

## COMMITTEE REPORT

**Date:** 23 August 2012                      **Ward:** Guildhall  
**Team:** Major and                              **Parish:** Guildhall Planning Panel  
                    Commercial Team

**Reference:** 12/01975/FULM  
**Application at:** City Of York Council 9 St Leonards Place York YO1 7ET  
**For:** Change of use of 1-9 St Leonards Place and 2 and 4 Museum Street from offices to hotel (use class C1) and business use (B1) and/or restaurant (A3) and/or bar (A4) and/or leisure (D2) with external alterations by way of extension and selective demolition of modern attachments, and associated landscaping  
**By:** Rusbond PLC  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 24 August 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 This application seeks planning permission for the change of use of 1-9 St Leonard's and 2 and 4 Museum St, including the stable block to the rear. At present these buildings are occupied as City of York Council offices but will be vacated as part of the relocation to West Offices. The applicants wish to convert these buildings primarily into hotel accommodation. Alongside the hotel would be a range of meeting rooms and conference space, a suite of function rooms, a restaurant, bar and public areas. The application is speculative at this stage with no named hotel operator.

1.2 1-9 St Leonard's Place is Grade II\* listed while 2 and 4 Museum St is Grade II listed. The application site includes the car park to the north of 9 St Leonard's Place. The whole of the application site is within the Central Historic Core Conservation Area. This application is accompanied by a listed building application which is also to be considered at this Committee Meeting (Ref. No. 12/01976/LBC).

1.3 The proposed hotel would contain 88 bedrooms over the five floors of the buildings, including the basement. The existing public access into St Leonard's Place would be utilised as the primary hotel entrance. Existing doors onto Museum St and St Leonard's Place would be retained for possible entrances to the bar, restaurant, and lounge areas. The finance entrance adjacent to Library Square would be utilised for access to the function room.

1.4 Externally there are no alterations proposed to either of the St Leonard's Place or Museum St frontages. To the rear of St Leonard's Place some demolition of later additions to the building are proposed. This creates space for a new extension to

the former billiard rooms of 5 St Leonard's Place to create an enlarged dining room incorporating a roof terrace. The proposed extension is primarily single storey in height with a glazed stair case enclosure sitting above this.

## **2.0 POLICY CONTEXT**

### **2.1 Development Plan Allocation:**

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006

Conservation Area GMS Constraints: Central Historic Core CONF

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: Central Area 0002

Listed Buildings GMS Constraints: Grade 2\_; 4 St Leonards Place York 0649

Listed Buildings GMS Constraints: Grade 2; 2 Museum Street York 0638

Listed Buildings GMS Constraints: Grade 1; Wall 2m N Of 9 St Leonard's Place York 0630

Listed Buildings GMS Constraints: Grade 1; Wall 5m North Of Kings Manor 0620

Listed Buildings GMS Constraints: Grade 2\_; 6 St Leonard's Place York 0654

Listed Buildings GMS Constraints: Grade 2\_; 5 St Leonard's Place York 0651

Listed Buildings GMS Constraints: Grade 2\_; 8 St Leonard's Place York 0658

Listed Buildings GMS Constraints: Grade 2\*; Council Offices 9 St Leonards Place York YO1 7ET 0660

Listed Buildings GMS Constraints: Grade 2\_; 3 St Leonards Place York 0647

Listed Buildings GMS Constraints: Grade 2\_; 7 St St Leonard's Place York 0656

Listed Buildings GMS Constraints: Grade 2; 4 Museum Street York 0636

Listed Buildings GMS Constraints: Grade 2\_; 1 St Leonards Place York 0640

Listed Buildings GMS Constraints: Grade 2\_; 2 St Leonards Place York 0645

Scheduled Ancient Monuments GMS Constraints: SMR 30 City Walls Bootham Bar To Museum Street 0176

## 2.2 Policies:

CYGP1- Design

CYSP7A -The sequential approach to development

CYGP4A- Sustainability

CYGP9- Landscaping

CYNE6- Species protected by law

CYHE2 -Development in historic locations

CYHE3- Conservation Areas

CYT4 -Cycle parking standards

CYE3B - Existing and Proposed Employment Sites

CYS6 -Control of food and drink (A3) uses

CYS7 -Evening entertainment including A3/D2

CYV3 -Criteria for hotels and guest houses

## 3.0 CONSULTATIONS

### INTERNAL

3.1 Design, Conservation and Sustainable Development (Countryside Assistant) - A survey was carried out in March 2012 which concluded that the application site has a moderate potential for roosting bats. The report recommends that further work is required to assess all areas of the building to check for evidence of bat use and potential habitat. There are a number of hard to reach areas of the building which have not been fully investigated at present. Activity reports need to be carried out now and cannot be conditioned. The surrounding area is of particular value to bats as there is good quality foraging, commuting and further roosting habitat within close proximity, particularly Museum Gardens and the links to the River Ouse and Deans Garden.

