

COMMITTEE REPORT

Date: 10 August 2017 **Ward:** Huntington/New Earswick
Team: Major and **Parish:** Huntington Parish
Commercial Team Council

Reference: 17/01181/FULM
Application at: Northern Part Plot 5 Monks Cross Drive Huntington York
For: Erection of three storey, 80 bedroom hotel with ancillary
bar/restaurant
By: Mr Max Reeves
Application Type: Major Full Application (13 weeks)
Target Date: 5 September 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for a new three storey hotel with ancillary restaurant on the ground floor. An area of parking is proposed to the front and side.

1.2 The site is currently in use as a car park. The car park is not tarmaced but has a rolled hardcore surface. Access is off the existing cul-de-sac leading to McDonalds and the Pear Tree Farm pub. To the West of the site is an office development with a number of two storey office buildings. To the North, the site backs on to open land which is part of the designated Green Belt. There are a number of ponds formed within the scrubland on the East and North boundaries of the site.

1.3 The site was given a Premier Employment Allocation within the Draft 2005 Local Plan and planning permission was then granted for office use on the site (07/01006/OUTM) and this was renewed in 2010 but has not been implemented. It is noted that planning permission has since been granted for non-employment uses at McDonalds and Pear Tree Farm which are both within the employment allocation.

2.0 POLICY CONTEXT

2.1 Policies:

CYE1 Employment land allocations
CYE3B Existing and Proposed Employment Sites
CYGP1 Design
CYGP4A Sustainability
CYGP9 Landscaping
CYNE6 Species protected by law

3.0 CONSULTATIONS

INTERNAL

Highways network management

3.1 Note that the site will be served by an existing internal estate road connected to Monks Cross Drive. The existing highway network is suitable to accommodate the proposed development and the internal site arrangement is acceptable. The level of traffic generation will not have a material impact on the operation of the adjacent highway network. Cycle parking should be provided and needs to be secured via condition.

Planning and Environment Management (Archaeology)

3.2 Previous archaeological investigations in the area have identified a number of significant prehistoric and Romano-British features which have survived beneath the modern landscape. This includes possible prehistoric enclosures and Roman temporary camps at Huntington South Moor and prehistoric features and a Bronze Age arrowhead at Monks Cross shopping outlet. It is therefore a site of Archaeological Interest. The desk-based assessment recommends an archaeological monitoring during construction works on site. It is suggested that a strip, map and record exercise takes place instead in order to better understand any features that do survive in a wider context. An appropriate condition is recommended to secure this.

Planning and Environment Management (Ecology and Countryside)

3.3 The wider Plot 5 site has been subject to previous outline and full planning consent which provided mitigation and compensation for great crested newts. As per the conditions of the European Protected Species Licence monitoring has taken place since 2013 recording a medium sized great crested newt population and the newt exclusion fencing has been maintained. A site specific great crested newt method statement has been produced for this development, setting out Reasonable Avoidance Measures to minimise potential impacts during construction. This is a precautionary approach and does not require a European Protected Species Licence. A condition is suggested to ensure that the measures recommended in the method statement are implemented. The landscape proposal includes wildflower grassland seeding along the Northern boundary to complement the off-site great crested newt mitigation in the area. The drainage strategy includes the use of SUDS to a cellular attenuation tank. This is important as it will prevent potential negative impacts on ponds on the adjacent land.

Public Protection

3.4 Within the application a noise scoping report was submitted detailing internal sound level targets for the proposed bedrooms, this being in accordance with the targets detailed in within BS8233:2014. However no background noise levels have been measured and no proposed window specification has been provided. Officers are however satisfied that internal levels in compliance with BS8233:2014 are likely to be achievable and a condition is suggested to ensure this is the case.

The site is surrounded by non-residential uses and there should therefore be no significant impact from the proposal on its neighbours. Conditions are suggested to address odours from the kitchens and land contamination issues.

