise does not have an undue effect on the amenity of guests, in accordance with paragraphs 17 and 123 of the National Planning Policy Framework.

## 15 Electric vehicle charging points

Before the occupation of the development an electric vehicle recharging point shall be provided on-site in the car parking area and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority.

REASON: To promote and facilitate the uptake of electric vehicles in accordance with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (paragraph 39).

**INFORMATIVE:** Electric Vehicle Recharging Point means a recharging unit capable of charging two electric vehicles simultaneously with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

## 16 Cycle parking

Prior to first use of the development hereby permitted the cycle storage area (for 30 cycles) shown on the lower ground floor plan, shall be installed and made available for use. Secure cycle parking shall be provided, using Sheffield type stands or similar. Such facilities shall be retained for the lifetime of the development.

Reason: To promote sustainable modes of transport in accordance with policies GP4a and T4 of the City of York Draft Local Plan and the National Planning Policy Framework.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans and agreed an extension of time for determination and through the use of planning conditions.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323