3.2 Design, Conservation and Sustainable Development (Conservation Architect) - The application site is within the Central Historic Core Conservation Area. The

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proposed extensions to be demolished to the rear of the building do not positively contribute to the appearance of the building or character of the conservation area. The proposed extension would sit comfortably behind the terrace due to its height, mass and transparency. The scheme would enhance the conservation area and access to the site.

3.3 Design, Conservation and Sustainable Development (Landscape Architect) - No objections to the proposed tree removals for the reasons given in the tree survey, provided they are suitably replaced. The existing trees within the car park are shown as retained in the development proposals. The Beech and Birch to the rear of number 7 are attractive trees, but as they mature they will not be sustainable in this location. Therefore there is no objection to their removal. The new garden should include suitable large shrubs and small tree planting to compensate for the loss and to create an attractive rear garden.

The best tree is the Lime tree (T8) adjacent to the city wall. A tree protection method statement would be required to ensure this tree and others in the car park are protected. The method statement should include details and locations of protective fencing, locations of site compound, parking arrangements and working areas.

In respect of the three Sycamores at the entrance of the current Finance Centre off Library Square, these trees are not in good form so objections are not raised to their removal. Nonetheless purely from a visual perspective they do provide a valuable greening of the urban environment and the amenity of Library Square. They also provide a suitable foil for the juxtaposed buildings. To this end a replacement tree is expected to be included in the landscaping scheme at ground level i.e. not in a raised bed. This could be either a fastigiated tree with height, or a broader spreading tree with a clear stem to a good height, to provide a canopy over the entrance area, whilst allowing a direct and clear view to the glazed lobby, which it should complement.

3.4 Design, Conservation and Sustainable Development (Sustainability) - The submitted Planning Statement demonstrates how the application would comply with Development Control Local Plan Policy GP4a and a separate Energy Statement appraises low and zero carbon technologies which could be installed to provide energy to the building. The proposal complies with Policy GP4a to a high degree however extra information regarding reducing water use would be welcome given the high demand which hotels typically have for water. The Interim Planning Statement on Sustainable Design and Construction requires developers to achieve a BREEAM 'Very Good' rating and for 10 per cent of expected energy demand to be met through low or zero carbon technologies. The applicant has confirmed a commitment to achieving this requirement. The applicant has indicated that a combination of micro Combined Heat and Power and air source heat pumps could

be utilised to meet the requirement, however the final hotel operator is likely to choose the preferred technology.

3.5 Design, Conservation and Sustainable Development (City Archaeologist) - The site lies within the Area of Archaeological Importance and the Central Historic Core Conservation Area. The site lies in an area where there are both designated and undesignated heritage assets of national importance. There are no scheduled ancient monuments within the red line boundary; however the site has a boundary with York City Walls (SAM no. 30).

The applicant has submitted a comprehensive archaeological desk-based assessment. This identifies the range, quality, and significance of both the sub-surface and above ground archaeological features. The proposed works, including demolition, extension, pathway, walls, and landscaping may have an impact on sub-surface archaeological deposits. These impacts are acceptable if mitigation measures are in place. This can be achieved through an archaeological recording and publication through an archaeological watching brief. This should be conditioned within any approval. The significant collection of carved medieval stonework that is incorporated into the current landscaping at the rear of 1-9 St Leonard's Place must be retained on site and incorporated into the new landscaping for this development. This should be conditioned.

3.6 Highway Network Management - No objections are raised to the proposal. Officers have been involved in discussions with the applicant/agent from the pre application stage and are satisfied with the scheme from a transport, access and highways perspective, subject to the imposition of conditions covering cycle parking, travel plan and a construction traffic management plan.

3.7 Environmental Protection Unit - No objections to the proposals but would make the following comments; Regarding the impact of external noise on occupants of the hotel the EPU is satisfied that the 'Good' standard can be achieved through the measures proposed. In terms of the likely levels of noise which could be produced as a result of the proposed redevelopment, the proposed use is unlikely to result in excessive noise emissions and the area already experiences elevated noise levels. Considering this and the fact that there are no residential dwellings directly adjacent to the site, with the nearest properties located on Bootham, Duncombe Place and Museum Street.