Planning and Environmental Management (Forward Planning)

3.5 The proposals are for some 2,412 sqm of hotel floorspace at Monks Cross. Hotel use is a main town centre use as set out in government guidance. In accordance with national and local guidance a sequential test is required to accompany the application which has been submitted by the applicant. On review of the submitted sequential test, officers would agree that the sequential test has been satisfied and that there are no sequentially preferable sites. In accordance with government guidance, which states that not all main town centre uses are subject to an impact test, such a test is not required in this instance as hotel development does not fall within retail, leisure or office uses.

3.6 When considering the loss of employment land and/or buildings the Council will expect the applicant to provide evidence that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period. This would normally be through effective marketing of the site/premises for employment uses for a reasonable period of time (normally 6 months). Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use.

3.7 The applicant in the submitted planning statement argues that national policy precludes the long term safeguarding of employment land when it is clear that the land will not be developed for employment purposes. However the applicant has not submitted an economic statement or included any office market analysis or viability appraisal of the existing office use. It is requested that such a statement is submitted by the applicant. Colleagues in EDU must be satisfied that the applicant can satisfactorily demonstrate that the provisions of emerging policy EC3 have been met and the loss of employment land is acceptable.

Flood Risk Management

3.8 The site should be treated as 'Greenfield' in surface water run-off terms. The proposed 13 l/sec proposed is unacceptable to the Flood Risk Management Team however the development is acceptable in principle and conditions have been suggested to address drainage concerns.

EXTERNAL

Huntington Parish Council

3.9 No objections

Foss Internal Drainage Board

3.10 The IDB notes that the proposal appears to increase the impermeable area on site and this has the potential to increase the rate of surface water run off if not effectively constrained. The Board would consider that any previously un-drained, gravelled area represents a Greenfield site. The applicant's proposal to discharge from the site at the rate of 13l/s would therefore be higher than the rate that the Board would be willing to Consent. The IDB has no objection in principle and suggests conditions to control drainage of the site.

Yorkshire Water

3.11 Conditions are recommended.

4.0 APPRAISAL

4.1 Key Issues

- Policy background
- Principle of the Development
- Sequential Test
- Design, layout and landscaping
- Highways access and parking arrangements
- Ecology
- Sustainability
- Drainage

POLICY BACKGROUND

National Planning Policy Framework

4.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that a presumption in favour of sustainable development should run through both plan-making and decision-taking.

4.3 Core land use planning principles set out in paragraph 17 include the expectation that planning decisions should proactively drive and support sustainable economic growth to deliver homes business and industrial units responding positively to wider opportunities for growth, always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

4.4 Section 1 'Building a Strong, Competitive Economy' says that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 22 says planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

4.5 Paragraph 24 says Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and Local Planning Authorities should demonstrate flexibility on issues such as format and scale.

4.6 Section 7 'Requiring Good Design' attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.7 Section 11 'conserving and enhancing the natural environment' recognises that the planning system should contribute to and enhance the natural and local environment.

City of York Draft Local Plan Incorporating the 4th Set of Changes Development Control Local Plan (Approved April 2005)

4.8 City of York Council does not have a formally adopted Local Plan. Nevertheless The City of York Draft Local Plan Incorporating the Fourth Set of Changes Development Control Local Plan (Approved April 2005) was approved for Development Management purposes.

4.9 The 2005 Draft Local Plan does not form part of the statutory development plan for the purposes of S38 of the 1990 Act. Its policies are however considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

4.10 Development Control Local Plan (DCLP) policies relevant to the development are:-

- Policy SP7a says that to ensure that development outside the York city centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. A hierarchy for the location of such development is within the policy: first York City centre, then edge of city centre, Acomb and Haxby district centres, and then other out of centre locations genuinely accessible by a wide choice of means of transport.
- Policy E1a identifies 'out of centre' employment suitable (schedule 1 sites) for the science city York sector of the economy. The scale layout and design of proposals should contribute to the creation of a high quality commercial environment.
- Policy E3b says that sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where there is sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms and unacceptable environmental problems exist or the development of the site for other appropriate uses will lead to significant benefits to the local economy or the use is ancillary to an employment use.
- Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban

spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development.
- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme
- Policy NE6 says where proposals may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for development that will not cause demonstrable harm.