Regarding air quality, recent monitoring has shown that concentrations of nitrogen dioxide are above DEFRA's technical guidance. To minimise ingress of pollutants into the building and potential exposure of future hotel guests to poor air quality (and noise), a ventilation strategy has been developed, which acknowledges that all rooms at basement level, together with bedrooms at all other levels facing onto St Leonard's Place and Museum St should be mechanically ventilated, with clean air

being drawn from roof level. This should be coupled with non-opening windows to all mechanically ventilated rooms.

EPU request that all bedrooms facing onto St Leonard's Place and Museum St be fitted with non-opening windows. Mechanical ventilation and non-opening windows would also be required for any other rooms, facing St Leonard's Place and Museum St, where members of the public may spend a period of 1-hour or more.

In line with the Council's draft Low Emission Strategy, any developer should strive to promote the use of low emission vehicles on site via provision of necessary infrastructure. The Environmental Protection Unit would like to see an electric vehicle recharge point installed within the development site boundary

Conditions suggested covering noise, air quality, contamination, contaminated land, construction, and odour.

3.8 Economic Development Unit - Would like to see some sort of employment opportunity but understand the difficulties associated with the building and in particular office use. From an economic development aspect it is more important to keep and improve the integrity of the buildings as a group which enhances the setting of the theatre, art gallery and Bootham Bar. In this way it encourages more visitors by adding to the historic value of York, improves what is hoped to be the Cultural Quarter, and therefore adds to the potential to expand the tourism economy.

3.9 Integrated Strategy Unit - The Council will be relocating to West Offices and therefore employment provision in the city would not actually be lost. Consequently a balanced approach should be taken in line with the guidance in the NPPF with input from the Economic Development Unit. Development Control Local Plan Policy E3b sets out the criteria for assessing the change of use of existing employment sites. The Integrated Strategy Unit raises no objections to the proposed loss of the site for employment purposes.

Hotels are considered by the NPPF to be town centre uses which can support and increase the viability and vitality of centres. As the proposal is in the centre a sequential test is not needed. The proposal is within a sustainable location which can be accessed by a variety of modes.

## EXTERNAL

3.10 Guildhall Planning Panel - No objections

3.11 English Heritage - Broadly support the principle of using the building as a hotel. No objections to the principle of the removal of the extensions shown for neither removal nor the building of a small extension of the kind shown. Awaiting

comments regarding revised plans and details which were received following discussions with Council Officers and English Heritage. An update on this will be provided at Committee.

3.12 Visit York - Welcome the continuing interest in high quality hotel accommodation in York. This matches Visit York's well-established ambitions for York to focus on distinctive, quality and world class aspirations. Welcome the prospect of immediate investment into what will become a very large, empty building close to the heart of the city centre. Investment in such a building continues to portray York as a dynamic, economically active city.

There is planning permission for over 600 extra beds within hotel accommodation in York, Visit York increasingly believes that there is a need for a formal study into visitor accommodation capacity in York. Visit York is keen to encourage the Council to undertake such a review which needs to ensure that the views of existing hoteliers are taken into account.

3.13 Yorkshire Water - It is the developer's responsibility to ensure that an adequate supply of water can be made available.

3.14 Police Architectural Liaison Officer - Analysis shows that crime and anti-social behaviour levels connected with the existing site are low. The applicants Design and Access Statement and Planning Statement address issues of crime prevention. A number of general recommendations are made in respect of crime prevention measures such as suitable doors and windows, cctv, lighting, minimising the number of access points, and securing cycle parking. There is confidence that the security features appropriate for a hotel building would be incorporated by any prospective hotel operator.

3.15 Other Third Parties . A resident of 4 King's Manor states that the redevelopment of St Leonard's Place provides a very important opportunity to improve the presentation, access to, and the setting of the Roman fortress wall including the Anglian Tower which once formed part of St Leonard's Hospital. The Anglian Tower is currently in a 'dead end' location and in recent years has been closed off which has had a negative effect on the quality of the experience of the area. There is an impressive and interesting view of York from the top of the earthen rampart looking down onto the Anglian Tower and along the line of the Roman fortress wall towards the Multangular Tower. At present there is no sign or footpath leading to this viewing point. The present application presents an opportunity to create a viewing point. This suggestion needs to be seen in relation to current preparation of a Conservation Management Plan for the area around the City Library. It is suggested that this opportunity for improving the presentation, access to, and the setting of an extremely important set of ancient monuments is given very serious consideration and taken into account in the determination of the planning application.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Loss of employment use
- Principle of hotel use
- Impact on the character and appearance of the area
- Air quality
- Noise
- Neighbouring amenity
- Highways
- Sustainability
- Ecology

### LOSS OF EMPLOYMENT USE

4.2 1-9 St Leonard's and 2-4 Museum Street are one of the main Council office sites in the city. Office use is classified as a main town and city centre use. The NPPF seeks to promote the vitality of town and city centres and requires Local Planning Authorities to set policies which are positive and promote competitive town centre environments. In part it is suggested that this should be done by allocating a range of sites for offices to ensure that office uses are met in full and not compromised by site availability. An assessment of need should be undertaken to ensure sufficient office supply is available.

4.3 Development Control Local Plan Policy E3b seeks to protect existing employment sites within their existing use class unless development proposals meet certain criteria. This criterion is: a) there is a sufficient supply of employment land in quantitative and qualitative terms in the immediate and longer term; and b) unacceptable environmental problems exist; or c) the development of the site for other appropriate uses would lead to significant benefits to the local economy; or d) the use is ancillary to an employment use.

4.4 As Members will be aware St Leonard's Place and Museum St offices are no longer required by the Council due to the imminent relocation of Council services to West Offices. Part of the West Office development includes substantial expansion of the amount of floor space. Therefore, seen as an overall development pack, the change of use of St Leonard's and Museum St offices to other uses does not result in a significant reduction in employment land.

4.5 The applicants submitted an Economic Statement supporting the planning application. This statement highlights that current estimates suggest there are around 45k sq m of vacant office space in York, and this accounts for 13% of office stock. It is claimed that annual take up of office space is very modest. It is predicted that using the current average uptake there is a minimum of 4 years

supply. Analysis indicates that where there is demand this is for Grade A specification floor plates with high parking ratios. Demand is for open plan offices, the layout of St Leonard's and Museum St offices do not meet modern day requirements, hence the Council's decision to vacate and move to West Offices. Given that the buildings are Grade II\* and Grade II, there is no scope for significant internal alterations to create a modern office environment. It is predicted by the applicants that retaining the buildings as offices is likely to result in the building remaining vacant for a very long period and as such the buildings would deteriorate.

4.6 Given a relatively low market demand for office space in the city centre at present and over recent years, the fact that the buildings do not meet modern office standards, the desire to safeguard the future listed buildings, the potential economic benefits that an alternative use may bring, and the fact that West Offices is providing substantial replacement office accommodation, there are no objections to the proposed loss of an office use. The Integrated Strategy Unit and Economic Development Unit analysed the application and raised no objections to the loss of office use at the application site.

## PRINCIPLE OF HOTEL USE

4.7 The application is speculative, it is understood that no end users are signed up. The applicants hope that gaining permission would provide the assurance needed to enable discussions to progress to the stage where an end user or end users are signed up. Given the level of uncertainty at present, the applicants are seeking to retain a degree of flexibility within the planning permission. The applicants' supporting Planning Statement states that the primary use of the buildings would be as a hotel. Additionally consent is sought for ancillary uses including restaurant, bar, leisure uses and associated office space. This would provide options for potential hotel operators to create a facility which meets their business model.

4.8 The NPPF outlines that hotels are main town and city centre uses. Therefore a sequential and impact test is not required given that hotels are considered to support the vitality of centres. Development Control Local Plan Policy V3 sets the criteria by which applications for new hotels are to be assessed. The criteria is that the proposed hotel: a) is compatible with its surroundings in terms of its siting, scale and design; and b) would not result in the loss of residential accommodation; and c) would not have an adverse effect on the residential character of the area; and d) is well related in terms of walking, cycling and access to public transport in relation to York City Centre or other visitor attractions. The application site is close to the heart of the city centre and is clear from the NPPF and Policy V3 that hotel use within St Leonard's and Museum St offices is acceptable in principle. The Council's aspirations for creating a Cultural Quarter around the art gallery, Theatre Royal and Yorkshire Museum, would be further enhanced by a hotel use with ancillary restaurant/bar and leisure uses at the application site.

4.9 Some concerns were raised from Visit York within their consultation response regarding the number of hotel rooms which have planning permission. However, given that the application site is within the city centre and the fact that hotel use is defined as a main town and city centre use, it is not considered to be appropriate for the Local Planning Authority to interfere into issues of market competition without any evidence base or local policy framework.

## IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

4.10 The application site is within the Central Historic Core Conservation Area. The whole of the application site is within Character Area Four: 'Museum Gardens and Exhibition Square' which contains a concentration of cultural and civic uses. The heritage assets surrounding the site are of the highest order and they are being documented in ongoing work as part of the Mint Yard Conservation Management Plan. A section of the earlier Roman wall (listed at grade 1) stands within the car park. The trees within the northern car park soften the setting of the heritage assets within the area and link them to context of St Mary's Abbey Precinct.