Emerging Local Plan

4.11 Following the motion agreed at Full Council in October 2014, the publication draft of the York Local Plan is currently not progressing through its statutory consultation; pending further consideration of the council's housing requirements and how it should meet those requirements. As such, there is a possibility that the position may change when the Local Plan recommences its passage to adoption.

4.12 The emerging Local Plan policies can only be afforded weight in accordance with paragraph 216 of the NPPF and at the present early stage in the statutory process such weight will be limited. The evidence base that underpins the proposed emerging policies is also a material consideration in the determination of the planning application.

4.13 Policy EC3 (Loss of Employment Land) continues the approach to existing employment land set out under E3b in the Draft Local Plan. When considering uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses, the council will expect developers to provide a statement to the satisfaction of the Council demonstrating that the existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and/or compatibility with adjacent uses; and the proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

4.14 The publication draft local plan (2014) recognises the critical importance of York City Centre as the economic, social and cultural heart of the area. Under policy SS4: York City Centre, by the end of the plan period, York City Centre will have strengthened its role as a regional commercial, shopping, leisure, tourism and entertainment destination. Hotels, as a town centre use, play an important role in

supporting the economic well being and vibrancy of York's city centre. Appropriately located accommodation is important. Further, the city centre is a sustainable location which is accessible by a range of transport modes. Policy EC5: Tourism, seeks to support the role of the city centre as the primary location for hotels through the improvement of visitor facilities and accommodation, particularly the development of quality 4* and 5 * hotels to encourage overnight and overseas business/ leisure visitors.

4.15 Policy R1 seeks to maintain and enhance the vitality and viability of the City Centre, district and local centres and neighbourhood parades. Main town centre uses will be directed sequentially to the city, district and local centres and neighbourhood parades.

4.16 Under policy D2 'Placemaking' development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

Evidence Base

4.17 The DJD Economic Baseline Report which formed part of a suite of documents known as the Economic and Retail Growth and Visioning Study (2014) says that York's ability to attract and retain investment into the city and support business expansion is in part dependent on ensuring the availability and suitability of employment land.

4.18 The York Tourism Accommodation Study (2014) states that York is currently a short break leisure market, attracting a high proportion of budget conscious visitors. However there is a Council ambition of doubling the value of the visitor sector. The accommodation study concluded that this will only happen if the visitor mix significantly changes. Positioning York as a business destination to complement its current leisure demand requires more mid to upper scale hotels. Existing properties could fulfil the medium term needs through upgrading and new 4* level hotels should be encouraged as part of the strategic shift to increase business and conference demand.

PRINCIPLE OF THE DEVELOPMENT

4.19 There are two main issues to be satisfied for the principle of a hotel with ancillary restaurant to be acceptable on this site; firstly a consideration of whether there is sufficient justification for the development to override the need to protect this allocated employment site and secondly, in accordance with the city centre and edge of centre first requirement of Paragraph 24 of the NPPF, could the development be

accommodated without impact on the vitality and viability of the city, district centres and edge of centre locations or are there sequentially preferable sites for such a development.

4.20 The application is supported by an economic statement and a sequential test which examines available sites in policy preferred locations

Employment Land

4.21 The site is allocated for employment use under policy E1a of the DCLP. It is identified in schedule 1 of policy E1a as a premier employment site and as indicated in the planning history above has an extant planning permission for B1 office development. It is a longstanding employment site and has recently been identified as a future employment site in the emerging Local Plan (Policy EMP2). Policy E1a does not provide policy guidance on non employment uses however the site is an important part of current and emerging future land supply and as such there is a requirement to test the loss of the site from B1 office use in both quantitative and qualitative terms.