4.11 The crescent form of St Leonard's Place is unique within York, and the classical composition, with its first floor decorative balcony and giant twinned pilaster detail, dignifies the street. Nos. 2&4 Museum Street make a positive contribution to the setting of the structures around Library Square and the buildings are seen within views on a main approach to the Minster. The applicants are not proposing any material alteration to the front elevations of the buildings. Architectural details would be cleaned and restored bringing the building back to its original appearance.

4.12 At the rear of St Leonard's Place it is proposed that three extensions of later date would be demolished. This would allow the former billiard rooms at the rear of number 5 St Leonard's to be connected to a new extension with a terrace above. This would create a dining area with roof top terrace. The extensions proposed to be removed are of relatively low significance and would allow better access and light to the rear of the building. The extensions to be demolished generally currently have a negative impact on the setting of the building and character of the conservation area.

4.13 The proposed extension with terrace to the old billiard room is relatively small in scale. The terrace height would be below the height of the billiard rooms and the glazed drum around the access stair would be a relatively small component which would sit behind no 6 St Leonard's Place and therefore not impose itself on the wider environment. The form of the new extension has been modified to fit the grain of the terrace and the high intermediate boundary wall is shown as being retained. The height, mass and transparency of the extension appears to sit comfortably behind the terrace. The impact of the connections with the former billiard room has been minimised by reusing existing window positions. Although further details are required through conditions, the new extension would be of higher quality materials

and form than the 1960s flat-roofed extension which is currently in place and it would sit behind the existing garden wall. New gates would be provided within the wall. The scheme would enhance the conservation area and access to the site.

4.14 A letter was received from a local resident regarding the opportunity that the application presents for the opening up of public access to a set of ancient monuments to the rear. However, the applicants have rejected this opportunity at this stage because it is considered that most hotel operators would wish to retain a high degree of control over external space in their domain which at times would lack surveillance. A hotel operator is likely to wish to retain the connection between the semi-private garden and the dining facility in the rear extension. It is understood from the Conservation Officer that the 'Conservation Management Plan' for Mint Yard which is currently being created will pick up on various options and issues in relation to the surrounding monuments and potential connections between public and semi-public spaces. The CMP hopes to show how the area might be made available to the general public in various ways.

## AIR QUALITY

4.15 Policy GP4b requires proposals for development within Air Quality Management Areas (AQMA) to assess their impact on air quality. Both of St Leonard's Place and Museum St are an AQMA. The streets are classified as AQMA due to elevated concentrations of nitrogen dioxide which are primarily produced by motor vehicles. The AQMA is given to the area as it is considered that their needs to be an improvement in air quality for the benefit of public health.

4.16 The submitted Environmental Statement states that the proposed use of the application site as a hotel would result in a net reduction in trips to and from the site. Therefore the proposed hotel use would not result in a reduction in air quality. Both the Environmental Protection Unit and Highway Network management are content that the application would not increase vehicle trips and therefore air pollution within the area.

4.17 Not adding to the existing air quality problems in the area is of importance, however the proposal would not significantly change the current situation. The existing office use exposes employees to the poor air quality. The Environmental Protection Unit has concerns regarding the air quality impacts on hotel staff and customers. There is the potential for hotel customers to spend longer periods of time within the building and therefore be exposed to the air pollution than office staff. Therefore the EPU consider that a hotel may be a more sensitive use. Concerns from EPU primarily focus on hotel rooms which have a window that directly opens onto a polluted facade.

4.18 The applicants have devised a strategy for overcoming this concern. A ventilation strategy has been submitted which allows all rooms at basement level

and with bedrooms facing onto St Leonard's and Museum St to be mechanically ventilated. Clean air is drawn from roof level and used to ventilate the rooms. This overcomes concerns raised and the EPU are content with this arrangement. In addition to a condition covering artificial ventilation, the EPU also recommend a condition that all windows fronting onto St Leonard's Place and Museum St which serve bedrooms or public areas be non-opening. The EPU justification for this is that air pollution reaches a level which could harm health even if only exposed to it for a short period of time. It is relatively common that dwellings which have been approved in AQMA have had non-opening windows. However, clearly hotel stays are for a relatively short period of time. St Leonard's Place and Museum St have been used as offices with open windows for a number of years. Whilst it is not advisable to continue exposure, the proposed change of use is considered by Officers to be a reduction in sensitivity to air pollution given that hotels attract a transient customer/user base. It is Officer opinion that any occupant should have the option of utilising mechanical ventilation and keeping windows shut or to be able to open a window if they so wish. Air pollution is most concentrated at certain hours of the day and does not exceed standards at all times. Given the likely length of stay of the majority of customers and the Council's aim to improve air quality in this area, it is considered reasonable to allow customers to open their windows if they so wish. The applicants would prefer the windows to be openable as it is considered that a non-opening window condition may reduce the number of potential hotel operators interested.

## NOISE

4.19 A Noise Impact Assessment was submitted in support of the application. This included details of a noise survey which highlights the level of noise which is audible on the different facades of the building. It is deemed that some form of mitigation is required in order to achieve the required level in terms of average ambient noise levels and also individual noise events. British Standards provide ratings of 'Reasonable' and 'Good' in terms of resting and sleeping standards.

4.20 The proposed mitigation primarily consists of secondary glazing. Existing windows which serve bedrooms on the northern, eastern and southern elevations would be fitted with secondary glazing. No secondary glazing was considered necessary on windows within the western elevation. Based on the specification set out in the Noise Impact Assessment the Environmental Protection Unit is satisfied that the 'Good' standard can be achieved. A condition is recommended covering the internal noise mitigation strategy.

## NEIGHBOURING AMENITY

4.21 Paragraph 123 of the NPPF states Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. There are few residential dwellings in close

proximity to the application site. The surrounding area experiences elevated sound levels given the level of traffic and general activity in the area associated with a city centre. It is considered that a hotel is unlikely to generate significantly more noise than the current office use. A hotel with restaurant and bar would create evening use which is not currently present at the site. The surrounding area already contains evening uses such as the theatre and a pub opposite on Museum St. The only part of the proposed development which includes external use is the rooftop sitting area associated with the restaurant. However, this is located to the rear of St Leonard's Place which is not sensitive to noise given that there are no residential dwellings within the immediate vicinity.

4.22 It is considered that licensing is the best legislative framework for controlling opening times and activities associated with any bar or restaurant at the hotel. The applicants are proposing the installation of plant towards the rear (west) elevation of the application site. It is considered that plant in this area could operate without significantly increasing noise audible at the nearest residential dwellings. It is within the interests of the hotel to install plant which is quiet given that any noise generated is more likely to affect customers than local residents. Nevertheless, a condition is proposed requiring details of all plant and machinery which is audible at neighbouring properties to be submitted and approved. This provides confidence that there would be no harm to amenity through noise as a result of the development. The EPU recommended a condition restricting delivery times. However, given the city centre location, the likely low level of deliveries associated with the proposed use, and the fact that it is in the hotels interest to carry out such activities without creating significant noise during sensitive hours of the day, it is not considered that this condition is necessary.

4.23 EPU recommends a condition requiring an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition. A condition is also proposed regarding the installation of an extraction system associated with the food preparation areas of the application site. This would ensure that there is no significant creation of odour in the surrounding area.

## HIGHWAYS

4.24 The application is supported by a Transport Statement and Framework Travel Plan (in accordance with best practice/guidelines). The change of use is predicted to result in a net reduction in traffic generation as compared against typical office uses. Clearly the level of car parking influences travel mode choice and the 24 space car park is proposed to be retained (this being within LPA standards). The arrival/departure profiles from car travel associated with the Hotel and Restaurant, will not have any material implications on the highway network, the busiest hour is estimated to generate less than 10 car trips (total in/out).

4.25 No cycle parking has been indicated specifically within the submitted plans. In line with both transport policy and the importance of encouraging and facilitating cycling as a genuine option, it is felt that secure, covered and easily accessible/convenient cycle parking is provided within the site, this being essentially for staff employed by the end Hotel company and the Restaurant. Discussions and emails with the agent have provided assurance that such facilities can be accommodated within the buildings, either the main block or potentially the coach house. Despite such details not been demonstrated in plan form (up to the time of writing), it is felt that a suitably worded condition could be imposed which requires the submission of such details prior to the commencement of development. The officer preference would be for such cycle parking to be contained within the building rather than an external store.

4.26 Servicing of the building will take place primarily via the current access from St. Leonard's Place, utilising space within the car park for rigid vehicles to enter and exit in a forward gear. It may be preferable for the end user to modify some bay markings to formally facilitate this. Current use of the building as Council offices does generate some large servicing traffic (e.g. supplies) at this location, so nothing will alter in principle. However it is likely that the frequency of deliveries such as food/drink and other services such as laundry, will increase but not significantly. The other access to the building is from the rear lane via Library Square. The only noticeable servicing currently using this route is for refuse collection, with the wagons using Library Square and reversing down the lane. In the absence of any realistic alternative in this constrained city centre location, officers are accept that refuse wagons would still service the Hotel/Restaurant from here. However it would not be preferable for other service traffic to access via Library Square, which has quite recently been transformed by the Council into a place for people to enjoy, sit, and meet. Any increase in servicing traffic would be detrimental both environmentally and potentially from a safety perspective. Officers have therefore sought written assurances from the applicant/agent that they will work with the end operators, to promote and manage the bulk of servicing from the SLP access.