4.22 The conclusions of the appeal inspector in the appeal decision on Arabesque house, to the west of the application site, in March 2012 has relevance to the consideration of this proposal. Arabesque house is an existing office development which the applicant was seeking to replace with new retail development. The application was refused on the basis that loss of employment land under policy E3b would affect the choice and churn of available employment land. The Appeal Inspector, in allowing the appeal, concluded that the weight that could be attached to policy E3b was negligible and that the NPPF, in default of relevant development plan policy had effectively become the only policy document of both significant weight and specific relevance. The Inspectors report concluded that the then proposed policies in the core strategy were not sufficiently far advanced to be of relevance to the application.

4.23 The applicant has submitted an economic statement in support of the proposed loss of employment land which indicates that the site has been marketed positively for approximately 10 years during which time McDonalds and Cloverleaf pubs were identified as occupiers of part of the site. There has been no other interest from owner occupiers or speculative developers. In light of the appeal decision at Arabesque House, the other non-employment uses previously approved on the Southern section of Plot 5 and the recent approval of the Herbert Todd site further down Monks Cross Drive then officers feel that it would be unreasonable to resist this current proposal. In addition officers note that the hotel will result in the creation of 17 FTE new jobs on site.

Sequential Test

4.24 The proposals are for some 2,412 sqm of hotel floorspace at Monks Cross. Hotel use is a main town centre use as set out in government guidance. In accordance with national and local guidance a sequential test is required to accompany the application which has been submitted by the applicant. On review of the submitted sequential test, officers agree that the sequential test has been satisfied and that there are no sequentially preferable sites.

4.25 In accordance with government guidance, which states that not all main town centre uses are subject to an impact test, such a test is not required in this instance as hotel development does not fall within retail, leisure or office uses.

Design, layout and landscaping

4.26 The proposal is for a three storey building with a buff brick ground floor and alternating dark and light clad panels on the upper floors. The entrance is highlighted by a projecting section which will also accommodate the Travelodge signage (subject to a separate future application). The area is one of modern office and commercial buildings with no defined character and as such the proposal is considered acceptable in terms of its design and materials.

4.27 The building is sited on the Northern side of the site with parking to the front and side. The restaurant is identified by floor to ceiling glazing and is situated on the South-western corner of the site.

4.28 In terms of its height the building, which is flat, roofed, will be of a similar height as the ridgeline of the adjacent office buildings. Its height is approximately 10m which compares to the new Herbert Todd premises further along Monks Cross Drive which measures 11m to the ridge and the McDonalds at the front of the site which measures 6m in height. While the building is located on the Northern side of the site adjacent to the Green Belt there is a buffer strip containing the new mitigation ponds and hedging between the building and Green Belt which will provide some screening of the building. Additional hedge planting is proposed on the boundary to improve screening and make ecological enhancements. In time, and with the growth of the hedging, the impact is anticipated to be similar to that of the Aviva building at the end of Monks Cross Drive. This is also a 3 storey building abutting the Green Belt with a well matured hedge boundary providing screening. It is noted that views of the current proposal from the public highway will be significantly more distant than those of the Aviva building further reducing its impact.

Highways access and parking arrangements

4.29 The site will access off the existing access road serving McDonalds and Pear Tree Farm. The road is considered adequate to accommodate additional traffic flows

which are not considered likely to cause any detrimental to the safe and free flow of the highway network.

4.30 Parking provision is adequate. A small amount of cycle parking is provided around the side of the building. Cycle parking should be provided in a location close to the entrance with natural surveillance. Officers are satisfied this can be achieved and therefore it is to be secured via condition.

4.31 There is a bus service with bus stops along Monks Cross Drive and the site is within reasonable distance of the park and ride facility on the south side of Monks Cross. The site is considered to be a sustainable location and the detail of the design satisfactorily incorporates the needs of cyclists and pedestrians.

Ecology

4.32 Much of the Great Crested Newt mitigation works were carried out for the previous development on the neighbouring areas of Plot 5. A method statement has been submitted detailing the measures which should be taken for this site and it is sufficient to secure the implementation of this method statement via condition.

Sustainability

4.33 The application is supported by a sustainability statement which sets out the principle to be applied to the building in order to ensure maximum energy efficiency. The document also looks at the potential sources of energy efficiency but the document does not commit to a particular source of renewables for the site. In accordance with the Sustainable Design and Construction Interim Planning Statement, commercial development over 1000sq.m. should provide BREEAM assessment (which assesses the sustainable credentials of the built environment of the development) to show that the building can achieve a 'very good' rating. An appropriate planning condition is proposed.

Drainage

4.34 The site is located in flood zone 1 (low risk) and should not suffer from river flooding. The IDB and FRMT both agree that the site should be classed as Greenfield given that the current hardcore surface is not impermeable. The applicant's proposed run-off rate of 13l/s is therefore not acceptable however FRM officers are confident that acceptable levels can be achieved and conditions are therefore suggested to submit further drainage details.

5.0 CONCLUSION

5.1 The site is identified as an employment allocation within the 2005 Local Plan and draft Publication Local Plan (2014). However evidence has been provided to show

that the site has been advertised for 10 years without any interest and that there is other vacant office space at Monks Cross. The proposal would create new employment for 8 full time staff and 18 part time staff (17FTE in total) in the restaurant and hotel.

5.2 The submitted sequential test has shown that there are no sequentially preferable development sites within or in an edge of York City Centre location that are both suitable and available at the present time.

5.3 Overall it is considered that the development represents sustainable development and is in principle supported by relevant policies in the NPPF.

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 and other submitted details:-

Location plan

A989.PL.01F Master plan

A989.PL.02B Ground floor plan

A989.PL.03B First and second floor layout

A989.PL.04A Proposed elevations

A989.PL.10 Proposed site layout

Travel plan Dated 24/04/17

SF1820 LL01 Landscape design plan

Great Crested Newt Method Statement Dated April 2017 SF 1820 Rev B

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

3 VISQ8 Samples of exterior materials to be app

4 Prior to the commencement of construction details of the junction between the internal access road and the highway shall be approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

5 Prior to the commencement of construction, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the

Application Reference Number: 17/01181/FULM

Item No: 4g

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 and in the interests of the amenity of neighbours.

6 HWAY35 Servicing within the site

7 HWAY40 Dilapidation survey

8 ARCH1 Archaeological programme required

9 All ecological measures and/or works shall be carried out in accordance with the details contained in the Great Crested Newt Method Statement (Rev B) produced by Smeedon Foreman and dated April 2017 as submitted with this planning application and already agreed in principle by the Local Planning Authority.

Reason: To avoid harm to a species protected under the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981 (as amended).

10 Notwithstanding the submitted details, the development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the 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 alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

11 Prior to the commencement of construction full details for the disposal of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted and approved in writing by the Local Planning Authority. The approved details shall be fully implemented prior to first occupation of the development hereby approved.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

12 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

13 The building envelope of all the hotel accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) and 45dB LAm_{ax} inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular room and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented before the use approved is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of hotel residents and guests

14 LC1 Land contamination - Site investigation

15 LC2 Land contamination - remediation scheme

16 LC3 Land contamination - remedial works

17 LC4 Land contamination - unexpected contam

18 Before the occupation of the hotel accommodation two (2) Electric Vehicle Recharging Points shall be provided in a position to be first approved in writing by the Council. Within 3 months of the first occupation of the accommodation, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years

Note: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles 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. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years,

appropriate cable provision should be included in the scheme design and development in agreement with the Local Planning Authority. This ties in with a key theme of the NPPF, in that developments should enable future occupiers to make green vehicle choices and it explicitly states that 'developments should be located and designed where practical to incorporate facilities for charging plug in and other ultra low emission vehicles'

Reason: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

19 The development hereby approved 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 6 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'

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:

Requested an economic statement from the applicant.

2. SUPPLY OF FOOD

As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene & standards, health & safety,

odour extraction etc.

3. DESIGN CONSIDERATIONS FOR DRAINAGE SCHEME

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

4. INTERCEPTORS

Surface water run-off from car parking and service areas shall be passed through a suitably designed oil separator prior to discharge offsite.

Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

5. INF17 - Disposal of Commercial Waste

6. INF11 - Control of Pollution Act 1974

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