4.27 The 24 space car park at St Leonards Place is presently available to the public outside office hours. This loss is not predicted to create any problems in terms of parking availability for the public, as recent assessment of car parks in this part of the city has shown spare capacity well in excess of the 24 spaces even at the common peak times. This includes St. Marys, which is a convenient alternative.

## SUSTAINABILITY

4.28 Policy GP4a of the Development Control Local Plan requires a sustainability statement to be submitted with a planning application. In addition, the Interim Planning Statement (IPS) on Sustainable Design and Construction provides additional guidance to developers in respect of complying with the sustainability requirements of Policy GP4a.

4.29 The submitted Planning Statement addresses issues of sustainability and Policy GP4a. This includes an Energy Statement which appraises potential low and zero carbon (LCZ) technologies which could be installed into the building. As the application is not submitted by a specific hotel operator, the applicants are seeking to retain some flexibility within the sustainability framework which has been submitted.

4.30 The applicant's submission identifies that the development aims to achieve a BREEAM 'Very Good' rating in accordance with the IPS. This is suggested to be conditioned if Members are minded to approve the application. The IPS also requires developments of this scale for at least 10% of a buildings energy demand to be met through LCZ technologies. At this stage the applicant has indicated a combination of micro CHP (combined heat and power) and air source heat pumps could be utilised. Use of these energy sources would exceed the 10% minimum requirement. However, as a hotel operator has yet to be confirmed, the preferred technologies may change. A condition is recommended that 10% of the building's energy demand is provided by LCZ technologies.

## ECOLOGY

4.31 DCLP Policy NE6 states that where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating the proposed mitigation measures. Planning permission will only be granted for development that would not cause demonstrable harm to species protected by law or their habitats

4.32 The area around the application site is of value to bats with good quality foraging, commuting and roosting habitat. A survey was carried out by the applicants in March 2012 which concluded that the application site has a moderate potential for roosting bats. However, there are a number of hard to reach areas which were not surveyed and therefore at this point there is not sufficient evidence to determine whether bats use the buildings within the application site. The Council's Countryside Assistant believes that further survey work is therefore required. The applicants have agreed to carry out activity and emerging survey work, however at the time of writing this report it has not been completed. Once the report is received, it will be possible to determine whether there is a need for conditions and/or a license for any works would be required from Natural England. An update on this issue will be provided at Committee.

## 5.0 CONCLUSION

5.1 St Leonards Place and Museum St are to become vacant within the next year. The buildings are important individually as Grade II and II\* listed as well as significantly contributing to the character of this part of the City Centre within the

Central Historic Core Conservation Area. Maintaining an active and economic use for these buildings is considered of utmost importance.

5.2 Due to the redevelopment and relocation of Council Services to West Offices there is to be no loss of office accommodation in real terms as a result of the proposed change of use. The buildings were originally built as individual housing and do not offer the type of office accommodation which is desirable in current times. The buildings cannot easily be adapted to meet modern office standards. Given the location of the application site within the heart of the city and being part of the proposed Cultural Quarter, it is considered that a hotel use is appropriate. The proposed development would retain the important character of the buildings whilst providing a new active and sustainable use.

5.3 For the reasons outlined in this report, the application is recommended for approval subject to conditions.

## **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:-

- Drawing plans and reference numbers to be confirmed at Committee

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

3 Development on Land Affected by Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

#### **a. Site Characterisation**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local

Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
  - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and 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.

#### 4 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

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.

5 Prior to the first use of the hotel hereby approved, one electric vehicle recharge point shall be installed within the development site boundary to promote the use of low emission vehicles on the site. The location and specification for the recharge point shall be agreed in writing with the Local Planning Authority and the development shall be carried out in complete accordance with the approved details.

Reason: To promote the use of electric vehicles thereby contributing towards the aims of improving air quality within this Air Quality Management Area.

6 Construction work shall not begin until a scheme for protecting the proposed development from external noise has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before the development is occupied.

Reason: To protect the amenity of future hotel guests

7 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is likely to be audible at any business, residential or hotel accommodation, shall be submitted to the local planning authority for written approval. These details shall include maximum ( $L_{Amax}(f)$ ) 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.

Reason: To protect the amenity of local residents and businesses.

8 Prior to commencement of the development, an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition, 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.

Reason: To protect the amenity of local residents and businesses

9 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday      08:00 to 18:00

Saturday              09:00 to 17:00

Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents and businesses

10 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

DEFRA guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems available at:-

[www.defra.gov.uk/environment/quality/noise/research/kitchenexhaust/documents/kit](http://www.defra.gov.uk/environment/quality/noise/research/kitchenexhaust/documents/kit)

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chenreport.pdf should be consulted regarding the detail which is required to be submitted.

Reason: to protect the amenity of the neighbouring residents from odour and noise

11 Prior to the commencement of development full details of an artificial ventilation system shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in complete accordance with the approved details prior to the first use of the hotel hereby approved.

Reason: To protect the amenity of future hotel guests

12 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants. The scheme shall include a suitable replacement tree, or trees, in place of the three Sycamores off Exhibition Square. The planting scheme shall be implemented within a period of six months of the first use of the hotel hereby approved. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species, since the landscape scheme is integral to the amenity of the development.

13 Prior to the commencement of development or associated operations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details of protective fencing, site access during demolition/construction, type of construction machinery/vehicles to be used, (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles and storage of materials, location of marketing cabin where applicable. It is particularly important that the statement also includes construction details and methodology for the surfacing and kerbing of the car park.

Reason: To protect existing trees which are covered by a Tree Preservation Order

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and/or are within a conservation area and are considered to make a significant contribution to the amenity of the development and public amenity.

14 Unless otherwise agreed in writing with the Local Planning Authority ,the development hereby approved shall achieve at least a BREEAM Very Good rating (or equivalent) and at least 10% of the predicted energy requirements for the building shall be obtained from low or zero carbon technologies.

In addition the Considerate Construction scheme or equivalent shall be adhered to during construction, and all timber products used in construction shall be from sustainable sources.

Confirmation of how the building shall at least meet the 10% requirement shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and the development shall be carried out in complete accordance with the approved details..

A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of first occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

15 Prior to the commencement of development details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads.

16 :Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in

writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users

17 The site shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines and the framework travel plan submitted with application 12/01975/FULM. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in NPPF, and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

18 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the extension walls and roof including areas of making good (supplemented by manufacturer's literature where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

19 Large scale details (scale 1:20 and 1:5) of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the

commencement of the development and the works shall be carried out in accordance with the approved details.

- drawings of the extension including sections and plans through all walls, roofs, roof terrace paving, and protective railings
- large scale details and/or manufacturers literature for all new external doors and windows (glazed and solid) associated with the new extensions and outside walls, details to include lintels, thresholds and reveals
- alterations to the former billiard room wall
- full section between the extension and the wall of number 6 St Leonards Place
- external alterations to the former finance centre including plans sections and elevations of the areas being changed including the glazed link to the rear
- plant, plant compounds, screens, extracts housing, vents and grill

Reason: So that the Local Planning Authority may be satisfied with these details.

20 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, details of the external hard landscaping materials to be used, including paths, paving, ramps, railings, gates and other fixed structures introduced into the grounds, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually acceptable appearance.

21 Prior to the commencement of development, details of all external lighting, including locations, wiring runs, and details of luminaires, shall be submitted to and approved in writing by the Local Planning Authority. Ambient light levels shall be low particularly around trees. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure a visually acceptable appearance.

22 No work shall commence on site until the applicant has secured 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 development commences.

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.

23 The existing rear garden area of St Leonards Place contains carved stonework. This stonework shall be retained on site as part of the garden unless otherwise specified through archaeological conditions and agreed in writing with the Local Planning Authority. These evidential remains should be protected whilst work is being carried out on site and the protective measures should be agreed with the Local Planning Authority. Notwithstanding the drawings the external ground level terrace being created shall be developed as a garden terrace rather than introduce a large area of hard paving.

reason: To create a visually acceptable appearance and to retain stones on site which are of archaeological value.

24 HWAY40 Dilapidation survey -

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Loss of employment use
- Principle of hotel use
- Impact on the character and appearance of the area
- Air quality
- Noise
- Neighbouring amenity
- Highways

- Sustainability

- Ecology

As such the proposal complies with Policies SP7a, GP1, GP4a, GP9, NE6, HE2, HE3, T4, E3b, S6, S7, and V3 of the City of York Development Control Local Plan.

## 2. Informatives

We would also recommend that the following informatives be placed onto the application to ensure the developers of the site are aware of the relevant Legislation governing their activities.

A) If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

B) The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".
- All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.
- The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise

noise emissions.

- All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

C) There shall be no bonfires on the site.

D) The proposed hotel is sited within a smoke control area made under the Clean Air Act 1993. This legislation prohibits the burning of unauthorised fuel on open fireplaces or the burning of other fuels on non exempted fireplaces. For more information please contact the environmental protection unit on 01904 551555.

**Contact details:**

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